

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 13: Background Checks	Effective Date: July 1, 2017
Section 6: Evaluation of Background Checks for Unlicensed Out-of-Home Placements	Version: 8	

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will evaluate the results of Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks) on all required persons for the purpose of unlicensed out-of-home placements (see separate policy, [13.5 Conducting Background Checks for Unlicensed Placements](#)). The final results will be placed in the child's file and documented in the Management Gateway for Indiana's Kids (MaGIK).

[REVISED] Fingerprint-Based Check

The DCS Central Office Background Check Unit (COBCU) will evaluate the results of the Fingerprint-Based Check and notify the assigned contact person at the DCS local office of the criminal history clearance status by e-mailing the Fingerprint-Based Check Status Letter.

The COBCU will conditionally disqualify all persons whose criminal history is incomplete and requires further verification.

Note: The subject of the check will remain in a conditionally disqualified status until the subject provides the COBCU with a copy of required verification of charges, including but not limited to court orders showing disposition and level of conviction, court order showing dismissal, and/or arrest reports. Upon receipt of all necessary verifications, COBCU will re-evaluate the status and issue an amended Fingerprint-Based Check Status Letter to the assigned DCS local office contact person by e-mail.

The COBCU will disqualify all persons whose criminal history report includes the following convictions or pending convictions, although some may be eligible to file for a waiver (see "Waivers" section below):

1. Any misdemeanor that may relate to the health and/or safety of a child;
2. Any felony;
3. Four (4) or more misdemeanor convictions; or
4. A juvenile adjudication for an act that if committed by an adult would be one (1) of the 22 felonies listed in the Waivers section below.

The COBCU will qualify all persons whose Fingerprint-Based Check Report has no criminal history or reflects arrests and/or convictions that do not result in a conditionally disqualified or disqualified status.

Child Protection Services (CPS) History Check

The Family Case Manager (FCM) will review the completed CPS History Check results from Indiana and from all other states of residency within the past five (5) years (if applicable), and the FCM will determine if there are reports of any substantiation of abuse and/or neglect for the subject of the check. If there is substantiated CPS history in Indiana or the equivalent in

another state, the filing and approval by COBCU of a CPS waiver is required for DCS to recommend the placement continue in emergency relative placements or occur in the future for non-emergency relative out of home placements (see "Waivers" section).

Sex Offender Registry Check

The FCM will evaluate the Sex Offender Registry Check to determine if there are any matches. If there is a match and a child is already placed in the home, DCS will remove the child immediately and notify the COBCU immediately. If there has not yet been a placement, the subject of the check is not eligible to be considered as a placement resource and the COBCU will be immediately notified. The COBCU will re-evaluate the Fingerprint-Based Check report and reissue an amended Fingerprint-Based Check Status Letter, if applicable.

Local Law Enforcement Agency (LEA) Records Check

The FCM will evaluate the results of the local LEA Records Check. If the name-based arrest report returns an arrest for a felony, a total of four (4) or more misdemeanors, or a misdemeanor that may be related to the health and safety of a child, the FCM shall obtain additional verifications (see Procedure). If the arrest results in a conviction or a pending conviction, the FCM will contact the COBCU consultant listed on the fingerprint-based status letter immediately. The COBCU will cross-reference the local LEA Records Check with the Fingerprint-Based Check Report to ensure there is no discrepancy between the results of the two (2) checks. If at any time the FCM believes the local LEA Records Check may alter the status of the Fingerprint-Based Check Report, the FCM will contact the COBCU consultant listed on the Fingerprint-Based Check Status Letter for further action.

Waivers

Upon receipt of a positive recommendation of support from the child's FCM, COBCU will accept a request for a waiver of disqualified juvenile history or of substantiated CPS History. COBCU will also accept a waiver of disqualifying criminal history if the subject of the check has not been convicted or is pending conviction of any of the felonies listed below:

1. [Murder \(IC 35-42-1-1\)](#);
2. [Causing suicide \(IC 35-42-1-2\)](#);
3. [Assisting suicide \(IC 35-42-1-2.5\)](#);
4. [Voluntary manslaughter \(IC 35-42-1-3\)](#);
5. [Reckless homicide \(IC 35-42-1-5\)](#);
6. [Battery \(IC 35-42-2-1\)](#) within the past five (5) years;
7. [Domestic battery \(IC 35-42-2-1.3\)](#);
8. [Aggravated battery \(IC 35-42-2-1.5\)](#);
9. [Kidnapping \(IC 35-42-3-2\)](#);
10. [Criminal confinement \(IC 35-42-3-3\)](#) within the past five (5) years;
11. [Human Trafficking \(IC 35-42-3.5\)](#);
12. [A felony sex offense under \(IC 35-42-4\)](#);
13. [Carjacking \(IC 35-42-5-2\)](#) (repealed) within the past five (5) years prior to repeal;
14. [Arson \(IC 35-43-1-1\)](#) within the past five (5) years;
15. [Incest \(IC 35-46-1-3\)](#);
16. Neglect of a dependent ([IC 35-46-1-4\(a\)\(1\)](#)) and ([IC 35-46-1-4\(a\)\(2\)](#));
17. Child selling ([IC 35-46-1-4\(d\)](#));
18. A felony involving a weapon under ([IC 35-47](#)) or ([IC 35-47.5](#)) within the past five (5) years;
19. A felony relating to controlled substances under ([IC 35-48-4](#)) within the past five (5) years;

20. An offense relating to material or a performance that is harmful to minors or obscene under [\(IC 35-49-3\)](#);
21. A felony under [IC 9-30-5](#) within the past five (5) years;
22. A felony that is substantially equivalent to a felony listed in subdivisions one (1) - (21) for which the conviction was entered in another state.

DCS cannot recommend a home for out-of-home placement if the subject of the check who would live, work, or volunteer in the home and the subject's criminal background check or waiver process subsequently reveals:

1. Disqualified criminal history that is not eligible to be waived;
2. Disqualified criminal history or substantiated CPS history which the waiver is not supported or pursued by the FCM; or
3. Disqualified criminal history or substantiated CPS history in which the waiver is not granted by DCS.

Note: If the household member voluntarily leaves the home permanently and all other household members have passed all required background checks, the placement may be recommended after that disqualified subject moves out of the home.

DCS will immediately remove a child from an unlicensed out-of-home placement when the child is already placed into the home through the emergency relative placement procedure or through a court order prior to all necessary background checks with required waivers being approved and then subsequently the subject of the check who lives, works, or volunteers in the home criminal background check or waiver process reveals:

1. Disqualified criminal history or substantiated CPS history that is not eligible to be waived;
2. Disqualified criminal history or substantiated CPS history which the waiver is not granted by DCS; or
3. Disqualified criminal history or a substantiated CPS history in which a waiver is not submitted to COBCU as a complete and valid waiver within 10 business days from the date of the fingerprint-based disqualified status letter or the date of CPS substantiation history discovery.

Note: If the household member voluntarily leaves the home permanently and all other household members have passed all required background checks, the child may remain in the home.

The decision of the Background Check Waiver Committee regarding criminal and/or CPS waiver is not subject to appeal. However, if the subject's situation were to change and/or additional information is obtained, a new waiver packet may be resubmitted for re-evaluation by COBCU. A new evaluation will be done and a subsequent official decision issued.

Reunification Background Checks

The FCM will evaluate the results of all background checks that are conducted on a parent, guardian, custodian, or household member for purposes of reunification. The FCM will use critical decision-making skills to decide whether it is safe for the child to return home. For Fingerprint-Based Check for the purposes of reunification, COBCU will provide a letter with a summary of the results to the assigned contact person at the DCS local office (COBCU will not provide a qualified, disqualified, or conditionally disqualified letter). The FCM may contact the COBCU for complete details of what information was returned on the fingerprint-based report.

Note: If the child is placed in an out-of-home placement and his or her parent lives in the same home, this is not to be treated as reunification with the parent. In this case, the biological parent is considered a household member of the out-of-home placement resource. All background checks and necessary waivers must be completed for the biological parent, as with any other household member of that subject's age who lives in the out-of-home placement.

Code References

1. [IC 31-34-20-1.5: Placement in household with certain individuals prohibited](#)
2. [IC 31-34-4-2: Placement of child with relative caretaker; criminal history check required; exceptions](#)
3. [IC 31-34-21-5.5: Reasonable efforts to preserve and reunify families](#)

PROCEDURE

The FCM will:

1. Evaluate the results of the Emergency Relative Name-Based Search (Triple I check) and determine the appropriateness of the prospective emergency placement. The FCM will ensure follow-up fingerprints are obtained if placement does occur or that the [Follow-Up Action for Name-Based Check Form \(SF 53424\)](#) is completed if placement does not occur;
 - a. Placement cannot occur if the Triple I check returns a conviction or an arrest without a disposition for a misdemeanor that may be related to the health and safety of a child or a felony that is not eligible for a waiver (see "Waiver" section for all felonies not eligible for a waiver),
 - b. Use discretion to determine if placement is in the best interest of the child if the check returns a conviction or an arrest without a disposition for a criminal act that is eligible for a waiver. Consideration should include, but not be limited to:
 - i. Any pre-existing relationship between the child and the relative caregiver;
 - ii. The age of the child in need of placement;
 - iii. The length of time since the arrest or conviction;
 - iv. The severity of the arrest or conviction;
 - v. The total number of arrest or convictions;
 - vi. Other available background check results (CPS searches and national sex offender search); and
 - vii. Whether the applicant is currently on probation or parole.
2. Review the Fingerprint-Based Check Status Letter received from COBCU for a Fingerprint-Based Check:
 - a. Provide a copy of the Fingerprint-Based Check Status Letter to the subject of the check;
 - b. Instruct the subject of the check to contact the COBCU consultant listed on the Fingerprint-Based Check Status Letter and provide the required verification to the COBCU consultant within 10 business days of the date of the fingerprint-based results letter when the fingerprint based status letter is conditionally disqualified. Upon receipt of the required information, the COBCU consultant will re-evaluate and issue an amended fingerprint-based status letter reflecting Qualified or Disqualified. If the subject of the check is conditionally disqualified, the FCM may not place a child into the home until the status is Qualified or the necessary criminal waiver is granted. If the subject of the check is conditionally

disqualified and the child is already placed in the out-of-home placement, the FCM will ensure that an amended status letter of Qualified or Disqualified is issued by COBCU within 13 calendar days, otherwise the FCM will immediately remove the child from the out-of-home placement. Upon re-evaluation, refer to “c” below if the status is disqualified,

- c. Contact the COBCU consultant listed on the Fingerprint-Based Check Status Letter when the fingerprint-based status returns as disqualified and the FCM is interested in possibly pursuing a waiver action in order to determine if the subject of the check is eligible to apply for a waiver. If eligible and the FCM supports the waiver, the FCM and the subject of the check will work together to submit a complete waiver packet to COBCU when the child is not already placed into the out-of-home placement because DCS may not recommend placement into the home until the time the waiver has been approved by COBCU. If the subject of the check is disqualified and the child is already placed into this out of home placement when the disqualified status was discovered the FCM will ensure the complete and correct waiver packet is submitted to COBCU within 10 business days of the date of the Fingerprint-Based Check Status Letter or immediately remove the child from the out-of-home relative placement.

Note: If the court orders placement over DCS objections, the FCM is still obligated to follow through with the required background checks on all household members including obtaining missing information for conditional disqualified criminal history within the above indicated timeframe and submission of complete waiver packets to COBCU within 10 business days from the date of disqualified criminal history notice.

3. Review the results of the CPS History Check
 - a. Provide the subject of the check a copy of the completed Indiana [Request for a Child Protection Services \(CPS\) History Check \(SF52802\)](#) form showing substantiated history if a substantiated CPS history is discovered in Indiana (see separate policy, [2.6 Sharing Confidential Information](#)),
 - b. Work with the subject of the check to submit a complete waiver packet to COBCU as quickly as possible when the child has not already been placed into the home and CPS substantiation is discovered and the FCM is in support of pursuing a CPS history waiver. The placement cannot occur until the waiver has been granted by COBCU. If the subject of the check has CPS substantiated history and the child is already placed into the out-of-home placement, the FCM will ensure the complete and correct waiver packet is submitted to COBCU within 10 business days of the discovery of the CPS history or immediately remove the children from the out-of-home placement when the CPS substantiation history is discovered, and
 - c. Complete the required background checks on all household members and submit the complete waiver packet to COBCU within 10 business days from the date of the order as noted in the court’s Chronological Case Summary (CCS) entry or the date of CPS substantiation, whichever is the earlier of the two (2) dates, if the child is placed into the out of home placement by the court even over DCS objection.
4. Review the results of the Sex Offender Registry Check for a match to the subject of the check. Each name or combination of names the subject has used in his or her lifetime must be searched individually. Upon obtaining the results of a name search, the results should be printed. The screen shot must be printed, signed, and dated by the licensing worker. For those results without matches, the licensing worker will also write “NO MATCH” on the printed page that has his or her signature and date the

result was reviewed. If there is a match for the subject of the check, a child cannot be placed and any children already placed must be removed immediately;

5. Review the results of the local LEA Records Check and obtain the necessary verifications for any arrests returned that may be a felony, a total of four or more misdemeanors or a misdemeanor related to the health and safety of a child. For arrests that have had charges filed but are pending conviction, the DCS licensed agency shall obtain court issued verification of the currently pending charge and level of this charge (misdemeanor or felony). For arrests that lead to a criminal conviction, the DCS licensed agency shall obtain court issued dispositions reflecting the conviction charge(s) and the level of each conviction. For arrests that resulted in no charges filed or charges dismissed, the DCS local office shall obtain court or police department issued verification of such an outcome. If the arrests result in a conviction or pending conviction, contact COBCU within five (5) days of the check for further evaluation. If at any time the FCM believes the local LEA Records Check report may alter the status of the Fingerprint-Based Check Status, the FCM will contact the COBCU consultant listed on the Fingerprint-Based Check Status Letter for further action;
6. Request a waiver of disqualified criminal history and/or substantiated CPS history by submitting the required information to the COBCU (see Practice Guidance for a list of the required information);
7. Place a copy of the results for all background checks and any waiver letters in the child's file, and document the results in the Management Gateway for Indiana's Kids (MaGIK). This may include scanning the official fingerprint-based status notices, waiver notices, and other background check information into MaGIK and attach to the subject of the check's person profile;
8. Submit the waiver decision to the court;
9. Notify the family and develop a plan to prepare the child for placement if the decision is to approve the placement and the child is not currently placed (see separate policy, [8.8 Preparing Child for Placement](#)); and/or
10. Notify the family and develop alternate placement plans for the child if the decision is to deny the placement (see separate policy, [8.1 Selecting a Placement Option](#)).

Note: A criminal history or CPS waiver granted for the purpose of an unlicensed relative placement may not be used for foster family home licensure, adoption, employment, or any other purpose. A new waiver request must be submitted to and granted by the COBCU for each additional purpose.

The DCS COBCU will:

1. Evaluate the criminal history report within five (5) business days of receipt of the Fingerprint-Based Check Report and notify, by e-mail, the DCS local office's assigned contact person regarding the Fingerprint-Based Check Status;
2. Provide guidance regarding conditionally disqualified or disqualified applicants and the FCM;
3. Re-evaluate history based on the documentation received from the applicant and issue a new Fingerprint-Based Check Status Letter when applicable; and

Note: For waivers of disqualified criminal history and substantiated CPS history:

- a. Upon receipt of the complete waiver request packet, the COBCU consultant will summarize, make a recommendation, and submit the request to the Central Office Background Check Team Manager or designee, within three (3) business days,
- b. The Central Office Background Check Team Manager or designee will submit the

- recommendation to the Background Check Waiver Committee for a joint decision within two (2) business day, and
- c. Notify, by e-mail, the assigned contact person at the DCS local office of the waiver decision. A decision will be returned in approximately 10 business days after submission to the Background Check Waiver Committee members and the status will either be “Waiver granted” or “Waiver not granted” (see Related Information).

At times, additional information will be requested and this will delay the issuance of the final “Waiver granted” or “Waiver not granted” status. Additional information may be needed to submit a complete waiver or after the waiver is submitted and questions have been asked by the Background Check Waiver Committee members. Failure to submit the requested information by the stated deadline may result in the waiver denial due to failure to cooperate.

4. Collect all necessary verifications and requests as required for a request for a Medical Exception to Fingerprint and submit to the Indiana State Police (ISP) for approved. Upon approval from ISP, generate the Indiana Limited Criminal History (LCH) check and issue a Medical Exception Fingerprint Granted status letter to the DCS local office contact person by e-mail if the subject is found to be eligible (see separate policy, [13.5 Conducting Background Checks for Unlicensed Placements](#)).

PRACTICE GUIDANCE

The information below is to be submitted to COBCU in one packet by the FCM. The following items are required to be submitted in the waiver packet for the purpose of unlicensed placements:

1. **Letter from the Subject**

A signed letter from the subject of the check requesting a criminal and/or CPS waiver for the purpose of unlicensed relative placement. (A parent or guardian may write if this is a minor and he or she is unable to write his or her own letter. The minor should sign, if able.) The letter should explain in detail the situation involving each arrest and child abuse investigation. The letter should include, but is not limited to, the following:

- a. Provide the date, location, and charge of each arrest during the subject’s lifetime.
 - i. Indicate which of the arrests resulted in any type of conviction,
 - ii. Indicate the date of conviction, the final conviction charge, and the level (felony or misdemeanor),
 - iii. Of each conviction indicate the sentence given, time served, time on probation/parole as well as other court ordered fines, therapy, fines and other obligations that were court ordered,
 - iv. Indicate if the subject is currently on probation/parole or the date probation/parole was officially ended on each conviction, and
 - v. Provide any information regarding self-referred services related to this conviction or arrest.
- b. Provide the date of each CPS report and assessment involving the subject during his or her lifetime.
 - i. Indicate if the investigation resulted in a substantiation against the subject, and if substantiated, include the date of the substantiation,
 - ii. Include the final findings (physical abuse, sexual abuse, and/or neglect) for those assessments that resulted in a substantiation,

- iii. Indicate whether the child was removed from the subject's home as a result of the substantiation. If the child was removed, provide an outline regarding the length of time out-of-home and indicate whether the child has returned to the subject's home, and
 - iv. Identify the services the subject participated in and indicate whether these were court ordered services. Also, identify what the subject learned through the services and how the subject's behavior changed as a result of the services.
- c. Provide evidence of the person's rehabilitation, including the person's cooperation with a treatment plan.
- i. Include and explain past and ongoing treatment if mental illness and/or substance abuse is/was a contributing factor in the previous criminal and/or CPS history of the subject. Provide any supporting documentation, and
 - ii. Explain the subject's ability and long-term plan to provide for the child's safety and well-being in an environment that will allow the child to thrive.
- d. The subject requesting the waiver may also include any additional reference letters or documentation that would support any rehabilitation that has occurred in his or her life.
3. **Letter from the FCM**
Provide a written recommendation from the FCM. The recommendation letter must be signed and submitted on DCS letterhead or sent from the child's FCM's business e-mail address. The recommendation letter must include
- a. The FCM's observations of the subject of the check,
 - b. The FCM's recommendation to support or not support the granting of the unlicensed relative placement criminal and/or CPS waiver, including reasons to support that recommendation,
 - c. Whether the child has already been placed with the subject requesting the waiver,
 - d. The relation between the child and the subject of the request,
 - e. Services being provided in the home,
 - f. Copies of safety plans, and
 - g. Details outlined in items a, b and c in #2 above (Letter From the Subject) from the FCM's point of view.
4. **Child Abuse and Neglect Check**
A child abuse and neglect check must be completed and submitted for all states in which the subject of the check has resided in the previous five (5) years.
- a. For dates of residency in Indiana, the current version of [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#) must be completed in accordance with the published instructions. If any portion of the form is missing information or incorrectly completed, it is not acceptable and will be returned for correction.
 - b. For dates of residency outside of Indiana, the FCM must obtain and submit the appropriate documentation for confirmation of child abuse and neglect checks in that specific state.
 - c. If there is substantiation in Indiana, a copy of the approved [Assessment of Alleged Child Abuse or Neglect \(SF 113\)](#) for all assessments must be submitted with the CPS waiver request. A screen print from MaGIK is not an acceptable substitution for the completion of the appropriate form or copy of the approved [Assessment of Alleged Child Abuse or Neglect \(SF 113\)](#). This may mean locating the hard copy

case file and including supporting documentation from the hard copy file with the waiver submission.

- d. If substantiation of abuse and/or neglect is found in another state, the approved assessment (the narrative similar to the [Assessment of Alleged Child Abuse or Neglect \(SF 113\)](#) in Indiana) must be obtained from that other state and submitted with the CPS waiver request.

5. **Screen Print of National Sex Offender Registry Check**

The National Sex Offender Registry Check is required for any subject 14 years or older. All sex offender searches must be completed on the Dru Sjodin National Sex Offender Public website at <http://www.nsopw.gov/Core/Portal.aspx>. Any other website search is unacceptable and is duplicating the FCM's efforts, because these other search sites are all linked to this national site.

- a. Each name or combination of names the subject has used in his or her lifetime must be searched individually.
- b. Upon obtaining the results of a name search, the results should be printed. The screen shot must be printed, signed, and dated by the FCM. For those results without matches, the FCM will also write "NO MATCH" on the printed page that has his or her signature and date the result was reviewed.

6. **Local Law Enforcement Agency (LEA) Results**

The Local LEA Records Check is a name-based arrest record only. A copy of the written results must be obtained from each of the local LEAs that have jurisdiction to respond to an emergency 911 call at the subject's current home address, as well as, all other home addresses in which the subject has resided in the past five (5) years. These searches should be completed for every name or combination of names used by the subject for each LEA. Provide court issued dispositions on arrests.

Note: The Local LEA Records Check is neither an Indiana State Police Limited Criminal History Check nor a court records search.

7. **Fingerprint-Based Check Status Letter**

If requesting only a CPS waiver, include a copy of the Fingerprint-Based Check Status letter, which was e-mailed to the FCM and was completed for the purpose of unlicensed relative placement showing the fingerprint-based status of qualified. This applies to subjects 18 years and older.

FORMS AND TOOLS

1. [Application for Criminal History Background Check, \(SF 53259\)](#)
2. [Request for a Child Protection Services \(CPS\) History Check \(SF52802\)](#)
3. [Follow-up Action for Name-Based Check \(SF 53424\)](#)
4. [Background Check Matrix for Unlicensed Placements and Foster Care Desk Guide](#)

RELATED INFORMATION

Background Check Waiver Committee

The Background Check Waiver Committee is made up of the, the DCS Local Office Director (LOD), Regional Manager (RM), and the Central Office Background Check Team Manager or designee. Additional members may be consulted from time to time.

The committee's decision may be made via phone or e-mail.

Factors for the FCM and Background Check Waiver Committee to Consider When Recommending and/or Approving the Background Check Waivers

When evaluating background check information, the factors the FCM and Background Check Waiver Committee should consider include, but are not limited to:

1. The current home environment;
2. The ability of the proposed unlicensed resource family to provide for the child's safety and well-being;
3. The length of time that has passed since the conviction, juvenile adjudication, or CA/N substantiation;
4. The severity of the offense;
5. Evidence of the person's rehabilitation. This includes reviewing all elements of the subject's current situation, lifestyle, and judgments. Examples include, but are not limited to:
 - a. Review of dates and reasons of unsubstantiated CPS reports,
 - b. Arrests without convictions,
 - c. Police runs to the subject's residency, and
 - d. Current involvement in treatment for alcohol or drug use (especially if this was a contributing factor to past criminal behavior or CPS substantiation).
6. The duration and quality of the relationship between the child and the proposed unlicensed resource family; and
7. Any impact the denial of the placement may have on the ability to keep the sibling group together, if applicable.

Disclosing Fingerprint-Based Check Information

Upon written request, including an explanation for the need and purpose, the DCS local office may receive a copy of the official criminal history transcript that contains criminal history reported by the Federal Bureau of Investigations (FBI) and the Indiana State Police (ISP). The subject of the check is not to receive a copy of the official FBI or ISP transcript. DCS may verbally disclose the specific crimes to the subject of the check. If any of the checks conducted by DCS reveal an inaccurate record, the subject of the check may be formally challenge the record. To refute inaccurate Indiana criminal history records or information, the subject of the check must request a Review Challenge from ISP. The subject of the check must be fingerprinted for the Review Challenge, at his or her own expense. The process of the Review Challenge takes place between ISP and the subject of the check, and DCS is not involved in the process.

Disqualified Fingerprint Status

"Disqualified" fingerprint status means that unless a waiver is granted, the subject of the check is ineligible to be a(n):

1. Unlicensed relative out-of-home placement caregiver;
2. Household member of a current or prospective the unlicensed relative out-of-home placement resource (this includes the child's biological parent who is also living in the out-of-home placement in which the child is placed); or
3. Employee or volunteer working or volunteering inside the home of the relative out-of-home placement who has or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the unlicensed resource.

Conditionally Disqualified Fingerprint Status

“Conditionally Disqualified” fingerprint status means that until the conditionally disqualifying arrest or conviction is resolved and the status is changed to “Qualified” (or the status is changed to “Disqualified” and a waiver is subsequently granted) the subject of the check is ineligible to be a:

1. Unlicensed Relative out-of-home placement caregiver;
2. Household member of a current or prospective the unlicensed relative out-of-home placement resource (this includes the child’s biological parent who is also living in the out of home placement in which the child is placed); or
3. An employee or volunteer working or volunteering inside the home of the relative out-of-home placement who has or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the unlicensed resource.

Examples of reported information on a Fingerprint-Based Check report that will lead to a conditional disqualification include, but are not limited to:

1. An arrest without a disposition,
2. A conviction without the level of the conviction being a misdemeanor or a felony, or
3. A conviction where additional information on the circumstances of the arrest and conviction are required.

Qualified Fingerprint Status

“Qualified” fingerprint status means that the subject of the check is eligible to be a placement option, as a unlicensed relative caregiver, household member of the unlicensed relative out-of-home placement (this includes the child’s biological parent who is also living in the out of home placement in which the child is placed), or employee or volunteers who are working or volunteering inside the home of the out-of-home relative unlicensed placement and who will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the unlicensed resource, as long as the subject of the check passes all other background checks.

Existence of CPS substantiated History

The existence of CPS history of abuse or neglect means that unless a waiver is granted, the subject of the check is ineligible to be a(n):

1. Unlicensed out-of-home placement caregiver;
2. Household member of a current or prospective unlicensed relative out-of-home placement resource (this includes the child’s biological parent who is also living in the out of home placement in which the child is placed); or
3. An employee or volunteer working or volunteering inside the home of the out-of-home relative unlicensed placement and who has or will have direct contact on a regular and continuing basis, with children who are or will be under the direct supervisor of the unlicensed resource.