

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 13: Background Checks</b>	<b>Effective Date:</b> July 1, 2019
	<b>Section 7: Conducting Background Checks for Adoptions</b>	<b>Version:</b> 9

<b>POLICY</b>
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The Indiana Department of Child Services (DCS) will complete the following background checks on members of the prospective DCS adoptive household or members of a prospective private adoptive household who are applying for the Indiana Adoption Assistance Program (AAP), which will vary based on the age of the subject of the check and the type of check being conducted:

1. Fingerprint-Based Check;
2. Child Protective Services (CPS) History Check;
3. National Sex Offender Registry Check; and
4. Local Criminal Court Records Check.

**Note:** Fingerprint-Based Checks conducted for the purpose of adoption may not be used for foster care licensing, employment, or any other purpose and a new fingerprint check is required.

DCS requires background checks on all persons who live in a:

1. Prospective adoptive home wishing to adopt a DCS ward; or
2. Prospective private adoptive home applying for the AAP.

Background checks must be completed for purposes of the adoption home study, adoption summary, or AAP eligibility determination. If it has been 12 months since the last adoption background check, new background checks must be completed prior to the following:

1. Pre-adoptive placement;
2. Adoption home study or adoption summary;
3. Submission of the Indiana Adoption Program Application; or
4. Filing the petition for adoption.

After a child is placed in a prospective adoptive home, DCS requires background checks on:

1. New household members who have an intent to reside in the home for 21 days or more (the days do not have to be consecutive). Checks must be completed prior to the new household member moving into the prospective adoptive home and then completed annually; or
2. Current household members who turn 14 or 18 years old; Fingerprint-Based National Criminal History Check (Fingerprint-Based Check) and Local Criminal Court Records Check are required within 30 days prior to his or her 18<sup>th</sup> birthday; and National Sex Offender Registry checks are required within 30 days prior to his or her 14<sup>th</sup> birthday.

The type of background check conducted will vary based on the age of the subject of the check:

1. For all persons in the home age 18 and older, the background check will consist of the following:

- a. Fingerprint-Based Check,
  - b. CPS History Check in every state the subject of the check has resided during the past five (5) years,
  - c. National Sex Offender Registry check for all possible aliases, and
  - d. Local Criminal Court Records Check in every criminal court jurisdiction the subject of the check has lived in the last five (5) years for all possible aliases.
2. For all persons in the home age 14 to 17 years, the background check will consist of the following:
    - a. CPS History Check in every state the subject of the check has resided during the past five (5) years, and
    - b. National Sex Offender Registry Check in every state the subject of the check has resided during the past five (5) years for all possible aliases.
  3. For all persons in the home age six (6) to 13 years, a CPS History Check must be completed in every state the subject of the check has resided during the past five (5) years.

**Note:** DCS will not conduct background checks on children under DCS care and supervision.

### **Exceptions to Fingerprinting**

An exception may only be granted by the DCS Central Office Background Check Unit (COBCU) and is for limited and case-specific situations, such as the following:

1. When the subject does not have fingers,
2. When a person trained to take fingerprints has documented that the subject's disabling condition prevents fingerprinting, or
3. When a qualified medical practitioner has documented the subject's disabling condition prevents fingerprinting.

To request an exception, the following information must be sent to COBCU:

1. A letter requesting the exception and explaining the disabling condition;
2. Required documentation from the person trained to take fingerprints or a qualified medical practitioner or evidence that the individual does not have fingers; and
3. Signed and complete [Application for Criminal History Background Check \(SF 53259\)](#) with associated Power of Attorney (POA), if applicable.

If the exception is granted, the COBCU will complete the Indiana Limited Criminal History Check (LCH) on the subject of the check and provide official notice of the fingerprint exception status. If the subject lived in any other state in the last five (5) years, contact the COBCU for guidance on what type of check is needed in that state.

### **Extracurricular Activities**

DCS does not have the statutory authority to request individuals to be fingerprinted who are involved in extracurricular activities in which the child participates. These activities would include, but are not limited to: scouting, youth groups, school parties, sleepovers, roller skating parties, and birthday parties (see separate policy, [8.23 Extracurricular Activities](#)). However, discretion should be used when deciding whether CPS History Checks, Sex Offender Registry Checks and/or LCH Checks are needed.

## **Employees, Contractors, and Volunteers of the Prospective Adoptive Home, including Child Care Providers**

If the family utilizes a child care provider who is licensed by the Division of Family Resources (DFR), all background checks have already been completed as part of the licensing process. DCS should not complete additional background checks. Background checks are not required on employees, contractors, and/or volunteers of a prospective adoptive home including child care providers. Discretion should be used when deciding if a CPS History Check, National Sex Offender Registry, and/or Limited Criminal History Check are needed. Fingerprint-Based Checks should not be conducted.

## **Private Adoptions**

DCS does not conduct Fingerprint-Based Checks for domestic or international private adoptions. The private agencies and/or legal representative will run Fingerprint-Based Checks through the Indiana State Police (ISP). The only exception is when the prospective private adoptive home is applying for AAP through DCS.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. See separate policy, [2.6 Sharing Confidential Information](#).

## **Code References**

1. [IC 31-19-11-1: Decree; affidavit; criminal convictions and juvenile adjudications](#)
2. [IC 31-19-7-1: Prior written approval of placements; criminal history checks](#)
3. [IC 31-9-2-22.5: "Conduct a criminal history check"](#)
4. [IC 31-19-2-7.3: Waiver of criminal history check requirements prohibited](#)
5. [IC 31-19-2-7.5: Submission of information, forms, or consents for criminal history check](#)
6. [IC 31-19-8-5: Agency report and recommendation; filing requirements; waiver of report](#)
7. [IC 12-17.2-2-8: Licensure exemptions](#)

## **PROCEDURE**

The DCS local office or Licensed Child Placing Agency (LCPA) adoption worker<sup>1</sup> will:

**Note:** For private adoption cases where the prospective adoptive parent is applying for AAP, the LCPA adoption worker will complete the following procedure.

1. Verify the identity of each subject of the check, regardless of age (see separate policy, [2.9 Verifying Identity](#)); by reviewing one (1) available and valid, government-issued Identification Document (ID) such as, but not limited to, a:
  - a. Social Security card,
  - b. Birth certificate,
  - c. Passport,
  - d. Photo Identification Card, or
  - e. Driver's license.
2. Have each subject of the check complete the [Application for Criminal History Background Check \(SF 53259\)](#) using his or her legal name as it appears on the current government issued picture ID: The subject of the check must sign and date the form.

<sup>1</sup> In cases where the home study is contracted out, the "adoption worker" may either be the DCS or the LCPA worker. The person conducting the home study would complete the required background checks.

The adoption worker must place the original form in the file after completion of the Background Check Process;

3. Register each person age 18 and older for a Fingerprint-Based Check, unless he or she requests an Exception to Fingerprinting. This consists of the adoption worker:
  - a. Completing the registration process for the purpose of adoption and making an appointment for the subject of the check for electronic fingerprinting through the DCS approved fingerprint vendor and providing the subject of the check with a copy of the registration confirmation number given at the end of the registration process (if unable to complete the registration/make the appointment, see "b"),
  - b. Providing the subject of the check with the customized [DCS Ward Adoption Registration Instruction for Fingerprinting in Indiana](#), which provides step by step instructions for registering for fingerprints if the adoption worker is unable to register the subject of the check, and
  - c. Informing the subject of the check to use the same government issued ID used during registration for fingerprints.

**Note:** If a prospective adoptive family requests that DCS pay for fingerprints for the purpose of adopting a DCS ward, an RM appeal **must** be completed. Consideration will **only** be given to families who exhibit financial hardship due to at least one (1) of the following:

- i. The prospective adoptive parent has a low income (e.g., SSI, or SSDI);
- ii. Four (4) or more household members are required to be fingerprinted; or
- iii. The prospective adoptive parent is an uncensured relative who does not receive a per diem.

If a Regional Manager (RM) Appeal is needed:

- i. The FCM will submit the completed [Request for Additional Funding \(SF 54870\)](#) detailing the financial hardship to the adoption worker Supervisor for approval or denial prior to the expenditure of any funds;
- ii. The FCM Supervisor will review and approve or deny the RM appeal;
- iii. The FCM Supervisor will submit the RM appeal decision to the Local Office Director (LOD)/Division Manager (DM) for approval or denial;
- iv. The LOD/DM will review and approve or deny the RM appeal;
- v. The LOD/DM will send the RM appeal to the RM for final approval or denial;
- vi. The RM will review the appeal and submit a copy to the Regional Finance Manager (RFM), if approved;
- vii. The RM will notify the LOD/DM of the final determination via written correspondence;
- viii. The LOD/DM will ensure the final determination is sent to the FCM and FCM Supervisor and that the prospective adoptive family is notified of the decision; and
- ix. The LOD/DM will ensure the billing code and fingerprint registration instructions are provided to the prospective adoptive family if the RM appeal is approved.

**Note:** A unique billing code is used when DCS pays for an adoptive family's fingerprints following the approval of an RM appeal. Other DCS billing codes should not be utilized.

4. Ensure the subject of the check is successfully fingerprinted by obtaining the results of the Fingerprint-Based Check from the COBCU. The COBCU will provide a letter via e-mail to the DCS local office or LCPA contact person handling all background check material to inform him or her of the Fingerprint-Based Check status. For additional

information concerning Fingerprint-Based Check results, see separate policy, [13.8 Evaluating Background Checks for Adoptions](#);

**Note:** If fingerprints are rejected, follow the instructions on the Reprint Notice. A 'reprint' appointment must be scheduled. Do not start a new registration or there will be a duplicate charge for cost of printing. Provide the subject of the check a copy of the notice if he or she will be scheduling his or her own 'reprint' appointment.

5. Conduct a National Sex Offender Registry Check for all persons 14 years of age and older and print the results off of the Dru Sjodin National Sex Offender Public website at <http://www.nsopw.gov/Core/Portal.aspx>. If a match is found, refer to separate policy, [13.8 Evaluating Background Checks for Adoptions](#);

**Note:** Narrow the search by state if searching a common name results in multiple matches. Complete a search of every state the subject of the check has resided during the past five (5) years.

6. Conduct a CPS History Check for all persons in Indiana aged six (6) years and older by:
  - a. Completing Section A of the [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#);
  - b. Having the subject of the check or representative of a minor, complete Section B of the [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#); and
  - c. Completing a search of the Management Gateway for Indiana's Kids (MaGIK) and reflect the results of the search in Section C.

**Note:** LCPAs are unable to access this information and will need to:

- i. Send a copy of the [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#) to the DCS local office for completion; or
  - ii. Submit requests to COBO using the KidTraks Vendor Portal, by signing in to the DCS MaGIK Gateway.
7. Conduct a CPS search for every other state where a household member has lived during the past five (5) years, if applicable. Locate information for a CPS administrator to process the search request at <http://www.cclid.ca.gov/AdamWalsh/2609.htm> (select "List of Contacts for Other State's Child Abuse and Neglect Registries"); and

**Note:** If a household member has CPS history in any state, refer to separate policy, [13.8 Evaluating Background Checks for Adoptions](#) for further required action.

Conduct a Local Criminal Court Records Check by completing a court record search, including all aliases, within each county court, as well as applicable city courts, in which the subject resided in the past five (5) years. For further instructions about completing Local Criminal Court Records Checks, see the [Local Law Enforcement Agency Instructions](#).

## PRACTICE GUIDANCE

### Undocumented Individuals

If an individual is undocumented, the adoption worker should contact the COBCU for instructions and approval. Background checks, including fingerprints, are still required. The fingerprint registration cannot be completed without a Social Security Number (SSN) or the assistance of COBCU. A request to COBCU should be emailed to [cobcuinquiry@dcs.in.gov](mailto:cobcuinquiry@dcs.in.gov) and include the following information for **each** pre-adoptive parent **and** all household members:

1. **Legal Name;**
2. DOB;
3. Height;
4. Weight;
5. Eye color;
6. Hair color;
7. Country of birth;
8. Citizen of what country;
9. Short explanation of how long the individual has been in the United States of America (USA);
10. Steps taken by the individual, if any, to become legal in the US, and obtain a SSN;
11. Copy of a current government issued picture ID;
12. Completed and signed [Application for Criminal History Background Check \(SF 53259\)](#);
13. Address of the location where the individual wants to be printed; and
14. Three (3) dates and times that the individual is available to be printed.

### **Notifying the Adoption Worker of Arrest, Conviction, or Substantiation of Abuse or Neglect**

The prospective adoptive home must notify the adoption worker within 24 hours of the arrest, conviction or substantiation of abuse or neglect of the prospective adoptive parent, or a household member. The adoption worker and supervisor will evaluate the severity and seriousness of the offense on a case-by-case basis. If there is an arrest that results in a conviction or CPS substantiation, the COBCU should be contacted for additional guidance and instruction.

### **Registering for Fingerprints**

If the adoption worker is unable to complete the registration process for the subject of the check, the worker is to provide the subject of the check with the step-by-step instructions for registering for fingerprinting through the DCS approved vendor. The instructions should include the correct DCS local office of LCRA, adoption worker's name, adoption worker's phone number, and the reason for printing.

**Note:** If a prospective adoptive family requests that DCS pay for fingerprints for the purpose of adopting a DCS ward, an RM appeal **must** be completed. Consideration will **only** be given to families who exhibit financial hardship due to at least one (1) of the following:

1. The prospective adoptive parent(s) has a fixed income (e.g., SSI, or SSDI);
2. Four (4) or more household members are required to be fingerprinted; or
3. The prospective adoptive parent(s) is an unlicensed relative who does not receive a per diem.

### **Special Circumstances Regarding Fingerprint-Based Checks**

Neither the court nor any other person or organization has the authority to exclude the subject of the check from completing all required background checks.

DCS may only complete Fingerprint-Based Checks on those over whom DCS has statutory authority to fingerprint. If the FCM or DCS Staff Attorney believes at any time that DCS is being required to complete background checks outside the statutory authority, the FCM or DCS Staff Attorney shall contact the Deputy Director of Placement Support and Compliance for assistance.

### **Exception to Fingerprinting**

If an Exception to Fingerprinting request is granted, COBCU will run an Indiana LCH check. The adoption worker will provide the non-fingerprint based checks for all other states the subject of the check has resided in during the past five (5) years to the COBCU. The COBCU will provide a letter via e-mail to the DCS local office or LCPA contact person handling all background check material and inform them of the clearance status resulting from the search.

For purposes of the exception for a physical disability, a "qualified medical practitioner" means the following:

1. A physician licensed under [IC 25-22.5](#);
2. A physician assistant licensed under [IC 25-27.5](#);
3. A physical therapist licensed under [IC 25-27](#);
4. An advanced practice nurse licensed under [IC 25-23](#);
5. A chiropractor licensed under [IC 25-10](#); and
6. A psychologist licensed under [IC 25-33](#).

### **Homebound**

If the subject of a check is physically unable to leave his or her home for fingerprinting without special transportation (such as an ambulance or other special requirements), the adoption worker should contact COBCU for appropriate instruction and approval.

### **Unreadable Fingerprints and Reprint Notice**

Fingerprints may be rejected by ISP or the Federal Bureau of Investigations (FBI) for a number of reasons. Each rejection is evaluated individually. For each reprint notice issued, the subject of the check must schedule a reprint appointment within 10 days of receiving the reprint notice. This may occur several times. Once the appropriate number and type of rejections have been reached within the appropriate time frame, on the same transaction, COBCU may request that a non-emergency FBI Name-Based Check be processed in lieu of the individual's fingerprints. The processing time for the Name-Based Check is longer than that of a fingerprint check.

### **Searching CPS History**

Local DCS Offices should complete a MaGIK search.

**Note:** COBCU is able to provide a more thorough search of CPS History. Using information provided by the applicant, COBCU searches the [Indiana DCS Statewide Electronic Child Protective Services Index Database](#). The database contains historical case information extending as far back as January 1, 1988, depending on jurisdiction.

## **FORMS AND TOOLS**

1. [Application for Criminal History Background Check \(SF 53259\)](#)
2. [Request for Child Protection Service \(CPS\) History Check \(SF 52802\)](#)

3. [Request for Additional Funding \(SF 54870\)](#)
4. [DCS Ward Adoption Registration Instruction for Fingerprinting in Indiana](#)
5. [Background Check Matrix Adoptions Desk Guide](#)
6. [Indiana DCS Statewide Electronic Child Protective Services Index Database](#)

## RELATED INFORMATION

### **Checking the Status of a Fingerprint-Based Checks Report**

The DCS local office COBCU contact person is provided access to the administrative website to check the status of prints. Questions regarding the username and password for the website may be e-mailed to the COBCU at [cobcuinquiry@dcs.in.gov](mailto:cobcuinquiry@dcs.in.gov).

### **Limited Criminal History (LCH) Check**

An LCH check is a name-based search of the ISP database that contains only felonies and Class A misdemeanor arrests within the State of Indiana and can only be conducted on individuals 18 years of age and older. **This search should not be used if fingerprinting is being completed for the same purpose.** Accuracy of this information is dependent upon local law enforcement participation. DCS may provide a copy of the Indiana LCH to the subject of the check. This search is available online at <https://secure.in.gov/apps/isp/lch/>. This site may be accessed by the general public and results are immediate. Designated DCS local office staff have access to this site. For assistance with username issues, please e-mail [cobcuinquiry@dcs.in.gov](mailto:cobcuinquiry@dcs.in.gov).

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