

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 13: Residential Facility and Agency Licensing</b>	<b>Effective Date: 3-1-07</b>
	<b>Section 1: Conducting Background Checks for Residential Facility and Agency Licensing</b>	<b>Version: 1</b>

<b>POLICY [NEW]</b>	<b>OLD POLICY: N/A</b>
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The Indiana Department of Child Services (DCS) will complete a background check on the following:

1. Each applicant for a license.
2. Managers of a DCS-licensed facility where children are placed.
3. Employees, volunteers, and interns in DCS-licensed facilities if the employee/volunteer/intern 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 agency.

For the purposes of residential facility and agency licensing, a “background check” will consist of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History (includes Indiana State Juvenile History and fingerprint-based Indiana State Criminal History check)
2. Sex and Violent Offender Registry
3. Child Protection Services History
4. Local law enforcement agencies (LEA) / county sheriff records

**Note:** Effective July 1, 2007, employees and volunteers (including interns) for whom a criminal history check is required have a 90-day provisional status while the criminal history is being conducted and evaluated. During this time, the employee or volunteer may not have direct contact with a child unless in the presence of another employee or volunteer who has completed an approved criminal history check. When determining whether to provisionally hire or assign as a volunteer, the applicant or licensee must consider:

1. The training time required by an employee or volunteer/intern.
2. The safety and security of the children under the supervision of the applicant or licensee.
3. The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.
4. The staffing concerns of the applicant or licensee.
5. Any other factor relating to the safety and security of the applicant’s or licensee’s operation.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. Refer to separate policy Chapter 2, [Confidentiality of Background Check Data](#).

Each residential facility and agency is required to maintain records of all information received concerning background checks.

There is a \$39 fingerprint processing fee per applicant for all employees, and a \$33 fingerprint processing fee per volunteer or intern. The DCS Central Office Background Check Unit must

receive a certified check or money order made payable to the “Treasurer of the State of Indiana” for each applicant card submitted to process the background check request.

Each employee/volunteer/intern for whom background checks are required must have a current job description which indicates that the individual has or will have direct contact, on a regular and continuing basis, with children who are under the direct supervision of the agency.

DCS will require background checks to be completed:

1. at the initial licensing application, and
2. prior to beginning employment or serving as a volunteer, and
3. every four (4) years at relicensure.

DCS requires the applicant to notify the Central Office Licensing unit consultant within 24 hours of the arrest or conviction of the applicant or any employee/volunteer/intern in the agency.

A new background check will be required by the employee/volunteer/intern if the facility or agency license is being renewed and more than one (1) year has passed since the employee/volunteer/intern was printed.

#### Code References

[31-27-3-3 Applying for a Child Caring Institution License](#)

[31-27-3-5 Denial of a Child Caring Institution License](#)

[31-27-5-4 Applying for a Group Home License](#)

[31-27-5-6 Denial of a Group Home License](#)

[31-27-6-2 Applying for a Child Placing Agency License](#)

[31-27-6-3 Denial of a Child Placing Agency License](#)

### **PROCEDURE**

Prior to submitting the residential facility or agency licensing application to the Central Office Residential Licensing Unit, the applicant will complete the following steps for managers and all employees, volunteers or interns who have or will have direct contact, on a regular and continuing basis, with children supervised by the agency:

1. Verify the identity of all individuals by reviewing an available valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. Refer to separate policy, Chapter 2, [Verifying Identity](#).
2. Complete a search for previous Child Protection Services (CPS) history and evaluate. Check and evaluate CPS records for all other states in which each individual is known to have resided for the past five (5) years

**Note:** For Indiana records, residential facilities and agencies will need to send a copy of the [Request for Child Protection Service \(CPS\) History Check](#) form to the local DCS office to obtain results. For out-of-state records, each state will need to be contacted to obtain CPS history.

3. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state in which the individual is known to have resided for the past five (5) years.
4. Search local law enforcement agency (LEA)/sheriff department records for every county/state in which the individual is known to have resided for the past 5 years.

5. Prepare the individual for fingerprinting for the National Criminal History Check by explaining the fingerprinting process. Refer to related information.
6. The employer or applicant is to complete the applicable sections on the [Application for Criminal History Background Check](#). Assist the employee or volunteer/intern with completing the remaining information.
7. The employer should instruct the prospective employee/volunteer/intern to get printed at the LEA/ sheriff's office or Indiana State Police post or DCS fingerprint vendor.
8. When all the completed fingerprint cards, forms and payment, are returned, document receipt before forwarding to the Central Office Background Check Unit. Verify that the following information is completed legibly on the fingerprint card:
  - a. Signature of **subject of check** (Signature of Person Printed) in **black** ink.
  - b. Printed first and last name (include middle initial, if applicable).
  - c. Date subject was printed.
  - d. Reason printed (employment/volunteerism/internship or licensing applicant), and use one of the following codes:
    - i. Employment
    - ii. Child Caring Institution IC 31-27-3-3
    - iii. Group Home IC 31-37-5-4
    - iv. Child Placing Agency IC 31-27-6-2
  - e. Social Security number
  - f. Sex, race and date of birth;
  - g. Agency name in "Reason Printed" box.
9. Make a copy prior to sending to the Central Office Background Check Unit.
10. The Central Office Background Check Unit will provide notice to the employer stating the qualifying status of the subject of the check. The employer must inform the employee/volunteer/intern of the final determination. Refer to separate policy, Chapter 13, [Evaluation of Background Checks for Residential Facilities or Agency Licensing](#)
11. If the applicant is qualified for employment, volunteering or interning based upon criminal history, the employer may begin contacting the individual to begin working directly with children supervised by the agency.
12. For conditionally disqualified or disqualified, refer to separate policy, Chapter 13, [Evaluation of Background Checks for Residential Facility and Agency Licensing](#).

## PRACTICE GUIDANCE

## FORMS AND TOOLS

### **Forms**

[Application for Criminal History Background Check, SF 53295/CW 3610](#)

[Tracking National Criminal History and Juvenile History Reports](#)

[Request for a Child Protection Services \(CPS\) History Check, SF 52802/CW 2128](#)

## RELATED INFORMATION

### **Preparing Staff for Fingerprinting**

The agency will explain the following to staff:

1. The Indiana Department of Child Services (DCS) will require a Background Check on the following individuals:
  - a. Each applicant for a license.
  - b. Managers of a DCS-licensed facility where children are placed.
  - c. Employees, volunteers and interns in DCS-licensed facilities if the employee/volunteer/intern has or will have direct contact, on a regular and continuing basis, with children supervised by the agency.
2. Fingerprinting may occur at a LEA or sheriffs office or Indiana State Police post or DCS fingerprint vendor.
3. Verify the identity of all individuals by reviewing an available valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. Refer to separate policy, Chapter 2, [Verifying Identity](#)
4. The agency will provide each employee/volunteer/intern with a copy of the [Application for Criminal History Background Check](#). This form must be presented by the individual taking the prints at the time of fingerprinting.
5. After taking the fingerprints, the Background Check Application and completed fingerprint cards will be returned to the employee/volunteer/intern. The employee/volunteer/intern is responsible for returning the cards, along with the completed form and with the payment, if applicable, to their employer or volunteer agency.
6. The agency will send to the DCS Background Check Unit the following:
  - a. The completed [Application for Criminal History Background Check](#).
  - b. The applicant fingerprint card.
  - c. The appropriate payment for each applicant fingerprint card to be processed.

### **Processing of Fingerprint Cards (for National Criminal History, Indiana Fingerprint-based Criminal History and Indiana State Juvenile History Reports)**

1. After being fingerprinted, the employee/volunteer/intern returns the completed fingerprint card, completed forms, and if applicable, payment, to their employer/volunteer agency.
2. The agency documents the date and time that the cards, forms, and if applicable, payment were received and carefully checks all forms for accuracy. See [Sample Fingerprint Log Sheet](#).
3. The agency mails all cards, forms, and if applicable, payment to: Central Office Background Check Unit, Indiana Department of Child Services, 402 W. Washington St. MS 049, Indianapolis IN 46204.

**Note:** It will be necessary to use a sufficiently large envelope to avoid bending, creasing or folding the fingerprint cards. Cards cannot be processed if they do not arrive in good condition

4. The DCS Central Office Background Check Unit delivers the cards to the ISP headquarters at Indiana Government Center North.
5. ISP headquarters forwards the fingerprint cards to the Federal Bureau of Investigation (FBI). The FBI conducts the check and returns a report to ISP.

6. The DCS Central Office Background Check Unit retrieves the Indiana State Juvenile History, Indiana finger-print based Criminal History Report and National Criminal History reports from ISP headquarters when they become available (usually within two weeks).
7. The DCS Central Office Background Check Unit evaluates the reports.

### **Special Fingerprinting Issues**

Unreadable Prints: For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the FBI for the following reasons: smudged prints, not fully rolled, fingerprints too light or too dark, double prints in one box or all five prints not on the same card. When this occurs, the Central Office Background Check Unit will notify the local DCS office where the child's case resides that the applicant must be reprinted. If the applicant's fingerprints are rejected by the FBI twice, ISP will coordinate with the FBI to allow for a name-based National Criminal History Report to be generated without follow-up fingerprints. Rejection of the fingerprint card by ISP does not count as an FBI rejection.

### **Checking the Status of a Fingerprint-based National Criminal History Report**

To learn the status of a fingerprint-based National Criminal History Report, please contact the Central Office Background Check Unit.

### **Disclosing National Criminal History Check Information to the Subject of the Check**

DCS may disclose the specific crimes that disqualified the subject of the check to the subject if the disqualifying decision is challenged. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the disqualification. DCS may disclose to the employer the general category (listed felony, general felony or misdemeanor) on which the decision was made.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

### **Disclosing State Limited Criminal History Check Information to the Subject of the Check**

DCS may provide a copy of the State limited criminal history check to the subject of the check or the subject's employer.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

### **Indiana State Juvenile History**

This check will be initiated automatically when ISP receives the fingerprint card for the National Criminal History report. ISP will conduct the search and send the results to DCS Central Office Background Check Unit.

### **Sex and Violent Offender Registry**

This is a registry of individuals who have been convicted of sex and/or violent crimes. For Indiana, the link is: <http://www.insor.org/insasoweb/>. For all other states, the link is: [www.fbi.gov/hq/cid/cac/states.htm](http://www.fbi.gov/hq/cid/cac/states.htm). This registry is a public record.

**CPS History**

In Indiana, CPS history is checked by searching the electronic Child Protection Index (CPI) and all hard copy records. To complete a CPS history check please submit the [Request for a Child Protection Services \(CPS\) History Check](#) to your local DCS office.

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