

Attachment L

Criminal History/Background Checks

I. Who and What Checks must be completed?

There are three (3) types of individuals that need to have Criminal History and/or Background Checks completed:

Note: “The checks will be conducted in the same manner as required for licensed residential child caring institutions, with respect to IC 31-27-3-3, subsections (e)(1) and (f),...” (dependent on circumstances either an A1 or A2 check is needed).

1. For those with **direct contact with children** on a regular and continuing basis or any contact when a child(ren) is/are alone or only with the Provider’s staff in connection with performance of any services or activities pursuant to this Contract. This group has been labeled as needing **A1** checks completed.
2. For those with only electronic or physical **access to children's records**. This group has been labeled as needing **A2** checks completed.
3. For executive directors, CEO and/or managers to be included in covered personnel and have background checks.
 - a. If a manager might be required to fill in for covered personnel, even if that manager would normally not be defined as a covered personnel based on their normal job duties, he/she would be required to have background checks to the level of the staff person they would be filling in for.
 - b. So even if there is no chance that manager would be required to fill in on an as needed basis, the very top management person for the agency and/or the contract division of the agency is considered covered personnel and must have the same level of background checks that matches the highest level of any staff/volunteers within the contract agency.
 - c. Examples:
 - i. If you have supervisors, or managers that do not normally have direct contact but may be required to do that job in an emergency, they should have a level **A1** level background check.
 - ii. If those same managers would not ever have direct contact but may be required to look at records, do billing or similar that they would have either electronic or physical access to a child’s records in an as needed basis, then that person would need an **A2** level background check.
 - iii. The top manager of the agency or contract division regardless if they would have to do any “as needed” work, would be required to have the top level background checks that any of his/her staff would need.

- a) If any staff under him/her directly or indirectly would have an A1 level background check the top manager would also be required to have an A1 level check.
 - b) If all staff or volunteers in the agency or division only have A2 level checks then the top manager would be required to have an A2 level check regardless if they would ever be doing that job as needed.
- iv. Finally if no volunteer or employee meets the requirements to have any background checks at an A1 or A2 level, the top manager must still have an A2 level background checks regardless if any staff or volunteer is required to have anything at all and that top manager is considered the only covered personnel for the contract.

II. A1 and A2

A1=For those with **direct contact with children** on a regular and continuing basis or any contact when a child(ren) is/are alone or only with the Provider’s staff in connection with performance of any services or activities pursuant to this Contract

A2=For those with only electronic or physical **access to children's records**:

<i>Required Checks</i>	A1	A2
<i>Verify the identity of all individuals subject to criminal and background checks;</i>	✓	✓
<i>Conduct Child Protection Services (CPS) checks (for Indiana, submit -an Indiana Request for Child Protection Services History Check form; for other states, see DCS' website on child welfare policies and contractor policies for web links to CPS records);</i>	✓	✓
<i>Conduct Sex Offender checks (see DCS' website for web links for the National website to search.;</i>	✓	✓
<i>Conduct all Local Law Enforcement checks;</i>	✓	
<i>Register and be printed for Fingerprint-Based National and State Check as a DCS contractors;</i>	✓	
<i>Upon completion and/or the returned results of each check, review results of each of Criminal and Background Checks and take appropriate action.</i>	✓	✓

III. Required Checks

A1=For those with **direct contact with children** on a regular and continuing basis or any contact when a child(ren) is/are alone or only with the Provider’s staff in connection with performance of any services or activities pursuant to this Contract

A2= For those with only electronic or physical **access to children's records:**

Your agency must also complete the below checks before Covered Personnel can work or volunteer for your agency:

Required Checks	A1	A2
a. Verify the identity of all individuals subject to criminal and background checks;	✓	✓
<ul style="list-style-type: none"> ➤ To verify the identity of an adult who is a United States (U.S.) Citizen ask to see a valid, government-issued photo ID. ➤ It is recommended that you make a copy for your files. 		
b. Conduct Child Protection Services (CPS) checks (for Indiana, submit an Indiana Request for Child Protection Services History Check form; for other states, see DCS' website on child welfare policies and contractor policies for web links to CPS records);	✓	✓
<ul style="list-style-type: none"> ➤ Complete a Child Protection Services (CPS) check in every state the person has resided in the past five years. The form and instructions for completing this requirement for Indiana can be found at http://www.in.gov/dcs/2363.htm. If there is substantiation of abuse or neglect, the person cannot be employed or volunteer unless a CPS waiver is applied for and granted through COBCU. 		
c. Conduct Sex Offender checks (see DCS' website for web links to the National Search website	✓	✓
<ul style="list-style-type: none"> ➤ Complete a Sex Offenders Registry search via the Dru Sjodin National Sex Offender Public website at http://www.nsopw.gov/Core/Portal.aspx. If there is a match the subject cannot work or volunteer with the DCS contractor. ➤ Print the results of the search for the subject's personnel -files. 		
d. Conduct Local Law Enforcement checks;	✓	
<ul style="list-style-type: none"> ➤ Complete a Law Enforcement Agency (LEA) Check with every law enforcement agency (county sheriff and/or city police department) that would have responded to the subject's current residence and all other residences in the last five years if a 911 emergency call would have been made from that home address. ➤ If the LEA check shows a misdemeanor related to the health and safety of a child, a felony or four or more misdemeanors, contact COBCU for further assistance. 		
e. Register and be printed for Fingerprint-Based National and State Checks;	✓	
<p>STEP ONE: REGISTER WITH L-1</p> <p>If your agency has not registered with the DCS approved fingerprint vendor, L-1 Identity Solutions (L-1), as a DCS contracting agency to fingerprint Covered Personnel, then the first step is to have your agency added to their registration site as a DCS contractor. To register, send the below information to the DCS Background Check Unit (COBCU) at background.checkunit@dcs.in.gov:</p>		

1. The name of your agency as it appears on your contract
2. Mailing address of your agency
3. Contact person at the agency for background check related notices
4. The contact person's phone number.
5. The contact person's e-mail address

Upon receipt of this information, the COBCU will have your agency added to the L-1 registration site. This will take approximately 48 -72 working hours to complete. Your agency will receive an e-mail from COBCU when this is completed. Your agency will also receive additional information on completing the other checks necessary in the background check process.

STEP TWO: FINGERPRINTS

Register and make appointment for each subject to complete National and State fingerprint-based check (fingerprint-based check) of Covered Personnel through L-1 at www.L1enrollment.com. After the Covered Personnel completes the fingerprinting process, the results are sent to COBCU for evaluation. Your agency must receive a Qualified letter or a Waiver Granted letter in order for the Covered Personnel to work or volunteer.

1. A Qualified status indicates that the person can work or volunteer for your agency as long as other background checks are passed.
2. A Conditionally Disqualified status indicates that COBCU needs additional information before a decision can be made. Contact COBCU for next steps. The person cannot work or volunteer for your agency until the status is resolved.
3. A Disqualified status indicates that the person cannot work or volunteer for your agency unless a waiver is applied for and granted. Contact COBCU to determine if the person is eligible for a waiver.

f. Review Results of Criminal and Background Checks and take appropriate action.	✓	✓
<ul style="list-style-type: none"> ➤ <i>-See DCS Child Welfare Policy 2.11 under procedures for:</i> <ul style="list-style-type: none"> ○ <i>steps on how to evaluate</i> ○ <i>and if history is discovered what appropriate steps are necessary</i> 		

*COBCU = Central Office Background Check Unit

IV. Information to send to DCS

Exhibit 1

Exhibit 1 “CERTIFICATION OF COMPLETION OF REQUIRED CRIMINAL AND BACKGROUND CHECKS” was attached to your contract and is to be returned with signature, certifying that the required

checks have been completed. Note the Certification is completed based on the contract, therefore if the agency has several contracts with DCS each contract would have its own certification page and Covered Personnel Spreadsheet. Ensure each is completed and returned to DCS. Do not complete and return until each covered personnel's checks have been returned and evaluated by your agency. Make sure to check off the steps that are required to be completed per policy for the covered personnel at your agency

For example, if you do not have any A1 covered personnel employed/volunteering at your agency, do not mark that you have completed the fingerprinting and the local law enforcement checks for your covered personnel as this is not a requirement based on the services of this contract.

Format for names and required checks:

The Covered Personnel Spreadsheet has been developed for your use to list the names (make sure to list covered personnel's name as it appears on the fingerprint based status letter returned via e-mail), date of birth, last four numbers of the SS# and the job description of each of the covered personnel. Also for each covered personnel mark in each column a yes or no under each type of background check indicating if that covered personnel is required by policy and the contract to complete that individual check. Although you may opt to have the covered personnel complete additional checks not required for their job description, please only indicate those checks as yes if required by the DCS child welfare policy manual 2.10 or per the DCS contract.. Please print and attach to the exhibit 1 and send both by US Postal Mail to:

Department of Child Services,
Attn: Program and Services
302 West Washington Street, E306 – MS 47
Indianapolis, IN 46204-2739

The applicable laws and DCS' policies are updated periodically, and the Provider shall comply with those current at the time the Provider executes this Contract, initiates a new recruitment process for Covered Personnel, renews this Contract, or reaches the anniversary date of commencement of a multi-year agreement.

V. Documentation:

The Provider shall maintain a record of the results of each check conducted. The Provider shall, if requested by the State, provide a copy of that record to DCS or make the record available for inspection by an authorized representative of DCS.

Ongoing and Updates:

The Provider has an ongoing obligation to conduct such checks for employees or volunteers who join the Provider after this Contract begins. With respect to such employee(s) or volunteer(s) who join the Provider after this Contract begins, such employee(s) or volunteer(s) may **not** provide any services for the Provider pursuant to this Contract before the requisite criminal and background checks have been completed.

The Provider shall submit updates to its documentation as necessary to reflect any checks conducted subsequent to commencement of this Contract, including the submission of additional **Exhibit 1** forms (or a similar form requested by DCS) certifying it has completed all necessary additional criminal and background checks.

Appendix

Appendix A Contract (see section 49)

<http://www.in.gov/dcs/3159.htm>

Appendix B Exhibit 1 (Also, see attached)

<http://www.in.gov/dcs/3159.htm>

Appendix C DCS Policy

1. 2.10

http://www.in.gov/dcs/files/2.10_Conducting_Background_Checks_for_DCS_Contractors.pdf

2. 2.11

http://www.in.gov/dcs/files/2_11_Evaluation_of_Background_Checks_for_DCS_Contractors.pdf

Appendix D Covered Personnel Spreadsheet (See attachment)

EXHIBIT 1

CERTIFICATION OF COMPLETION OF REQUIRED CRIMINAL AND BACKGROUND CHECKS

The Provider, (legal name) _____, hereby certifies that it has performed all of the checks as required pursuant to the criminal and background checks procedure set forth in Section 49 [Criminal and Background Checks] of its professional services contract with the Indiana Department of Child Services (DCS.) (EDS# _____) (the "Contract,") including collection of attestations regarding child abuse and neglect or criminal activity.

A list of the Provider's current Covered Personnel that have received the requisite criminal and background checks referenced herein is attached hereto. The list should be provided on the Excel Spreadsheet Tool provided by DCS or similar that records all information on the Excel Spreadsheet Tool for all Covered Personnel. The Provider shall submit this form **with an updated list** of covered personnel annually upon the anniversary date of the Contract. **Reminder:** Covered Personnel who join the Provider after the Contract begins may **not** provide any services for the Provider pursuant to the Contract before the requisite criminal and background checks have been completed unless they are accompanied by other staff who have completed acceptable checks.

The Provider hereby certifies that it has, per Contract requirements complete the below steps (check all that apply to any covered personnel):

- _____ *Verified the identity* of all individuals subject to criminal and background checks per DCS child welfare policy 2.10;
- _____ *Completed, signed and filed* the Application for Criminal History Background Check Form, state form 53259;
- _____ *Conducted Child Protection Services (CPS) checks* (for Indiana, send DCS an Indiana Request for Child Protection Services History Check form; for other states, see DCS' website on child welfare policies for web link);
- _____ *Conducted Sex Offender checks* (see DCS' website on child welfare policies for web links for national checks);
- _____ *Conducted Local Law Enforcement checks through law enforcement jurisdictions corresponding to all home addresses;*
- _____ *Registered and completed fingerprinting* through the DCS approved fingerprinting vendor and *assured that a fingerprint-based status letter is received on DCS letterhead* via e-mail for each Covered Personnel; and
- _____ *Reviewed the results* of criminal and civil Background Checks and take appropriate action per DCS child welfare policy 2.11.

Signature of Provider	Date
Typed or Printed Name Signed Above	Title of Signer
E-mail Address of Signer	Phone Number

Send by U.S Postal Service to:
DCS,
Deputy Director of Programs and Service,
302 W. Washington St. Rm. E 306, MS 47
Indianapolis, IN 46204--2739