

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 13: Adoption/Permanency	Effective Date: August 1, 2013
	Section 7: Conducting Background Checks for Adoptions	Version: 5

POLICY [REVISED]

The Indiana Department of Child Services (DCS) requires background checks on all persons who live in the prospective adoptive home when a DCS ward is being adopted.

Background checks must be completed as part of the adoption home study. New Background checks must also be completed prior to the following if it has been 12 months since the last background check:

1. Placement;
2. Submission of the Indiana Adoption Program Application; or
3. 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 (the days do not have to be consecutive); checks must be completed prior to moving into that prospective adoptive home; or
2. Current household members who turn 14 or 18 years old.

The following background checks will be conducted on the prospective adoptive home which include the:

1. Fingerprint-Based National Criminal History Check (Fingerprint-Based Check);
2. Child Protection Services History Check (CPS History Check);
3. Sex Offender Registry Check; and
4. Local Law Enforcement Agency (LEA) Records Check.

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

DCS will not conduct background checks on children under DCS care and supervision. Fingerprint-Based Checks conducted for purpose of adoption cannot be used for foster care licensing, employment or any other purpose and a new fingerprint check is required.

A background check will consist of the following for those who live in the home:

1. For all persons age 18 and older:
 - a. Fingerprint-Based Check,

- b. CPS History Check in every state the subject of the check has lived in the last five (5) years,
 - c. Sex Offender Registry check in every state the subject of the check has lived in the last five (5) years, and
 - d. LEA records check must be completed in every local police/sheriff jurisdiction the subject of the check has lived in the last five (5) years.
2. For all persons age 14 – 17 years:
 - a. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
 - b. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years.
3. For all persons age 0 - 13 years a CPS History Check must be completed in every state the subject of the check has lived in the last five (5) years.

Exceptions to Fingerprinting

The only exception to fingerprinting the subject of the check is if he or she has a physical disability which makes it impossible to obtain the subjects fingerprints. The exception does not apply to subjects who are able to be printed but the quality of the fingerprints is poor. The exception can 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 receive an exception, the following must be sent to the COBCU:

1. A letter requesting the exception and explaining the disabling condition; and
2. The required documentation from the person trained to take fingerprints, or a qualified medical practitioner or evidence that the individual does not have fingers.

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

Extracurricular Activities

DCS does not have the statutory authority to fingerprint individuals involved in the child's participation in extracurricular activities. These 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](#). Discretion should be used when deciding whether CPS History Checks, Sex Offender Registry Checks and/or LCH Checks are needed.

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

Background checks are not required on employees and/or volunteers of a prospective adoptive home including child care providers. If background checks are needed, a Fingerprint-Based Check should not be conducted. Discretion should be used regarding whether a CPS History Check, Sex Offender Registry and/or Limited Criminal History Check are needed.

Note: If a child care provider is licensed by the Division of Family Resources, background checks have already been completed as part of the licensing process. DCS should not complete additional background checks.

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; felony convictions](#)
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 31-19-2-7.5: Submission of information, forms, or consents for criminal history check](#)
5. [IC 31-19-8-5: Agency report and recommendation; filing requirements; waiver of report](#)
6. [IC 12-17.2-2-8: Licensure Exemptions](#)

PROCEDURE

The DCS local office or Licensed Child Placing Agency (LCPA) adoption worker will:

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 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 \(SF53259/CW3610\)](#) using their legal name as it appears on the current government issued picture ID: The subject of the check must sign and date the form. The adoption worker must place the original in the file after completion of the Background Check Process.

3. Register the person age 18 and older for the Fingerprint-Based Check, unless requesting an Exception to Fingerprinting, which consists of the adoption worker:
 - a. Completing the registration process for the subject of the check for electronic fingerprinting through the DCS approved fingerprint vendor and provide the subject of the check with a copy of the registration confirmation number given at the end of the registration process,
 - b. Providing the subject of the check, with the customized step by step instructions for registering for fingerprints, if the adoption worker is unable to register the subject of the check,
 - c. Informing the subject of the check to use the same government issued identification used during registration for fingerprints, and
 - d. Ensuring the subject of the check is successfully fingerprinted. Obtain the results of the Fingerprint- Based Check, the DCS COBCU will provide a letter via email to the DCS local office or LCPA contact person handling all background check material and inform them of the Fingerprint-Based Check status. 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 subject of the check a copy of the notice if they will be scheduling their 'reprint' appointments themselves.

For all other results see separate policy, [13.8 Evaluating Background Checks for Adoptions](#).

5. Conduct a Sex Offender Registry Check for all persons age 14 years and older and print the results via 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: If you are searching a common name and results show multiple matches narrow the search by state. If this is done, complete a search of every state the subject of the check has lived, in the last five (5) years.

6. Conduct a CPS History Check for all persons:
 - a. For Indiana:
 1. As the requesting agency, the adoption worker will completed Section A of the Indiana Request for Child Protection Service (CPS) History Check (SF52802/CW 2128);
 2. Have the subject of the check, or representative if a minor, complete Section B; and
 3. Complete a search of the Indiana Child Welfare Information System, and hardcopy files if available, and reflect the results in Section C.

Note: LCPAs are unable to access this information and will need to send a copy of the Indiana Request for a Child Protective Service (CPS) History Check (SF52802/CW2128) to DCS COBCU or the DCS local office.

- b. For all other states, conduct a CPS search for every other state the individual has lived for the past five (5) years, if applicable, locate information for a CPS administrator to process your search request at; <http://www.cclid.ca.gov/AdamWalsh/2609.htm>
Click on "[List of Contacts For Other State's Child Abuse and Neglect Registries](#)",
 - c. If the person has CPS history in any state, refer to separate policy, [13.8 Evaluating Background Checks for Adoptions](#) for further required action.
7. Conduct LEA Record Checks:
- a. Request a records check to be completed by the LEA that will respond to a subject of the check's current home address utilizing the Application for Criminal History Background Check (SF53259/CW3610), Section titled "For Law Enforcement Use Only",
 - b. Request a search from the appropriate LEA corresponding to ALL other residential addresses the subject of the check has resided during the past five (5) years,
 - c. Upon receiving the results of each check, see separate policy [13.8 Evaluating Background Checks for Adoptions](#).

PRACTICE GUIDANCE

Undocumented Individuals

If an individual is undocumented, the adoption worker should contact the DCS COBCU for instructions and approval as background checks are still required. The fingerprint registration cannot be completed without a social security number and the assistance of the COBCU.

Notifying the Adoption Worker of Arrest, Convictions or Substantiation of Abuse or Neglect

The prospective adoptive home must notify the adoption worker within 24 hours of the arrest, convictions 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 and contact COBCU if additional guidance is needed.

Registering for Fingerprints

If the adoption worker is unable to complete the registration process for the subject of the check, the subject of the check is to be provided a copy of the step by step instructions for registering for fingerprinting through the DCS approved vendor that has been customized to the correct DCS local office or LCPA, adoption worker's name, adoption worker's phone number and the correct reason for printing.

All adoption print expenses must be paid by the adoptive family.

Exception to Fingerprinting

If an Exception to Fingerprinting request is granted, COBCU will run an Indiana LCH. The adoption will provide the non-fingerprint based checks for all other states the subject of the check has resided in the past five 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 state 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 IC25-22.5;
2. A physician assistant licensed under IC25-27.5;
3. A physical therapist licensed under IC25-27;
4. An advanced practice nurse licensed under IC25-23;
5. A chiropractor licensed under IC25-10; and
6. A psychologist licensed under IC25-33.

Searching CPS History

Search all available hardcopy records and complete an Indiana Child Welfare Information System search.

FORMS AND TOOLS

1. [Application for Criminal History Background Check \(SF53259/CW3610\)](#)
2. [Request for Child Protection Service \(CPS\) History Check \(SF52802/CW2128\)](#)
3. [Background Check Matrix Adoptions Desk Guide](#)

RELATED INFORMATION

Court Ordered Exception and/or Completion of 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 check. The only exception to this is if the COBCU grants an Exception to Fingerprinting outlined in the above policy.

The court nor any other person or organization cannot require DCS to complete Fingerprint-Based Checks on those subjects over which DCS has no statutory authority to fingerprint nor can DCS be required to pay for the cost of such printing.

If the FCM believes at any time that DCS is being required to completed background checks outside the statutory authority, please contact the Deputy Director of Placement Support and Compliance for assistance.

Special Fingerprinting Issues

Homebound

If a subject of the check cannot leave his or her home for fingerprinting, the adoption worker should contact the COBCU for appropriate instruction and approval.

Unreadable Fingerprints and Reprint Notice

Fingerprints may be rejected by Indiana State Police (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. Once the necessary number of rejections within the appropriate timeframe has been obtained, COBCU will request that a non emergency Name-Based Check be processed. Once the Name-Based Check has been requested the processing timeframe is longer than a fingerprint check.

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. A username and password may be obtained by emailing the COBCU at background.checkunit@dcs.in.gov.

Limited Criminal History Check (LCH)

A 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. Completeness of this information is based upon local law enforcement participation. This search is available online at <https://secure.in.gov/apps/isp/lch/>. This site can be accessed by the general public. Results are immediate. Designated DCS local office staff has access. For assistance with username or password issues, please email background.checkunit@dcs.in.gov.

DCS may provide a copy of the Indiana LCH to the subject of the check.

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 arresting agency. For Indiana convictions this would be made to the ISP.

Private Adoptions

DCS does not conduct background checks for domestic or international private adoptions. The private agencies and/or legal representative will run their own background checks through ISP using the National Child Protective Act Check.