

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 13:</b> Background Checks	
	<b>Section 09:</b> Conducting Background Checks for Foster Family Home Licensing	
	<b>Effective Date:</b> February 1, 2022	<b>Version:</b> 10

- [Procedure](#)
- [Forms and Tools](#)
- [Legal References](#)
- [Definitions](#)
- [Related Policies](#)
- [Practice Guidance](#)

## POLICY OVERVIEW

The Indiana Department of Child Services (DCS) requires background checks for all foster family homes to help ensure the safety and well-being of children placed with a foster family.

[Back to Top](#)

## PROCEDURE

The Indiana Department of Child Services (DCS) requires background checks to be conducted for the purpose of initial licensing or relicensure of a foster family home on household members, including biological parents who reside in the foster family home, and all persons who:

1. Stay in the home for 21 days or more, within a 12-month period. The days do not have to be consecutive; or
2. Work or volunteer in the home on a regular and continuing basis with children who are or will be under the direct supervision of the foster parent.

DCS requires that the foster family home notify the licensing worker within 24 hours of the arrest, conviction, and/or substantiation of Child Abuse and/or Neglect (CA/N) of the licensee, a household member, employee, contractor, and/or volunteer. The licensing worker and licensing worker Supervisor will evaluate the severity and seriousness of the offense on a case-by-case basis and contact the Central Office Background Check Unit (COBCU) for further guidance.

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

1. A Child Protective Services (CPS) History Check must be completed in every state in which the subject of the check has resided during the last five (5) years, for all persons six (6) years of age and older;
2. A National Sex Offender Registry Check must be completed in every state in which the subject of the check has resided during the last five (5) years, for all persons 14 years of age and older;
3. A Local Criminal Court Records Check must be completed in every criminal court jurisdiction in which the subject of the check has resided during the last five (5) years, for all persons 18 years of age and older; and

**Note:** Local Criminal Court Records Check instructions are available on the Background Check Resources SharePoint.

4. A Fingerprint-Based Check must be completed and returned with qualified results, for all persons 18 years of age and older. See policy 13.15 Fingerprint-Based Checks for further guidance.

**Note:** Fingerprint-Based Checks conducted for any other purpose (e.g., adoption, unlicensed placement, or employment) may not be used for the purpose of foster family home licensure. In this instance, a new fingerprint-based check will be required.

DCS will not conduct background checks on children under DCS care and supervision, including Youth in Collaborative Care (CC).

**Note:** Youth in CC are still in foster care; therefore, background checks are not required unless the child has been out of DCS' care for an extended amount of time. In those cases, the CC Division Manager (DM) will determine whether a search on MyCase is necessary. Fingerprints should not be completed for CC youth that have been out of DCS care, as DCS does not have the statutory authority to complete a Fingerprint-Based Check.

For household members and all persons who stay, work, or volunteer in the foster family home, the licensing worker will:

1. Verify the identity of each subject of a background check, regardless of age (see policy 2.09 Verifying Identity) by reviewing one (1) available and current government-issued identification (ID) document such as, but not limited to, a:
  - a. Driver's License,
  - b. Government issued picture ID card,
  - c. Social Security Card,
  - d. Birth Certificate, or
  - e. Passport.
2. Have each subject of the check 18 years of age and older complete the Application for Criminal History Background Check (SF 53259). The following items should be considered when completing the form:
  - a. The subject of the check's legal name should be used as it appears on a current government issued picture ID,
  - b. The subject of the check must sign and date the form, and
  - c. The licensing worker should check for completeness, review the attestation statement, and must place the original in the licensing file.
3. Register persons 18 years of age and older for the Fingerprint-Based Check, unless the individual is requesting an exception to fingerprinting. See policy 13.15 Fingerprint-Based Checks for additional information;
4. Conduct a National Sex Offender Registry Check for all persons 14 years of age and older, using the Dru Sjodin National Sex Offender Public website:
  - a. Search each name or combination of names used within the subject's lifetime individually,

**Note:** If searching a common name and results show multiple matches, narrow the search by state. If this occurs, search every state the subject has lived in for the past five (5) years.

- b. Print out the results of each name searched,

- c. Sign and date the printed results, and
  - d. Write "NO MATCH" on the printed page if there is no match and place in case file. If a match is found refer to policy 13.10 Evaluating of Background Checks for Foster Family Home Licensing.
5. Conduct an Indiana CPS History Check for all persons six (6) years of age 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, if a minor, complete Section B of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802), and
    - c. Completing a state-wide search within the case management system and reflect the results of the search in Section C of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802).

**Note:** LCPAs are unable to access this information and will need to submit a request to COBCU using the KidTraks Vendor Portal or send a copy of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802) (with section A and B complete) to the local office for completion.

6. Conduct a CPS History search for every other state in which the individual has resided during the past five (5) years, if applicable. Locate information for a CPS administrator or local office designee to process the search request by using the Out-of-State CPS Contact List – Available on the Background Check Resources SharePoint; and
7. Conduct a Local Criminal Court Records Check on all persons 18 years of age and older by completing a court record search, including all aliases, in each county court and applicable city courts where the subject of the check has resided during the past five (5) years. For further instructions see the Local Criminal Court Records Check Instructions – Available on the Background Check Resources SharePoint.

**Note:** It is the responsibility of the applicant to cover any fees for Out-of-State CPS history and Local Criminal Court Records Checks.

The RFCS or LCPA Supervisor will:

1. Ensure all appropriate background checks have been conducted and documented; and
2. Staff with the licensing worker and ensure all tasks are completed.

After a child is placed in a foster family home, DCS requires background checks on:

1. New household members who stay in the home for 21 days or more, within a 12-month period. The days do not have to be consecutive. Required background checks must be completed and returned with qualified results prior to the individual moving into the foster family home;
2. Current household members who will turn six (6), 14, or 18 years of age. Checks not completed previously (based on the individual's age) must be initiated 30 days prior to the current household member's birthday; and

**Note:** Fingerprints may not be completed prior to 18 years of age. Fingerprints must be obtained within 30 days after the subject's 18<sup>th</sup> birthday.

3. New employees, contractors, and/or volunteers in the home. Checks must be completed and returned with qualified results prior to beginning work or volunteering in that licensed resource home.

### **Annual Reviews**

DCS requires a search on the MyCase website for all household members, including biological parents who reside in the foster family home, and those who stay, work, or volunteer in the foster family home, who are 18 years of age and older, at each annual review. Any household member who has not completed the required background checks for purposes of foster family home licensing during the existing licensing period, will need to complete the full background checks with satisfactory results. See policy 13.10 Evaluating Background Checks for Foster Family Home Licensing for additional information.

**Note:** Although all background checks are not included for the annual review process, background checks may be requested by the licensing worker on a case-by-case basis.

[Back to Top](#)

## **RELEVANT INFORMATION**

### **Definitions**

#### **Licensing Worker**

The licensing worker is the Regional Foster Care Specialist (RFCS) or the Licensed Child Placing Agency (LCPA) worker.

### **Forms and Tools**

- [Application for Criminal History Background Check \(SF 53259\)](#)
- Background Check Matrix for Unlicensed Placements Desk Guide – Available on the [Background Check Resources SharePoint](#)
- Central Office Background Check Unit (COBCU) email - [cobcuinquiry@dcs.in.gov](mailto:cobcuinquiry@dcs.in.gov)
- [Dru Sjodin National Sex Offender Public website](#)
- Local Criminal Court Records Check Instructions – Available on the [Background Check Resources SharePoint](#)
- [MyCase website](#)
- Out-of-State CPS Contact List – Available on the [Background Check Resources SharePoint](#)
- [Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)

### **Related Policies**

- [2.09 Verifying Identity](#)
- [2.22 International and Cultural Affairs Services](#)
- [2.23 Verifying Citizenship or Immigration Status](#)
- [12.01 Authority to License](#)
- [13.10 Evaluating of Background Checks for Foster Family Home Licensing](#)
- [13.15 Fingerprint-Based Checks](#)

[Back to Top](#)

## **LEGAL REFERENCES**

- [IC 10-13-3-31: Release of data to subject person; fee; challenge of data authorized](#)
- [IC 31-9-2-22.5: "Conduct a criminal history check"](#)

- [IC 31-26-5: Family Preservation Services](#)
- [IC 31-34-20-1.5: Placement in household with certain individuals prohibited; criminal history checks; exceptions; considerations](#)
- [IC 31-34-18-6.1: Predispositional report; contents](#)
- [240 IAC Article 6: Criminal History Record Information](#)

[Back to Top](#)

## PRACTICE GUIDANCE- DCS POLICY 13.09

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Inaccurate Criminal Records**

If any of the Fingerprint-Based Criminal Checks conducted 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.

### **Undocumented Individuals**

Fingerprints are still required if an individual is undocumented. For foster home licensing, the licensing worker should contact the COBCU for instructions and approval. The fingerprint registration for the purpose of foster home licensing cannot be completed without a valid 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 (#1 - #12) for **each** applicant **and** all household members, that do not have a Social Security Number (SSN). See policy 12.01 Authority to License for licensure of noncitizens:

1. Legal name, maiden name, and all aliases;
2. Date of Birth (DOB);
3. Height;
4. Weight;
5. Eye color;
6. Hair color;
7. Country of birth;
8. Country of citizenship;
9. Copy of a current government- issued picture ID;
10. Completed and signed Application for Criminal History Background Check (SF 53259) ;
11. Address of the location where the individual wants to be printed; and
12. Three (3) dates and times that the individual is available to be printed.

**Note:** The FCM may complete a referral through KidTraks for the International and Cultural Affairs (ICA) liaison to assist in locating the required documents. See policies 2.22 International and Cultural Affairs Services and 2.23 Verifying Citizenship or Immigration Status for further guidance.

[Back to Top](#)