

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 13: Background Checks	Effective Date: June 1, 2021
	Section 10: Evaluating Background Checks for Foster Family Home Licensing	Version: 9

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will evaluate the results of Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks) on all required persons for the purpose of foster family home licensing. The DCS local office or Licensed Child Placing Agency (LCPA) licensing worker will evaluate the Child Protective Services (CPS) History Check, [National Sex Offender Registry Check](#), and [Local Criminal Court Records Check](#). See policy [13.09 Conducting Background Checks for Foster Home Licensing](#) for additional information. The final results of the background checks will be placed in the licensing file and documented in the case management system.

The licensing worker¹ will immediately recommend denial or revocation of the foster family home license if the background check or waiver process for a household member or person who is staying, working, or volunteering in the home subsequently reveals the subject has a:

1. Disqualified criminal history that is not eligible to be waived;
2. Disqualified criminal history or substantiated CPS history for which the waiver action is not supported by the licensing worker or is not pursued by the foster family home;
3. Disqualified criminal history or substantiated CPS history for which the waiver is not granted by DCS; or
4. Disqualified criminal history or substantiated CPS history for which the necessary waiver is not submitted to the DCS Central Office Background Check Unit (COBCU) as a complete and valid waiver within 10 business days from the date of the Fingerprint-Based Disqualified Status Letter or the date of CPS substantiation history discovery. (This specifically applies to subjects already residing in a currently licensed foster family home when this history is discovered or at the point of the foster family home relicensure, and foster children are currently placed in that foster home.)

Note: If the household member no longer stays ²in the home permanently, the denial or revocation will not be necessary.

Fingerprint-Based Check

The DCS COBCU will evaluate the results of the Fingerprint-Based Check and notify the assigned contact person at the DCS local office or LCPA of the results by e-mailing the Fingerprint-Based Check Status Letter. See policy [13.15 Fingerprint-Based Checks](#) for additional information.

¹ The licensing worker is the Regional Foster Care Specialist (RFCS) or the Licensed Child Placing Agency (LCPA) worker.

² To be in the home for 21 days or more, within a 12 month period. The days do not have to be consecutive.

Child Protective Services (CPS) History Check

The licensing worker will review the completed CPS History Check results from Indiana and all other states of residency within the past five (5) years (if applicable) and determine if there are reports of any substantiations of Child Abuse and/or Neglect (CA/N) for the subject of the check. The existence of substantiated CPS history in Indiana or the equivalent in another state means that unless a waiver is granted (see policy [13.16 Waivers](#)), the subject of the check is ineligible to be a(n):

1. Foster Parent;
2. Household member of current or prospective foster family home (this includes the child's biological parent who is also staying in the out-of-home placement where the child is placed, and the home is seeking foster family home licensure); or
3. Employee or volunteer within the foster family home.

A CPS waiver granted by COBCU is required for initial licensing approval and relicensing. A CPS waiver is also required prior to new household members moving into an existing licensed home if that household member has CPS history or if new CPS history that was not previously granted a CPS waiver is discovered at any point while the home is licensed. See policy [13.16 Waivers](#) for additional information.

Note: It is the responsibility of the applicant to cover any fees for out-of-state CPS history checks, if applicable.

National Sex Offender Registry Check

The licensing worker will evaluate the National Sex Offender Registry Check to determine if there are any matches. If there is a match, the home cannot be licensed or remain licensed, and COBCU should be notified immediately at COBCUinquiry@dcs.in.gov. The COBCU will re-evaluate the Fingerprint-Based Check Report and reissue an amended Fingerprint-Based Check Status Letter, if applicable.

Local Criminal Court Records Check

The licensing worker will evaluate the results of the Local Criminal Court Records Check. If the Local Criminal Court Records Check returns convictions of a felony, total of four (4) or more misdemeanors, or a misdemeanor that may be related to the health and safety of a child, the Licensing Worker shall contact COBCUinquiry@dcs.in.gov for additional guidance if the Fingerprint-Based Status Letter was qualified. See policy [13.15 Fingerprint-Based Checks](#) for additional information.

Note: It is the responsibility of the applicant to cover any fees for Local Criminal Court Records check, if applicable.

Code References

1. [IC 31-27-4-5: Apply for licenses; criminal history checks](#)
2. [IC 31-27-4-6: Grounds for denial of license applications; waiver](#)
3. [IC 31-27-4-13: Denial of license](#)
4. [IC 31-27-4-32: Grounds for revocation of license](#)
5. [IC 31-27-4-33: Compliance with rules; disciplinary sanctions; revocation of license](#)
6. [IC 31-9-2-84.8: Nonwaivable offense](#)

PROCEDURE

The licensing worker will ensure all background checks as required in policy [13.09 Conducting Background Checks for Foster Home Licensing](#) are completed, and will:

1. Review the Fingerprint-Based Check Status Letter received from COBCU for each Fingerprint Based Check. See policy [13.15 Fingerprint-Based Checks for additional information](#):
 - a. Provide a copy of the Fingerprint-Based Check Status Letter to the subject of the check,
 - b. Instruct the subject of the check to contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter and provide the required verification to the COBCU Consultant within 10 business days of the date of the Fingerprint-Based Check Status Letter when it is conditionally disqualified. Upon re-evaluation, if disqualified, refer to “c” below,
 - c. Contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter when the fingerprint-based status returns as disqualified and the licensing worker is interested in possibly pursuing a waiver action to determine if the subject of the check is eligible to apply for a waiver. See policy [13.16 Waivers](#) for additional information, and
 - d. Immediately implement a placement hold in the case management system if the subject of the check is already residing in the currently licensed foster family home at the time the conditional disqualified status or disqualified status is discovered, and refer to “b” and/or “c” above for appropriate action and timeframes.

Note: If a foster child is already placed in the home, the licensing worker will notify the child’s Family Case Manager (FCM) of the conditionally disqualified or disqualified status of the foster home. The licensing worker will also update the child’s FCM if the license will be recommended for revocation for lack of follow through on the part of the subject of the check or due to waiver ineligibility or denial.

2. Review the results of the CPS History Check. If CPS substantiated history is discovered, complete the following:
 - a. Provide the subject of the check a copy of the completed [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#) showing substantiated history (see policy [2.06 Sharing Confidential Information](#)),
 - b. Ensure the correct waiver packet is completed and submitted to COBCU within 10 business days of discovery of the existence of CPS substantiated history, or immediately recommend denial of relicensure or revocation of the current license when CPS substantiation is discovered and the subject of the check already resides in a currently licensed foster home. See policy [13.16 Waivers](#) for further guidance,
 - c. Implement a placement hold in the case management system if the subject of the check is already residing in the currently licensed foster family home at the time the new, and not previously waived, CPS substantiated history is discovered, and
 - d. If a foster child is already placed in the home, the licensing worker will notify the child’s FCM of this newly discovered CPS history. The licensing worker will also update the FCM if the license will be recommended for revocation for lack of follow through on the part of the subject of the check or due to waiver denial.

3. Review the results of the National Sex Offender Registry Check for a match to the subject of the check. If there is a match for the subject of the check, the licensing worker will not license the home or will recommend revocation of the license;
4. Review the results of the Local Criminal Court Records Checks. For further instructions regarding completing the Local Criminal Court Records Checks, see the [Local Criminal Court Records Instructions](#);

Note: Contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter within five (5) days if the Fingerprint-Based Status Letter was qualified and the Local Criminal Court Records Check returns conviction of:

- a. A felony,
- b. Four (4) or more misdemeanors, or
- c. A misdemeanor related to the health and safety of a child.

In addition, if at any time the Licensing Worker believes the Local Criminal Court Records Check report may alter the status of the Fingerprint-Based Check, the Licensing Worker will contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter for further action.

5. Request a waiver of disqualified criminal history and/or substantiated CPS history, if applicable, by submitting the required information to the COBCU. See policy [13.16 Waivers](#) for additional information; and

Note: A criminal history or CPS waiver granted for the purpose of foster family home licensure may not be used for any other reason. A new waiver request must be submitted and granted for each additional purpose.

6. Place a copy of the results of all background checks and any waiver letters in the licensing file, document the results in the case management system, and attach all documentation to the subject of the check's profile. This may include scanning the official Fingerprint-Based Status Letter, waiver notice, and other background check information into the case management system.

The DCS COBCU will complete requirements as outlined in policies [13.15 Fingerprint-Based Checks](#) and [13.16 Waivers](#).

PRACTICE GUIDANCE

Disclosing Fingerprint-Based Check Information

A copy of the official Federal Bureau of Investigations (FBI) and the Indiana State Police (ISP) transcript will not be provided to the LCPA, DCS local office, nor the subject of the check. DCS may verbally disclose the specific crimes to the subject of the check. If any of the checks conducted reveal an inaccurate record, the subject of the check may formally challenge the record. A Review Challenge of inaccurate information in Indiana is made to ISP. A criminal history records Review Challenge outside of Indiana must be made to the Law Enforcement Agency (LEA) that posted the record. The subject of the check must be fingerprinted for the Review Challenge, at the subject's expense.

FORMS AND TOOLS

1. [Background Check Matrix for Unlicensed Placements and Foster Care Desk Guide](#)
2. [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)
3. [Assessment of Alleged Child Abuse or Neglect \(SF 113\)](#)
4. [Local Criminal Court Records Check Instructions](#)

RELATED INFORMATION

N/A

ARCHIVED (6/1/2021-1/31/2022)