

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 13: Background Checks</b>	<b>Effective Date: July 1, 2017</b>
	<b>Section 10: Evaluation of Background Checks for Foster Family Home Licensing</b>	<b>Version: 7</b>

## 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 Licensing Child Placing Agency (LCPA) licensing worker will evaluate the remaining background checks. See separate policy, [13.9 Conducting Background Checks for Foster Home Licensing](#). The final results will be placed in the licensing file and documented in the Management Gateway for Indiana's Kids (MaGIK) System.

### **Fingerprint-Based Check**

The DCS Central Office Background Check Unit (COBCU) will evaluate the results of the Fingerprint-Based Check and notify the assigned contact person at the DCS local office or LCPA by e-mailing the Fingerprint-Based Check Status Letter.

The COBCU will conditionally disqualify all persons whose criminal history is incomplete and requires further verification.

**Note:** The subject of the check will remain in a conditionally disqualified status until the subject provides the COBCU with a copy of required verification of charges, including, but not limited to: court orders showing disposition and level of conviction, a court order showing dismissal, and/or arrest reports. Upon receipt of all necessary verifications, COBCU will re-evaluate the status and issue an amended Fingerprint-Based Check Status Letter to the assigned contact person at the DCS local office or LCPA by e-mail.

The COBCU will disqualify all persons whose criminal history report includes the following, convictions or pending convictions although some may be eligible to file for a waiver (see "Waivers" section below):

1. Any misdemeanor that may relate to the health and/or safety of a child;
2. Any felony;
3. Four (4) or more misdemeanor convictions; or
4. A juvenile adjudication for an act that if committed by an adult would be one (1) of the 22 felonies listed in the Waivers section below.

The COBCU will qualify all persons whose Fingerprint-Based Check Report has no criminal history or reflects arrests and/or convictions that do not result in a conditionally disqualified or disqualified status.

### **Child Protection 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 the licensing worker will determine if there are reports of any substantiation of abuse and/or neglect for the subject of

the check. If there is substantiated CPS history in Indiana or the equivalent in another state, the filing and approval by COBCU of a CPS waiver is required for initial licensing approval, relicensing. prior to new household members moving into an existing licensed home if that household member has CPS history or if new CPS history is discovered at any point while the home is licensed that has not previously been granted a CPS waiver (see “Waivers” section).

**Note:** It is the responsibility of the applicant to cover any fees for out-of-state CPS history.

### **Sex Offender Registry Check**

The licensing worker will evaluate the 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. The COBCU will re-evaluate the Fingerprint-Based Check Report.

### **Local Law Enforcement Agency (LEA) Records Check**

The licensing worker will evaluate the results of the local LEA Records Check. If the name-based arrest report returns an arrest for is a felony, a 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 obtain additional verifications (see Procedure). If the arrest results in a conviction or a pending conviction, the licensing worker will contact the COBCU consultant listed on the fingerprint based status letter immediately. The COBCU will cross-reference the local LEA Records Check with the Fingerprint-Based Check Report to ensure there is no discrepancy between the results of the two (2) checks. If at any time the licensing worker believes the LEA Records Check report may alter the status of the Fingerprint-Based Check Report, the licensing worker will contact the COBCU consultant listed on the Fingerprint-Based Check Status Letter for further action.

### **Waivers**

Upon receipt of a positive recommendation of support from the subject's licensing worker, COBCU will accept a request for a waiver of disqualified juvenile history or of substantiated CPS history. COBCU will also accept a waiver of disqualifying criminal history if the subject of the check has not been convicted or pending conviction of any of the felonies listed below:

1. [Murder \(IC 35-42-1-1\)](#);
2. [Causing suicide \(IC 35-42-1-2\)](#);
3. [Assisting suicide \(IC 35-42-1-2.5\)](#);
4. [Voluntary manslaughter \(IC 35-42-1-3\)](#);
5. [Reckless homicide \(IC 35-42-1-5\)](#);
6. [Battery \(IC 35-42-2-1\)](#) within the past five (5) years;
7. [Domestic battery \(IC 35-42-2-1.3\)](#);
8. [Aggravated battery \(IC 35-42-2-1.5\)](#);
9. [Kidnapping \(IC 35-42-3-2\)](#);
10. [Criminal confinement \(IC 35-42-3-3\)](#) within the past five (5) years;
11. [Human Trafficking \(IC 35-42-3.5\)](#);
12. [A felony sex offense under \(IC 35-42-4\)](#);
13. [Carjacking \(IC 35-42-5-2\)](#) (repealed) within the past five (5) years prior to repeal;
14. [Arson \(IC 35-43-1-1\)](#) within the past five (5) years;
15. [Incest \(IC 35-46-1-3\)](#);
16. Neglect of a dependent [\(IC 35-46-1-4\(a\)\(1\)\)](#) and [\(IC 35-46-1-4\(a\)\(2\)\)](#);
17. Child selling [\(IC 35-46-1-4\(d\)\)](#);
18. A felony involving a weapon under [\(IC 35-47\)](#) or [\(IC 35-47.5\)](#) within the past five (5) years;

19. A felony relating to controlled substances under ([IC 35-48-4](#)) within the past five (5) years;
20. An offense relating to material or a performance that is harmful to minors or obscene under ([IC 35-49-3](#));
21. A felony under [IC 9-30-5](#) within the past five (5) years;
22. A felony that is substantially equivalent to a felony listed in subdivisions one (1)- (21) for which the conviction was entered in another state.

The licensing worker will immediately recommend denial or revocation of the foster family home license if the background check or waiver process for a person who is living, working, or volunteering in the home when the criminal 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 or pursued by the foster family home licensing worker;
3. Disqualified criminal history or substantiated CPS history in which the waiver is not granted by DCS; or
4. Has a disqualified history or substantiated CPS history for which the necessary waiver is not submitted to 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 which are 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 voluntarily leaves the home permanently, the denial or revocation will not be necessary.

The decision of the Background Check Waiver Committee regarding criminal and/or CPS waiver is not subject to appeal. However, if the subject's situation were to change and/or additional information is obtained, a new waiver packet may be resubmitted for re-evaluation to COBCU. A new evaluation will be completed and a subsequent official decision will be issued.

#### 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 9-30-5: Operating a Vehicle While Intoxicated](#)

### PROCEDURE

The licensing worker will:

1. Review the results of the Fingerprint-Based Check Status Letter received from COBCU:
  - 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 results letter when the fingerprint-based status letter is conditionally disqualified.

- Upon receipt of the required information, the COBCU consultant will re-evaluate and issue an amended fingerprint-based status letter reflecting Qualified or Disqualified. If the subject of the check is conditionally disqualified, the foster family home may not be licensed or relicensed. If the subject of the check is to be a new household member of a currently licensed foster home, the subject may not move into the home until the status is Qualified or the necessary criminal waiver is granted. If the subject of the check is conditionally disqualified and is already residing in the currently licensed foster family home at the time the conditional disqualified status is discovered, the licensing worker will ensure that an amended status letter of Qualified or Disqualified is issued by COBCU within 13 calendar days. Otherwise COBCU will recommend license revocation immediately. Upon re-evaluation, refer to “c” below if disqualified, and
- 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. If eligible and the licensing worker supports the waiver, the licensing worker and the subject of the check will work together to submit a complete waiver packet to the COBCU as quickly as possible for initial licensure. Subjects of a check who wish to move into a currently licensed foster family home may not move into the currently licensed home until the necessary waiver has been granted by COBCU. If the subject of the check is disqualified at the time the home is to be relicensed or the subject of the check already resides in a currently licensed foster home when the disqualified status was discovered, the licensing worker will ensure the complete and correct waiver packet is submitted to COBCU within 10 business days of the date of the Fingerprint-Based Check Status Letter or immediately recommend denial of relicensure or revocation of the current license (see Practice Guidance below regarding applying for a waiver).
  - d. Immediately implement a placement hold in MaGIK 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. If foster children are placed in this home, the licensing worker will notify the children’s FCM(s) of this conditional 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;
    - a. The licensing worker will give the subject of the check a copy of the completed [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#) form showing substantiated history if a substantiated CPS history is discovered within Indiana (see separate policy, [2.6 Sharing Confidential Information](#)), and
    - 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 “Waivers” section below). If the the licensing worker is in support of pursuing a CPS history waiver, the subject of the check and the licensing worker will work together to submit a complete waiver packet to COBCU as quickly as possible for initial licensure or for subjects who wish to move into a currently licensed foster family home (since the home may not be licensed or

- the subject may not move into the currently licensed home until the necessary waiver has been granted by COBCU).
- c. Implement a placement hold in MaGik if the subject of the check is already residing in the currently licensed foster family home at the time that new, and not previously waived, CPS substantiated history is discovered. If foster children are placed in this home, the licensing worker will notify the children's FCM(s) of this newly discovered CPS history. The licensing worker will also update the FCM(s) 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 Sex Offender Registry Check for a match to the subject of the check. Each name or combination of names the subject has used in his or her lifetime must be searched individually. Upon obtaining the results of a name-based search, the results should be printed. The screen shot must be printed, signed, and dated by the licensing worker. For those results without matches, the licensing worker will also write "NO MATCH" on the printed page that has his or her signature and date the result was reviewed. If there 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 LEA Records Checks and obtain the necessary verifications for any arrests returned that may be a felony, a total of four or more misdemeanors, or a misdemeanor that may be related to the health and safety of a child. For arrests that have had charges filed but are pending conviction, the DCS licensed agency shall obtain court issued verification of the currently pending charge and level of this charge (misdemeanor or felony). For arrests that lead to a criminal conviction, the DCS licensed agency shall obtain court issued dispositions reflecting the conviction charge(s) and the level of each conviction. For arrests that resulted in no charges filed or charges dismissed, the DCS local office shall obtain court or police department issued verification of such an outcome. If the arrests result in a conviction or pending conviction, contact COBCU consultant on the fingerprint based status letter within five (5) days to have the COBCU consultant re-evaluate the fingerprint based status and, if necessary, issue a new amended statue letter. If at any time the licensing worker believes the local LEA Records Check may alter the Fingerprint-Based Check Status, 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 by submitting the required information to the COBCU. See Practice Guidance for a list of the required information; and
  6. Place a copy of the results of all background checks and any waiver letters in the licensing file, document the results in MaGIK, and attach to the subject fo the check's person profile. This may include scanning the official fingerprint-based status notices, waiver notices, and other background check information into MaGIK.

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

The DCS COBCU will:

1. Evaluate the Fingerprint-Based Checks report within five (5) business days of receipt the Fingerprint-Based Check Report and notify, by e-mail, the assigned contact person at the DCS local office or LCPA regarding the Fingerprint-Based Check status;
2. Provide guidance regarding conditionally disqualified or disqualified applicants and licensing workers;
3. Re-evaluate history based on the documentation received from the applicant and issue a new Fingerprint-Based Check Status Letter when applicable; and

**Note:** For waivers of disqualified criminal history and substantiated CPS history:

- a. Upon receipt of the complete waiver request packet, the COBCU consultant will summarize, make a recommendation, and submit the request to the Central Office Background Check Team Manager or designee within three (3) business days,
- b. The Central Office Background Check Team Manager or designee will submit the recommendation to the Background Check Waiver Committee for a joint decision within two (2) business days, and
- c. Notify, by e-mail, the assigned contact person at the DCS local office or LCPA of the waiver decision. A decision will be returned in approximately 10 business days after submission to the Background Check Waiver Committee members and the status will be either "Waiver granted" or "Waiver not granted" (see Related Information).

At times, additional information will be requested and this will delay the issuance of the final "Waiver granted" or "Waiver not granted" status. Additional information may be needed to submit a complete waiver or after the waiver is submitted and questions have been asked by the Background Check Waiver Committee members. Failure to submit the requested information by the stated deadline may result in the waiver denial due to failure to cooperate.

4. Collect all necessary verification and requests as required for a request for a Medical Exception to Fingerprint and submit to Indiana State Police (ISP) for approval. Upon approval from ISP, generate the Indiana Limited Criminal History (LCH) check, and issue a Medical Exception Fingerprint Granted status letter to the local DCS office or LCPA contact person by e-mail if the subject is found to be eligible (see separate policy, [13.9 Conducting Background Checks for Foster Home Licensing](#)).

## PRACTICE GUIDANCE

The information below is to be submitted to COBCU in one packet by the licensing worker. The following items are required to be submitted in the waiver packet for the purpose of foster family home licensing:

1. **Proof of Previous Waiver**

If applicable at relicensure or currently an out-of-home relative placement, provide the official notice previously issued to the subject by COBCU granting the criminal and/or CPS waiver for the purpose of foster family home licensing if now applying to be a licensed home. The foster family home licensing waiver cannot be processed unless this is included in the waiver packet.

2. **Letter from the Subject**

A signed letter from the subject of the check requesting a criminal and/or CPS waiver for the purpose of foster family home licensing. (A parent or guardian may write if this is a



minor and he or she is unable to write his or her own letter. The minor should sign, if able.) The letter should explain in detail the situation involving each arrest and child abuse investigation. The letter should include, but is not limited to, the following:

- a. Provide the date, location, and charge of each arrest during the subject's lifetime.
  - i. Indicate which of the arrests resulted in any type of conviction,
  - ii. Indicate the date of conviction, the final conviction charge, and the level (felony or misdemeanor),
  - iii. Of each conviction indicate the sentence given, time served, time on probation/parole as well as other court ordered fines, therapy, fines and other obligations that were court ordered,
  - iv. Indicate if the subject is currently on probation/parole or the date probation/parole was officially ended on each conviction, and
  - v. Provide any information regarding self-referred services related to this conviction or arrest.
- b. Provide the date of each CPS report and assessment involving the subject during his or her lifetime.
  - i. Indicate if the investigation resulted in a substantiation against the subject, and if substantiated, include the date of the substantiation,
  - ii. Include the final findings (physical abuse, sexual abuse, and/or neglect) for those assessments that resulted in a substantiation,
  - iii. Indicate whether the child was removed from the subject's home as a result of the substantiation. If the child was removed, provide an outline regarding the length of time out-of-home and indicate whether the child has returned to the subject's home, and
  - iv. Identify the services the subject participated in and indicate whether these were court ordered services. Also, identify what the subject learned through the services and how the subject's behavior changed as a result of the services.
- c. Provide evidence of the person's rehabilitation, including the person's cooperation with a treatment plan.
  - i. Include and explain past and ongoing treatment if mental illness and/or substance abuse is/was a contributing factor in the previous criminal and/or CPS history of the subject. Provide any supporting documentation, and
  - ii. Explain the subject's ability and long-term plan to provide for the child's safety and well-being in an environment that will allow the child to thrive.
- d. The subject requesting the waiver may also include any additional reference letters or documentation that would support any rehabilitation that has occurred in his or her life.

### **3. Letter from the Licensing Worker**

Provide a written recommendation from the licensing worker. The recommendation letter must be signed and submitted on agency letterhead or sent from the licensing worker's business e-mail address. The recommendation letter must include:

- a. The licensing workers's observations of the subject of the check,
- b. The licensing worker's recommendation to support or not support the granting of the foster family home licensing criminal and/or CPS waiver, including reasons to support that recommendation,
- c. Whether the child has already been placed with the subject requesting the waiver as a relative placement,

- d. Services being provided in the home,
- e. Copies of safety plans, and
- f. Details outlined in items a, b, and c in #2 above (Letter From the Subject) from the licensing worker's point of view.

4. **Child Abuse and Neglect Check**

A child abuse and neglect check must be completed and submitted for all states in which the subject of the check has resided in the previous five (5) years.

- a. For dates of residency in Indiana, the current version of [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#) must be completed in accordance with the published instructions. If any portion of the form is missing information or incorrectly completed, it is not acceptable and will be returned for correction.
- b. For dates of residency outside of Indiana, the licensing worker must obtain and submit the appropriate documentation for confirmation of child abuse and neglect checks in that specific state.
- c. If there is substantiation in Indiana, a copy of the approved [Assessment of Alleged Child Abuse or Neglect \(SF 113\)](#) for all assessments must be submitted with the CPS waiver request. A screen print from MaGIK is not an acceptable substitution for the completion of the appropriate form or copy of the approved [Assessment of Alleged Child Abuse or Neglect \(SF 113\)](#). This may mean locating the hard copy case file and including supporting documentation from the hard copy file with the waiver submission.
- d. If substantiation of abuse and/or neglect is found in another state, the approved assessment (the narrative similar to the [Assessment of Alleged Child Abuse or Neglect \(SF 113\)](#) in Indiana) must be obtained from that other state and submitted with the CPS waiver request.

5. **Screen Print of National Sex Offender Registry Check**

The National Sex Offender Registry Check is required for any subject 14 years or older. All sex offender searches must be completed on the Dru Sjodin National Sex Offender Public website at <http://www.nsopw.gov/Core/Portal.aspx>. Any other website search is unacceptable and is duplicating the worker's efforts, because these other search sites are all linked to this national site.

- a. Each name or combination of names the subject has used in his or her lifetime must be searched individually.
- b. Upon obtaining the results of a name search, the results should be printed. The screen shot must be printed, signed, and dated by the licensing worker. For those results without matches, the licensing worker will also write "NO MATCH" on the printed page that has his or her signature and date the result was reviewed

6. **Local Law Enforcement Agency (LEA) Results**

The Local LEA Records Check is a name-based arrest record only. A copy of the written results must be obtained from each of the local LEAs that have jurisdiction to respond to an emergency 911 call at the subject's current home address, as well as, all other home addresses in which the subject has resided in the past five (5) years. These searches should be completed for every name or combination of names used by the subject for each LEA. Provide court issued dispositions on arrests.

**Note:** The Local LEA Records Check is neither an Indiana State Police Limited Criminal History Check nor a court records search.



6. **Fingerprint-Based Check Status Letter**

If requesting only a CPS waiver, include a copy of the Fingerprint-Based Check Status letter, which was e-mailed to the licensing worker and was completed for the purpose of foster family home licensing showing the fingerprint-based status of qualified. This applies to subjects 18 years and older.

**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 \(SF 52802\)](#)

**RELATED INFORMATION**

**Background Check Waiver Committee**

The Background Check Waiver Committee is made up of the Foster Family Home Licensing Programs Manager, the DCS Local Office Director (LOD), Regional Manager (RM), and the Central Office Background Check Team Manager or designee. Additional members may be consulted from time to time. The committee's decision may be made via phone or e-mail.

**Factors for the Licensing Worker and Background Check Waiver Committee to Consider When Recommending and/or Approving the Criminal and/or CPS History Waivers**

When evaluating background check information, the factors the licensing worker and Background Check Waiver Committee should consider include, but are not limited to: The current home environment;

1. The ability of the proposed resource family to provide for the child's safety and well-being;
2. The length of time that has passed since the conviction, juvenile adjudication, or CA/N substantiation;
3. The severity of the offense;
4. Evidence of the person's rehabilitation, This includes reviewing all elements of the subjects current situation, life style and judgements. Examples include, but not be limited to:
  - a. Review of dates and reasons of unsubstantiated CPS reports,
  - b. Arrests without convictions,
  - c. Police runs to the subject's residency,
  - d. Current involvement in treatment for alcohol or drug use (especially if these contributed to previous criminal behavior or CPS substantiation).
5. The duration and quality of the relationship between the child and the proposed resource family; and
6. Any impact the denial of the placement may have on the ability to keep the sibling group together if siblings are involved.

**Disclosing Fingerprint-Based Check Information**

Upon written request, including an explanation for the need and purpose, the DCS local office may receive a copy of the official criminal history transcript that contains the criminal history reported by the Federal Bureau of Investigation (FBI) and the Indiana State Police (ISP). Neither LCPAs nor the subject of the check will receive a copy of the official FBI or ISP transcript. DCS may verbally disclose the specific crimes to the subject of the check. If any of the checks conducted by DCS reveal an inaccurate record, the subject of the check may formally challenge

the record. A Review Challenge of inaccurate information must be made to the law enforcement agency that posted the record. To refute inaccurate Indiana criminal history records or information, the subject of the check must request a Review Challenge from ISP. The subject of the check must be fingerprinted for the Review Challenge, at his or her own expense. The process of the Review Challenge takes place between ISP and the subject of the check, and DCS is not involved in the process.

### **Disqualified Fingerprint Status**

“Disqualified” fingerprint status means that unless a waiver is granted, the subject of the check is ineligible to be a:

1. Foster parent;
2. Household member of a current or prospective foster family home (this includes the child’s biological parent who is also living in the out-of-home placement where the child is placed, and the home is seeking foster family home licesure); or
3. An employee or volunteer within the foster family home who 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 foster family home.

### **Conditionally Disqualified Fingerprint Status**

“Conditionally Disqualified” fingerprint status means that until the conditionally disqualifying arrest or conviction is resolved and the status is changed to “Qualified” (or the status is changed to “Disqualified” and a waiver is subsequently granted) the subject of the check is ineligible to be a:

1. Foster parent;
2. Household member of the prospective foster family home (this includes the child’s biological parent who is also living in the out-of-home placement where the child is placed, and the home is seeking foster family home licesure); or
3. An employee or volunteer within the foster family home who 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 foster family home.

Examples of reported information on a Fingerprint-Based Check Report that will lead to a conditional disqualification include, but are not limited to:

1. An arrest without a disposition
2. A conviction without the level of the conviction being a misdemeanor or a felony, or
3. A conviction where additional information on the circumstances of the arrest and conviction are required.

### **Qualified Fingerprint Status**

“Qualified” fingerprint status means that the subject of the check is eligible to be a foster parent, household member (this includes the child’s biological parent who is also living in the out-of-home placement where the child is placed, and the home is seeking foster family home licesure), or employee or volunteer within the foster family home who 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 foster family home, as long as the subject of the check passes all other background checks.

### **Existence of CPS substantiated History**

The existence of CPS history of abuse or neglect means that unless a waiver is granted, the subject of the check is ineligible to be a(n):

1. Foster Parent;

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

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