

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 13: Administration of Child Welfare	Effective Date: August 1, 2013
	Section 3: Conducting Background Checks for DCS Contractors	Version: 4

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) requires background checks for the purpose of contracts on all employees, volunteers, interns, and subcontractors (Covered Personnel) who have or will have:

1. Electronic or physical access to children's records; or
2. Direct contact with children on a regular and continuing basis or any contact when a child(ren) is/are alone or only with the contractor's staff in connection with performance of any services or activities pursuant to a contract with DCS.

Note: All required checks must be completed prior to the contractor submitting the contract for State signature.

DCS will conduct the following background checks for DCS Contractors, which include:

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

The type of background check conducted will vary based on the age of the subject of the check and the subject's performance of services or activities pursuant to the contract.

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](#)).

Fingerprint-Based Checks conducted for a specific contractor and purpose may not be used for the same purpose with a different contractor. If a Covered Personnel takes on a new position, new background checks will only be required if the position requires additional checks than already completed.

Initial Contract Award

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 contractor's staff in connection with performance of any services or activities pursuant to a contract with DCS, a background check will consist of the following for initial award of a DCS contract:

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 in every state the subject of the check has lived in the last five (5) years.
2. For all persons 17 years of age and under:
 - 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.

For those with only electronic or physical access to children's records, a background check will consist of the following for initial award of a DCS contract:

1. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
2. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years.

Once a contractor has an effective DCS contract, all background checks must be completed and passed prior to Covered Personnel performing any activities related to the DCS contract. Any Covered Personnel who might serve as a substitute for a covered position, even in emergency circumstances, should undergo the checks required for that covered position.

Exceptions to Fingerprinting

The only exception to fingerprinting a subject of the check is if he or she has a physical disability that makes it impossible to obtain the subject of the check's fingerprint. The exception does not apply to those subjects of the check who can 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 individual does not have fingers;
2. When a person trained to take fingerprints has documented that the subject of the check's disabling condition prevents fingerprinting; or
3. When a qualified medical practitioner has documented the subject of the check's disabling condition prevents fingerprinting.

To receive an exception, the following must be sent to the DCS 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 qualified medical practitioner or evidence that the individual does not have fingers.

If the exception is granted, a nonfingerprint-based check is required in every state the subject of the check has lived in the last five (5) years. For Indiana, the required Name-Based Check is the Indiana Limited Criminal History (LCH) Check. A new fingerprint exception must be requested and granted each time fingerprinting is required ([see Practice Guidance](#)).

Annual Certification

DCS requires contractors to collect from each Covered Personnel an annual attestation regarding whether that individual has any history of a CPS substantiation, arrest, or conviction. The contractor shall report this information to DCS annually.

Four (4) Year Requirement

The required background checks must be performed every four (4) years, based on the anniversary of the individual Covered Personnel's initial checks.

Code References

1. [IC 10-13-3-27: Release of data to noncriminal justice organization or to individuals; national crime information center data restricted; penalties](#)
2. [IC 10-13-3-38.5: Use of fingerprints for employment or license; retention of fingerprints](#)

PROCEDURE

DCS will check for compliance with the following steps:

The DCS Contractor will complete the following background checks for all Covered Personnel by:

1. Verifying the identity of each subject of the check, regardless of age (see separate policy, [2.9 Verifying Identity](#)).
 2. Having the subject of the check complete the [Application for Criminal History Background Check \(SF 53259\)](#):
 - a. The subject of the check must sign and date the form, and
 - b. Place the original in the subject's personnel file.
 3. Registering the person age 18 and older for the Fingerprint-Based Check, unless requesting an Exception to Fingerprinting, which consists of:
 - a. Registering the subject of the check for electronic fingerprinting by 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 contractor is unable to complete the registration themselves <http://intranet.dcs.in.gov/Pages/Resources.aspx>,
 - 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.
 4. Obtaining and following up on the Fingerprint-Based Check Status letter and informing the subject of the check of their status:
 - a. If fingerprints are rejected, follow the instructions on the Reprint Notice. A 'reprint' appointment must be scheduled. Provide subject of the check a copy of the notice if they will be scheduling their 'reprint' appointments themselves.
 - b. For all other results see separate policy, [13.4 Evaluation of Background Checks for DCS Contractors](#).
 5. Conducting a Sex Offender Registry Check for all persons age 14 years and older and printing the results via the Dru Sjodin National Sex Offender Public website at <http://www.nsopw.gov/Core/Portal.aspx>.
- Note:** If you are searching a common name and results show multiple matches, narrow the search by state. If this occurs, search every state the subject of the check has lived in the last five (5) years.
6. Conducting a CPS History Check for all persons:
 - a. For Indiana:
 - i. The DCS Contractor will complete Section A of the Indiana [Request for Child Protection Service \(CPS\) History Check \(SF 52802\)](#);

- ii. The subject of the check, or representative if a minor, will complete Section B of the Indiana [Request for Child Protection Service \(CPS\) History Check \(SF 52802\)](#); and
 - iii. Submit the form to DCS COBCU, who will complete Section C with the results and return to the contractor.
- b. For all other states, conduct a CPS History Check 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> and 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, [13.4 Evaluation of Background Checks for DCS Contractors](#) for further required action.
7. Conducting LEA Records Checks by:
- a. Requesting a records check to be completed by the LEA that would respond to the subject of the check's current home address, utilizing the [Application for Criminal History Background Check \(SF 53259\)](#), Section titled "For Law Enforcement Use Only,
 - b. Requesting searches from the appropriate LEA corresponding to ALL other residential addresses of the subject of the check during the past five (5) years, and
 - c. Upon receiving the results of each check, see separate policy, [13.4 Evaluation of Background Checks for DCS Contractors](#).

PRACTICE GUIDANCE

Notifying DCS of Substantiation of child abuse or neglect or arrest or convictions

The contractor shall immediately notify DCS within 24 hours of any substantiation of child abuse or neglect, arrest, or conviction of Covered Personnel. The DCS Division responsible for the contract will evaluate the severity and seriousness of the offense on a case-by-case basis and contact COBCU if additional guidance is needed.

FORMS AND TOOLS

1. [Application for Criminal History Background Check \(SF 53259\)](#)
2. [Request for a Child Protection Services \(CPS\) History Check SF 52802](#)

RELATED INFORMATION

Unreadable Prints and Reprint Notice

Fingerprints may be rejected by the 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-Based Check.

Registering for Fingerprints

If the contractor 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 contract provider name, contact person for that contract provider, that person's phone number and the correct reason for printing, and will also include the contractor's billing code for those providers having an escrow account and who choose to pay the expense of printing for the subject.

Exception to Fingerprinting

If an Exception to Fingerprinting request is granted, COBCU will run an Indiana LCH. The contractor will provide the nonfingerprint-based checks for all other states the subject of the check has resided in the past five (5) years to the COBCU. The COBCU will provide a letter via e-mail to the contractor and inform them of the clearance status 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 [IC 25-22.5](#).
2. A physician assistant licensed under [IC 25-27.5](#).
3. A physical therapist licensed under [IC 25-27](#).
4. An advanced practice nurse licensed under [IC 25-23](#).
5. A chiropractor licensed under [IC 25-10](#).
6. A psychologist licensed under [IC 25-33](#).

Inaccurate Criminal Records

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.