

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 13: Background Checks</b>	<b>Effective Date:</b> June 1, 2021
	<b>Section 11: Conducting Background Checks for Emergency Unlicensed Placements</b>	<b>Version:</b> 1

**STATEMENTS OF PURPOSE** *This policy applies to in-state [Emergency Unlicensed Placements](#). For [Nonemergency Unlicensed Placements](#), see policy [13.05 Conducting Background Checks for Nonemergency Unlicensed Placements](#). For Out-of-State Placements, see [chapter 9 Interstate Compact ICPC](#) policies.*

The Indiana Department of Child Services (DCS) requires background checks for an [emergency unlicensed placement](#) on:

1. Current permanent household members;
2. Persons who stay in the home for 21 days or more, within a 12-month period. The days do not have to be consecutive; and
3. Individuals who work or volunteer in the home with children who are or will be under the direct supervision of the unlicensed resource.

**Note:** Current household members and all persons who stay, work or volunteer in the home and turn six (6), 14, or 18 years of age must have any required background checks not completed previously (based on the individual's age) initiated 30 days prior to the household member's birthday. 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. DCS will not conduct background checks on children under DCS care and supervision.

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

1. An Interstate Identification Index (Triple I Check) must be completed prior to placement for individuals 18 years of age and older who are:
  - a. Current permanent household members,
  - b. Persons who stay in the home for 21 days or more, within a 12-month period. The days do not have to be consecutive, and
  - c. Individuals who work or volunteer in the home with children who are or will be under the direct supervision of the unlicensed resource.

A Fingerprint-Based Check must be completed or initiated within five (5) business days of a child being placed, even briefly, in the home 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:** Using the Triple I Check for reasons other than [emergency unlicensed placement](#) (e.g., nonemergency placements, foster care licensing, adoption, babysitters, minors, parents or parent's household members) violates the law and DCS policy.

2. A National Sex Offender Registry Check for all persons 14 years of age and older in every state in which the subject of the check has resided during the last five (5) years;

3. A Child Protective Services (CPS) History Check on all persons six (6) years of age and older in every state in which the subject of the check has resided during the last five (5) years; and
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.

#### Codes References

1. [IC 10-13-3-27.5: Record check by department of child services under exigent circumstances; transmittal of report copy; providing fingerprints; removal of child for failure to provide fingerprints; compliance with federal law; contesting denial of placement; fee](#)
2. [IC 10-13-3-31: Release of data to subject person; fee; challenge of data authorized](#)
3. [IC 31-9-2-22.5: "Conduct a criminal history check"](#)
4. [IC 31-26-5: Family Preservation Services](#)
5. [IC 31-34-18-6.1: Predispositional report; contents](#)
6. [IC 31-34-20-1.5: Placement in household with certain individuals prohibited; criminal history checks; exceptions; considerations](#)
7. [240 IAC Article 6: Criminal History Record Information](#)

<b>PROCEDURE</b>
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The Family Case Manager (FCM) will take the following actions to complete background checks **prior to** placing a child in an [emergency unlicensed placement](#):

1. Verify the identity of each subject of the check, regardless of age, by reviewing one (1) available and current government-issued identification (ID). See policy [2.09 Verifying Identity](#) for further guidance. Examples of government-issued IDs include, but are not limited to:
  - a. Drivers' License,
  - b. Government issued picture ID,
  - 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 \(SF 53259\)](#):
  - 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 FCM should check the form for completeness, review the attestation statement, and must place the original form in the case file.
3. Request a [Triple I Check](#) prior to placement for all household members 18 years of age and older (see [Exceptions for Completion of Triple I Checks](#)) by:
  - a. Contacting the Indiana State Police (ISP) Headquarters at 317-232-8294 or 1-800-622-4961, and completing the following:
    - i. Providing the assigned password, responding to a security question for identification, and identifying the DCS local office making the request; and
    - ii. Providing the name, date of birth (DOB), and Social Security Number (SSN) exactly as listed on the subject of the check's government issued IDs.

- b. Recording any arrests and/or convictions (provided by ISP) regarding the subject, in the case management system. See policy [13.12 Evaluating Background Checks for Emergency Unlicensed Placements](#) for additional information,
  - c. Staffing with the FCM Supervisor and documenting all decisions regarding the subject's results and child's placement in the case management system,
  - d. Registering any person 18 years of age and older for the Fingerprint-Based Check. The Fingerprint-Based Check should be completed within five (5) business days of the [Triple I Check](#). See policy [13.15 Fingerprint-Based Checks](#) for additional information, and
  - e. Completing the [Triple I Follow Up Action \(SF 53424\)](#) if the [Triple I Check](#) was completed for [emergency unlicensed placement](#), but the child was not placed with the prospective placement for **any** period of time. E-mail the form to DCS [TripleIFollowUp@dcs.in.gov](mailto:TripleIFollowUp@dcs.in.gov) or fax it to 317 232-1567 within five (5) business days of the Triple I Check. See policy [13.15 Fingerprint-Based Checks](#) for further guidance on completing the [Triple I Follow Up Action \(SF 53424\)](#).
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 resided 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.
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 \(SF 52802\)](#), as the local office is the requesting agency,
  - b. Have the subject of the check, or representative if a minor, complete Section B of [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#); and
  - c. Complete a state-wide search of the case management system and reflect the results in Section C of [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#).
6. Record the results of all background checks in the case management system within 72 hours of receipt.

The FCM will initiate the following background checks within 72 hours of an [emergency unlicensed placement](#) and will record the results in the case management system within 72 hours of receipt:

1. Conduct a CPS History search for each state outside of Indiana in which the individual has resided the past five (5) years, if applicable. Locate information for a CPS administrator or local office designee to process your search request at [Out-of-State CPS Contact List](#); and

**Note:** If results are not received within 10 business days after initiation of the check, the FCM should follow-up with the contact listed on the [Out-of-State CPS Contact List](#). If

additional assistance is needed in obtaining CPS History Check results, the FCM should contact Central Office Background Check Unit (COBCU) at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov). If the person has CPS history in any state, refer to policy [13.12 Evaluating Background Checks for Emergency Unlicensed Placements](#) for further action.

2. 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](#);

The FCM Supervisor will::

1. Staff with the FCM and provide guidance and assistance with required tasks (e.g., contacting ISP), as needed;
2. Ensure safety concerns for the FCM and child are addressed; and
3. Ensure the FCM has completed all tasks and documented the information gathered and all decisions into the case management system.

## PRACTICE GUIDANCE

### **Password Confidentiality**

Passwords and/or challenge questions should **not** be shared with anyone, including other DCS staff. The designated DCS local office staff should send an e-mail requesting help to the COBCU at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov) when experiencing difficulty using the assigned username and/or challenge question.

### **Triple I Check**

The Triple I Check is only for unlicensed relative resource homes being considered for [emergency unlicensed placement](#), and the Triple I Checks must be completed prior to the placement. Indiana statute allows DCS the ability to access the Triple I Check without fingerprints at the time an [emergency unlicensed placement](#) is being considered. The Triple I Check is only used to provide immediate results for an [emergency unlicensed placement](#). Completion of fingerprinting is required within five (5) business days of the Triple I Check.

**Note:** If the subject of the [Triple I Check](#) refuses to complete Fingerprint-Based Checks within five (5) business days and the child was placed in the home, the child must be removed from the home and a [Triple I Follow Up Action \(SF 53424\)](#) must be completed. Contact COBCU for further guidance regarding refusal to print.

### **Exceptions to Completion of Triple I Check**

Triple I Checks should not be completed on biological parents or for a subject requesting a medical exception to exclude fingerprinting. Additionally, an emergency placement cannot occur if the subject is requesting a medical exception or does not have a SSN.

### **Notifying the FCM of Arrest, Convictions or Substantiation of Child Abuse and/or Neglect (CA/N)**

The subject of the check should notify the FCM within 24 hours of the arrest, conviction or substantiation of abuse or neglect of the subject, a household member, employee, and/or volunteer. The local office shall contact COBCU for additional guidance.

## FORMS AND TOOLS

1. [Triple I Follow Up Action \(SF 53424\)](#)
2. [Application for Criminal History Background Check \(SF 53259\)](#)
3. [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)
4. [Out-of-State CPS Contact List](#)
5. [Local Criminal Court Records Check Instructions](#)
6. [Background Check Matrix for Unlicensed Relative/Kinship Placement Desk Guide](#)

## RELATED INFORMATION

### **Emergency Unlicensed Placement**

Emergency unlicensed placement is defined as placement in a kinship or relative home (not a biological or adoptive parent's home) when a child must be placed in out-of-home care but due to the urgent nature of the need for this placement, there is not enough time to wait for those in the home to be fingerprinted and those fingerprint results to be returned.

### **Nonemergency Unlicensed Placement**

Nonemergency unlicensed placement is defined as placement in a kinship or relative home (not a biological or adoptive parent's home) when a child will be placed in out-of-home care, but the nature of the situation allows the child to remain in the current placement for a period of time. The child is able to remain in the current placement until all background checks are completed and cleared. This includes the necessary fingerprints, with results returning, and all necessary criminal and/or CPS waivers being granted prior to the change of placement.