

**INDIANA DEPARTMENT OF CHILD SERVICES
ADMINISTRATIVE POLICIES AND PROCEDURES**

Policy Number: HR-2-2	Effective Date: July 27, 2022	Version: 2.0
-----------------------	-------------------------------	--------------

POLICY TITLE: BACKGROUND CHECKS

This Policy is for DCS Staff.

OVERVIEW: Both Federal and Indiana Code require DCS to perform various background checks on all prospective and current employees. This policy addresses specifically the criminal background checks that are completed on DCS employees. For broader background check information on employees, please see SPD Policy: Hiring Process and Background Checks.

I. DEFINITIONS

- A. Arrest: The taking of a person into custody, that he or she may be held to answer for a criminal charge. Arrests noted on criminal history checks may be considered only if the charges are still pending at the time of the employment decision.
- B. Criminal background check: May include, but is not limited to the following checks (as defined below):
 1. Child Protection Services (CPS) History Check;
 2. Fingerprint Based Criminal History Records Information (CHRI) Check;
 3. Indiana Criminal History Check (see Criminal History Check);
 4. National Sex Offender Registry Check;
- C. Child Protective Services (CPS) History Check: Child Protective Service (CPS) History Check is a thorough search, with the applicant's consent, of an individual's current or previous name, any alias, and/or nick names in the child protection case management system in Indiana, or similar records in another state, in order to provide all information about whether or not that individual has been substantiated as a perpetrator of child abuse or neglect.
- D. Conviction: A judgment on a verdict or a plea of guilty or nolo contendere, and/or a finding of guilt substantiated by the evidence which results in the payment of fines, forfeiture of collateral or bond, restitution, deferred adjudication or sentencing, probation, confinement, suspended sentence, pre-trial diversion agreement, or any other penalty imposed by a court of law or agreed upon by the accused for a crime (i.e., a felony or misdemeanor for which a person might be imprisoned).
- E. Criminal History Check: Review of any charges filed, arrests, or criminal convictions that have been provided by local law enforcement agencies. For especially sensitive positions (e.g., access to Federal Tax Information [FTI]), records may be checked in every jurisdiction where the individual has lived, worked, or attended school.
- F. National Sex Offender Registry Check: Review of the National Sex Offender Registry to ensure the applicant has not been convicted of certain sex crimes nationwide.
- G. Pending Criminal Charges: Criminal charges against an employee, whether arrested

or not, may be considered when making a decision regarding employment and/or formal discipline. Pending criminal charges must be reported by the employee to DCS within five business days.

H. Perpetrator: Per 465 IAC 3-1-11, “Perpetrator” means a person who, by an act or an omission, has been identified in a report concluding a child abuse and neglect assessment to have committed child abuse or neglect.

II. REFERENCES

- A. [IC 4-13-2-14.7: State agency employees working with children; sex crime convictions; dismissal](#)
- B. [IC 35-42-4: Sex crimes](#)
- C. [IC 10-13-3: Criminal History Information](#)
- D. [SPD Policy: Arrests and Convictions](#)
- E. [IC 31-9-2-22.5: Conduct a criminal history check](#)
- F. [SPD Policy: Hiring Process and Background Checks](#)
- G. [465 IAC 3-1-11 “Perpetrator” defined](#)
- H. 465 IAC 3-2-3 Administrative review procedure for department employees for a substantiated report of child abuse or neglect
- I. 465 IAC 3-2-4 Exceptions to administrative review of an abuse or neglect determination based on court findings
- J. DCS Policy 2.04: DCS Employee Administrative Review Process
- K. DCS Policy 4.45: Assessment of DCS Staff Alleged Perpetrators

III. POLICY

- A. All persons conditionally offered employment or appointed to state positions at the Department of Child Services are subject, but not limited, to a National Sex Offender Registry Check, a CPS History Check, a local criminal history check, and a Fingerprint Based CHRI Check. All offers of employment shall be contingent pending satisfactory completion of the background check process. DCS will complete a CPS history check on any individual with a conditional offer of employment. DCS will not hire any individual who has a CPS perpetrator history. The CPS history check will include all states the individual has resided in during the past five (5) Years. **A CPS History check will be conducted every five years on employees of the Department of Child Services.**

Note: All employees are subject to the State Personnel Department (SPD) [Arrests and Convictions Policy](#).

Note: Any DCS employee found to have a history of substantiated abuse or neglect in Indiana where the employee was the perpetrator will receive an employee Administrative Review.

- B. A DCS employee shall be dismissed if the individual is or has ever been convicted of any of the offenses listed under IC 4-13-2-14.7. Applicants or candidates for a position at DCS who are found to have been convicted of any of the offenses listed under IC 4-13-2-14.7 will not be hired.

Note: All employees are subject to the SPD [Arrests and Convictions Policy](#). A DCS employee may also be dismissed if the individual is or has ever been convicted of any other crime not otherwise stated in this policy if DCS staff, after considering the nature of the conviction and the time since the conviction occurred, determine that employing an individual with that conviction history is not compatible with DCS's mission, vision, and values.

- D. DCS may consider any of the following additional considerations, to the extent it deems any of them pertinent to the individual case:
 1. The nature of the position for which the applicant is applying or in which the employee holds;
 2. The nature and seriousness of the conduct;
 3. The circumstances surrounding the conduct;
 4. When the conduct occurred;
 5. The age of the person involved at the time of the conduct; and
 6. The absence or presence of rehabilitation or efforts toward rehabilitation.

Note: DCS may discipline and/or terminate any employee found guilty of any of the crimes or activities listed in the SPD Policy: [Hiring Process and Background Checks](#).

- E. All employees who have access to DCS child welfare information, in any format, will be required to complete a Fingerprint Based CHRI Check. **A Fingerprint Based CHRI Check will be completed every five (5) years.**
- F. All employees, contractors and volunteers who have access to fingerprint records shall complete training in accordance with Policy GA-23: Criminal Justice Information System.
- G. All current employees will be required to undergo a new background check when there is a change in the employee's classification.

IV. PROCEDURE

In addition to this Policy DCS employees are required to follow SPD Policy: [Hiring Process and Background Checks](#).

V. FORMS AND OTHER DOCUMENTS

[Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)

DATE: July 27, 2022

Donald Travis, Deputy Director of Juvenile Justice Initiatives and Support
Department of Child Services