

Big Bend Community Based Care Policy & Procedure

Series:	900: Data Collection, Records and Reporting	
Policy Name:	Criminal Background Checks	
Policy Number:	902	
Origination Date:	03/09/2009	Revised: Board Meeting of 12/13/2018
Regulation:	65C-16.007, F.A.C. 65C-28.011, F.A.C. 65C-29.009, F.A.C. 65C-30.009, F.A.C. CFOP 175-94 39.0138, F.S. 39.521, F.S.	

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to complete required criminal records checks for members of the household ages 12 and over prior to consideration of a relative, non-relative, foster, or adoptive placement. Background checks are completed to ensure a thorough screening for abuse/neglect history, criminal history, provider history and delinquency history. These records must be reviewed and assessed in their entirety when determining whether the placement is safe and suitable for a child.

Procedure

- A. BBCBC will ensure that local criminal background checks are submitted to local law enforcement agencies, required FSFN checks are completed, and FDLE criminal background checks are submitted prior to placement in an unlicensed setting. If checks were previously completed by a Child Protective Investigator (CPI), the results should be discussed, reviewed, and recorded in FSFN.
 1. Criminal history checks will be obtained on all household members or frequent visitors, and for any other persons residing in the household age 12 or older.
 - a. A delinquency check is required of all persons ages 12 through 26.
 - b. FSFN must be checked for prior DCF involvement for all household members and all frequent visitors to the home.
 2. Updated local criminal checks and FSFN background record checks will be obtained in the following situations:
 - a. Prior to unsupervised visitation beginning;
 - b. Prior to reunification to insure that no changes have taken place;
 - c. As part of home studies for possible placements;
 - d. When new adults or children move into or begin to frequent the home (new boyfriends, girlfriends, spouses, relatives, etc.);

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- e. For unlicensed child care providers (individuals);
 - f. If the case has remained open for one year; updated checks must be completed at the one year Judicial Review;
 - g. At case closure.
3. For planned placement of children in non-licensed settings BBCBC will ensure that:
- a. The Home Study is completed;
 - b. The Local (city and county) Law Enforcement checks are requested through local law enforcement agencies;
 - c. The case manager has scheduled the potential caregiver for fingerprinting. The fingerprints must be submitted no later than ten (10) days following the NCIC name check;
 - d. Fingerprints of caregivers are submitted to NCIC and the results received;
 - e. FAHIS checks are completed and documented in FSFN;
 - f. A concur/no concur letter is provided to the DCM by BBCBC's designee.
4. Background screenings shall be conducted for all persons considered for initial licensure or re-licensure (foster parents). The supervising agency has the discretion to request background screening for other individuals if there is reasonable belief that: The person is a household member; or his or her presence in the family foster home adversely affects the health, safety and welfare of the children in the home; or the person has or potential exists for unsupervised contact with the children.
- a. These screenings shall include fingerprinting; statewide criminal and juvenile records checks through the Florida Department of Law Enforcement; federal criminal records checks through the Federal Bureau of Investigation; local criminal record checks through local law enforcement agencies, and may include records of any responses to the home by law enforcement that did not result in criminal charges. Records checks through FSFN will be conducted regarding child abuse and neglect investigations, and civil court records checks regarding domestic violence complaints and orders of protection must also be included. If the applicant or any other adult household member has resided in any other state during the past five (5) years, requests for abuse and neglect histories must be made of those states, and the results of such requests will be included with the application packet.
 - b. Each applicant and adult household member being screened shall sign an "Affidavit of Good Moral Character".
 - c. Each applicant and adult household member being screened under this section shall provide all the names, under which he or she has been known.
 - d. Young adults ages 18 through 22 who are receiving services through 65C-31, F.A.C., and who have had no break in service provision are not required to be screened.
 - e. When the individual who is being screened is a former dependent child under 23 years of age and the security background screening reveals a disqualifying offense which was committed during or prior to the time that the child was dependent, that offense shall not automatically affect the licensure of the out-of-home caregivers.

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- f. All records obtained, as a part of the background screening, shall be considered in the process of determining whether to issue a foster care license or if there is a current license, whether the license should be revoked.
 - g. Persons who are currently licensed as out-of-home caregivers and any adult household members shall be re-screened at least annually as a part of the application for re-licensing. Annual screening for re-licensure shall be limited to a local criminal records check, an abuse and neglect record check clearance through FSFN, and may include records of any responses to the home by law enforcement that did not result in criminal charges, and any 9-1-1 calls to the home. The state criminal records checks and fingerprints shall be completed every five (5) years through the Florida Department of Law Enforcement. The background screening of a prospective out-of-home caregiver shall ensure that any previous licensing, registration or certification as an out-of-home caregiver in Florida or in any other state or country is considered. Abuse and neglect reports in which the applicant was named in any capacity in three institutional reports, regardless of classification over the past five (5) years shall be reviewed for relevancy related to the licensing decision and will be considered in determining whether to renew or revoke the person's license. All reports with any findings are considered for the purposes of re-licensing a home for more than one (1) year.
 - h. The cost of all background screening activities shall be covered by the supervising or lead agency.
5. All adoptive applicants must complete the requirements for background screenings as outlined in 65C-16.007, F.A.C. Background screenings shall include:
- a. Abuse Hotline checks on all adoptive placements must be completed. The checks must be current within thirty (30) days of placement of an adoptive child in the home. The abuse hotline checks shall be conducted on all household members 12 years of age or older. If the applicant has previously been a foster parent or has adopted in other states, abuse hotline checks must be completed in the previous state.
 - b. Criminal background checks through local, state, and federal law enforcement agencies will be conducted on all persons age 12 or older residing in the prospective adoptive home. If the applicant has fostered or adopted in another state Adam Walsh checks must be completed as a requirement of the Adam Walsh Child Protection and Safety Act. This includes local and state checks in the state of previous residence. If the background reveals that the applicant has been convicted of a crime specified in subsection 39.0138(2), F.S., the application must be denied.
 - c. Juvenile delinquency checks through the Florida Department of Law Enforcement must be conducted on all household members ages 12—17. If juvenile records exist, this information must be addressed in the home study.
 - d. For foster parents and relative caregivers adopting a child, federal background checks must be current within the past five (5) years. For potential adoptive parents who are not foster parents or relative caregivers, federal background checks must be current within one (1) year. All potential adoptive parents must have state and local background checks that are current within ninety (90) days of the date of the adoptive placement.
 - e. Applicants that have been convicted of crimes specified under subsection 39.0138(3), F.S. within the last five (5) years cannot be considered for approval until five (5) years after the violation was committed. These applicants must be referred to the adoption review committee.

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6. For placements in exigent circumstances, the DCM will:
 - a. Call the Abuse Hotline/Crime Intelligence Unit to request a name check through FDLE (results will appear in FSFN when the FDLE check is completed, usually within two (2) hours).
 - b. Conduct the required FSFN checks, documenting the results in FSFN.
 - c. Examine the results, consulting with a supervisor as required, of all checks to ensure compliance with Sections 39.0138 and 39.521, F.S., regarding the types of offenses and timeframes for allowable placements.
 - d. The prospective caregiver will submit fingerprints no later than ten (10) calendar days following the NCIC name check.
7. The results of fingerprinting will be forwarded to the Case Management Organization (CMO) designee.
 - a. The CMO designee will ensure that comprehensive criminal, delinquency and abuse/neglect history check activities are performed and the results reviewed including the results of fingerprinting.
 - b. The CMO designee will review the results of all screening and collaborate with the department POC if necessary prior to forwarding the concur/non-concur letter and FDLE results.
8. In the event that the CPI has completed the required NCIC checks prior to BBCBC involvement, a letter indicating the outcome of the checks will be provided at the Case Transfer Staffing (CTS).
9. Background checks results will be documented in FSFN notes and the corresponding documents will be placed in the case file.