

<b>Division of Children and Family Services Protection and Safety Procedure #33-2016</b>	
Regarding:	Background Checks for Placement of Children in Foster Care
Rescinds:	PM #12-2005 and #4-2007
Date Effective:	9/23/16
Contact:	Jodi.allen@nebraska.gov
Issued by:	Douglas J. Weinberg, Director, Division of Children and Family Services



**Philosophy**

The safety of children in the care and custody of the Division of Children and Family Services is the priority. Background check results may be used to identify current or future safety concerns; may immediately disqualify someone as a potential placement provider, or may require further assessment of a potential foster home.

**Procedure:**

**GLOSSARY:**

**Adam Walsh Act:** For purposes of this document, Adam Walsh Act pertains to that part of the act which requires that applicants for foster parent licensure must have a Child and Adult Protection Central Registry check for any state they have resided in for the last five years.

**Adult Protective Services Central Registry:** A listing of substantiated allegations of adult abuse, neglect or exploitation.

**Central Registry:** A listing of substantiated allegations of child abuse or neglect.

**Federal Bureau of Investigation/National Criminal History Check:** A check completed through the rolling or live scanning of a person’s fingerprints for the purpose of a nationwide check of their criminal history.

**Local Law enforcement:** A local criminal history report, reviewed through the Nebraska Data Exchange Network or a report from a local police or sheriff’s department.

**Nebraska Data Exchange Network:** Also known as NDEN, this network provides Nebraska criminal history on individuals including warrants, probation, parole and non-criminal court involvement. It also includes Department of Health and Human Services involvement.

**Nebraska Sex Offender Registry:** A registry listing of individual convicted of sexual assault and other crimes such as Pandering or Debauching of a Minor, Sexually Explicit Conduct and Criminal Child Enticement, among others.

**Nebraska State Patrol:** The Nebraska law enforcement agency that submits National criminal history check requests on the Division of Children and Family Services behalf to the Federal Bureau of Investigation through their criminal records division. Also provides Patrol Criminal History upon written or verbal request from the Division of Children and Family Services.

**Patrol Criminal History:** The following information is contained in a patrol criminal history check with the Nebraska State Patrol and is **NOT** contained in the Nebraska Data Exchange Network: arrests with no charges filed, charges sent to pre-trial diversion and charges that are dismissed.

**Reasonable and Prudent Parent Standard (RPPS):** A requirement of federal and state law that requires foster parents to make careful and sensible decisions to allow children to engage in extracurricular, enrichment, cultural and social activities. The law also states that these activities do not necessitate the conducting of a background check prior to permission to engage in the activity.

**Release of Information:** A signed and dated document by a person giving the Division of Children and Family Services permission to conduct any background check on said person. For purposes of this document, the signed release of information is valid for one year from the date of signature.

**State-level criminal history:** A statewide criminal history report, first reviewed utilizing the Nebraska Data Exchange Network, and then through contact with the Nebraska State Patrol if additional information is needed.

**I. Background Check Procedure:**

- A. The subject of any background check must sign a release of information prior to the Division of Children and Family Services conducting the background check, with the exception of emergency placement. When background checks are completed for the purpose of emergency placement, the subject of the check shall give verbal permission and this permission shall be documented within the Child and Family Services program case, contact narrative. The Child and Family Services Specialist must also obtain a signed release within five business days. If the subject for whom the background check is under nineteen years of age, a parent or legal guardian must sign the release of information.
- B. A separate Federal Bureau of Investigation fingerprint National Criminal History check release must also be signed by each individual (Federal Bureau of Investigation national criminal history checks are only completed on individuals 18 years of age or older) prior to submission of fingerprint cards to the state patrol. See attachment. **(Note: Federal Bureau of Investigation national criminal history checks are only done for the purpose of placement, obtaining a foster care license, or adoption.)** Central Office staff will submit the signed release, along with the rolled or live scanned fingerprint cards to the Nebraska State Patrol, Criminal Records Division.
- C. Child and Family Service Specialists receiving intakes through the Hotline and Child and Family Service Specialists completing initial assessments are not required to have a signed release of information to conduct a background check when it is being completed for the purpose of worker safety or collateral safety assessment information.

**II. Background Checks for the purpose of foster care placement:**

- A. Background checks for foster care licensure or approval of placement in relative or kinship homes must occur on every household members as follows:
1. State Central Registry of Child Protection for any state in which the applicant has lived within the past five years (if age 13 or older) (also referred to as “Adam Walsh” check);
  2. Adult Protective Services Central Registry (if age 13 or older) for any state in which the applicant has lived within the past five years (if age 13 or older) (also referred to as “Adam Walsh” check);
  3. Appropriate local law enforcement agency (if age 18 or older);
  4. Sex Offenders Registry for any state in which the applicant has lived within the past five years (if age 18 or older);
  5. State-level criminal history (if age 18 or older); and
  6. Fingerprint-based National Criminal History Check with the Identification Division of the Federal Bureau of Investigation (if age 18 or older).
- B. Service Area staff (for example, Children and Family Services Specialist, Resource Development Worker, Staff Assistant, or Case Aide) will obtain background check results through the use of NFOCUS, Nebraska Data Exchange Network and the Sex Offender Registry website.
- C. National Criminal History Checks shall be processed through Central Office staff.
- D. Parents of state wards are subject to a national criminal history check through fingerprinting **only** when they reside in the same household as the person who is the foster parent of the child. For example, child is placed with paternal grandparents as an approved home and child’s father also resides in that home. In that instance, the father would also be subject to relevant background checks including fingerprinting.
- E. If probation wants to place a probation youth in a foster home and that youth’s parent(s) or guardian(s) refuse(s) to sign a release of information for background checks to be completed, the Division of Children and Family Services shall use probation’s summary of criminal history within their pre-dispositional investigation.

**III. Documentation of background check results:**

Background check results are documented in N-FOCUS within the foster home Detail Organization window, under Related Persons. List Background Checks under the relevant type and document imaged screen shots as described below:

Type of Check	Date	Results	Screen Shot Results Scanned
National Criminal History Check	Date Received in Central Office	Eligible or Ineligible for Licensure	No/ Results stored securely in Central Office
State-level Criminal History Check	Date Nebraska Data Exchange Network completed and if warranted Patrol Criminal History check	Clear or Brief Summary of Results	Yes
Sex Offender Register	Date Sex Offender Register Completed	Clear or Brief Summary of Results	Yes
CPS-Central Register	Date Child Protective Service Central Register Check Completed	Clear or Brief Summary of Results	Yes
APS-Central Register	Date Adult Protective Service Central Register Check Completed	Clear or Brief Summary of Results	Yes
Local Law Enforcement	Date Nebraska Data Exchange Network/and or Local Law Enforcement Completed	Clear or Brief Summary of Results	Yes
Other (Other State Law Enforcement)	Date other Checks Completed	Clear or Brief Summary of Results	Yes

**IV. Time Frames:**

- A. All background checks, including national criminal history check results are valid for one year from the date received for decision making purposes such as issuing or renewing a foster home license, or an adoptive home study.

V. **Background check results are the property of the Division of Children and Family Services and shall only be released in the following manner:**

- A. When the subject of a national criminal history check disputes his or her ineligibility for licensure, and believes that the information contained within is incorrect, they must contact the Nebraska State Patrol to review the record and take steps to rectify their record.
- B. Child Placing agencies assisting an individual in submitting a foster care licensing application to the Division of Children and Family Services may receive results indicating the potential or current foster parent is eligible or ineligible to provide foster care. Said agencies may be provided a copy of criminal history information contained within the Nebraska Data Exchange Network, but may not be provided with any other information from the Nebraska Data Exchange Network or NFOCUS.

**References:**

395 NAC Chapter 3

**Attachments:**

State of Nebraska Department of Health and Human Services Background Check Waiver  
Results of Background Check  
Background Check Request and Results

**STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
BACKGROUND CHECK WAIVER**

I understand that this form must be completed and signed by every current or prospective licensed or approved foster parent, as well as every prospective adoptive parent of a state ward, for whom criminal history records are requested by the Nebraska Department of Health and Human Services (DHHS), considered a qualified entity under Nebraska law. I further understand that a copy of this form will be retained by DHHS for a period of three years from the date of my signature.

I understand that by signing this Background Check Waiver, I am authorizing the dissemination of any national criminal history record that may pertain to me to the Nebraska Department of Health and Human Services with whom I am applying for foster care licensure or adoption of a state ward.

I understand that should I wish to challenge the accuracy and completeness of my federal report, I may obtain information on how to do so at the following website address: [www.FBI.gov](http://www.FBI.gov).

I understand that should I wish to challenge the accuracy and completeness of my Nebraska State Record, I must contact the Nebraska State Patrol-Criminal Identification Division.

I further understand that I may obtain a prompt determination as to the validity of my challenge(s) before the DHHS makes a decision about my status as a licensed or approved foster parent, or adoptive parent of a state ward.

I understand that I am able to receive any national criminal history information that may pertain to me directly from the FBI, pursuant to 28 CFR Sections 16.30-16.34, and that I may then freely disclose any such information to whomever I choose.

As a current or prospective foster parent or prospective adoptive parent of a state ward, I hereby authorize DHHS to submit a set of my fingerprints to the Nebraska State Patrol for the purpose of accessing and reviewing the Nebraska and FBI national criminal history records that may pertain to me.

I  **have**, OR  **have not** been convicted of a crime.

If convicted of a crime, describe the crime(s) and the particulars of the conviction(s) in the space provided below:

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

FOR AGENCY USE ONLY



Rev.08-29-2016

Supporting Foster Care Agency: \_\_\_\_\_

**RESULTS OF BACKGROUND CHECK**

(This form is completed by DHHS and will be distributed internally to designated DHHS staff and to Child Placing Agency staff for the purpose of determining the suitability of foster parents for licensure and adoption.)

RECEIVE DATE: \_\_\_\_\_

DATE COMPLETED: \_\_\_\_\_

SUBMITTED BY: Jackie Schmucker

APPLICANT NAME: \_\_\_\_\_

APPLICANT DATE OF BIRTH: \_\_\_\_\_

SENT TO:

AGENCY NAME: \_\_\_\_\_

DHHS NAME: \_\_\_\_\_

After reviewing the Background Check Information, the following determination was made regarding the above-named applicant:

- Applicant is **eligible** for foster care licensure
  
- Applicant is **ineligible** for foster care licensure

# Background Check Request and Results

A separate form is required for each person in the home requiring a background check

## Agency Information

Worker Name: \_\_\_\_\_  
Licensing Specialist Name: \_\_\_\_\_  
Master Case #: \_\_\_\_\_

Family Name: \_\_\_\_\_  
Reason: \_\_\_\_\_  
Org ID #: \_\_\_\_\_

Emergency please complete within 2 hours       Non-Emergency please complete within 24 hours

## Client Information

Last name: \_\_\_\_\_ First name: [Title] Middle initial: \_\_\_\_\_

Maiden name /Any other names used: \_\_\_\_\_

D.O.B: \_\_\_\_\_ Social Security #: \_\_\_\_\_

Lived outside of NE in the past five years? \_\_\_\_\_ If yes where? \_\_\_\_\_

Information below this line will be completed by DHHS staff completing the background check

NE Adult Protective Services &  
Child Protective Services       Person does NOT appear on Registry       Person DOES appear on Registry

Sex Offender Registry       Clear       Record

NDEN: Law Enforcement       Clear       Record

NE State Patrol       Clear       Record       Not requested/required

Comments:

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Background check completed by: \_\_\_\_\_

Date/Time requested: \_\_\_\_\_

Date/Time completed: \_\_\_\_\_

Date/Time sent back: \_\_\_\_\_