



Policy: Processing Background or Criminal History Checks

ChildNet Number: CN 007.002

Original Approved Date: October 29, 2003

Policy Revised Date(s): December 12, 2005; May 31, 2006; December 10, 2009,
May 14, 2014

Policy Sunset Date:

COA Standard(s): HR 3.03, FKC 15.07

Statement of Policy:

ChildNet will have access to the computer systems of various governmental and non-governmental agencies. The use of this access and the dissemination of the information obtained thereby must comply with state and federal law as well as any applicable interagency agreements.

Board Chair's Signature:

Date:

5/22/14



Procedure: Processing Background or Criminal History Checks

ChildNet Number: CN 007.002

Original Approved Date: October 29, 2003

Procedure Revised Date(s): December 12, 2005, May 31, 2006,
December 10, 2009, September 11, 2013, May 14, 2014, April 25, 2018

Procedure Sunset Date:

COA Standard(s): HR 3.03, FKC 15.07

Definitions (If any):

For the purposes of this operating procedure, the following terms shall be understood to mean:

Comprehensive Child Welfare Information System (CCWIS): The statewide system of record for clients involved in child welfare investigations and services, Used as a system for tracking data for clients served by Department of Children and Families and/or Community Based Care Lead Agencies or subcontracted providers.

Criminal History information:

Any information collected by criminal justice agencies on persons, consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and the dispositions thereof. The term does not include identification information, such as fingerprint records, where the information does not indicate involvement of the person in the criminal justice system.

Criminal History record: Any non-judicial record maintained by a criminal justice agency containing criminal history information.

Criminal Justice Agency means:

- (1) A Court
- (2) Law Enforcement.
- (3) Department of Corrections
- (4) The Department of Juvenile Justice.
- (5) The protective investigations component of the Department of Children and Families which investigates the allegations of abuse, abandonment, neglect, threatened harm, or exploitation.
- (6) Any other governmental agency or sub-unit thereof which performs the administration of criminal justice pursuant to a statute or rule of court and which allocates a substantial part of its annual budget to the administration of criminal justice (as stated in §943.045(10)(e) F.S.).

Criminal Justice Information: Information on individuals collected or disseminated as a result of arrest, detention, or the initiation of a criminal proceeding by criminal justice agencies, including arrest record information, correctional and release information,



criminal history record information, conviction record information, identification record information, and wanted person's record information. The term shall not include statistical or analytical records or reports in which individuals are not identified and from which their identities are not ascertainable. The term shall not include criminal intelligence information or criminal investigative information.

Criminal Justice Information System (CJIS): System, including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal justice information.

Department of Corrections (DC) or (DOC): Entity which is responsible for individuals and their records while incarcerated, on probation, on parole, and up to the point of release.

Emergency Placement: Includes any out of home placement for a child under the jurisdiction or supervision of the Department to ensure the safety of the child, other than placement in a licensed shelter, licensed foster care home, licensed facility, or approved adoptive home when there is less than 72 hours to make the placement and requires live scan to be completed within 72 hours of placement.

Expunged record: Refers to a record that, pursuant to §943.0585 F.S., no longer legally exists since the file and any reference to it is destroyed except for the reference contained in the FCIC database. EXPUNGED RECORDS ARE NOT PUBLIC RECORDS AND REQUIRE SPECIAL HANDLING.

Florida Abuse Hotline Information System (FAHIS): A subsystem of the Client Information System (CIS) that contains a history of active and past reports of abuse, abandonment, neglect, threatened harm, or exploitation.

Florida Crime Information Center (FCIC) or FCIC II The division of the Florida Department of Law Enforcement (FDLE) that provides computerized criminal history for the State of Florida only. FCIC is the original system and FCIC II is the new system implemented in 1998. The terms are used interchangeably.

Florida Department of Law Enforcement (FDLE): Entity that investigates certain and tracks most criminal activity for the State of Florida.

Frequent visitor: Anyone who visits the subject family on a regular (customary, routine or usual) basis, whether or not they are related to any of the household members or whether or not they are left in a caregiver role. This would apply to paramours of any of the household members, extended family, babysitters, neighbors or friends who interact with the family in the family's home on a regular basis.



Hot file: Is a record from the FCIC database that shows the subject is currently under an active criminal investigation.

Information Access User/Operator: Person certified and/or authorized to access a non-DCF agency system (Broward Sheriff's Office or Department of Children and Families Background Screening Unit).

Information Access Users System: A system, including the equipment, facilities, procedures, agreements, and organizations thereof, for the accessing, collecting, processing and disseminating of criminal investigative information.

Juvenile Justice Information System (JJIS) /JJISWeb: Refers to the information system that contains juvenile criminal histories and services. Our Department utilizes the web-based version of JJIS, called JJISWeb, to obtain expanded face sheets which contain information regarding juvenile criminal histories and services.

Local law enforcement: Local county and municipal law enforcement agencies.

National Crime Information Center (NCIC): Information, data and record systems run by the Federal Bureau of Investigation (FBI). It provides computerized criminal history for the United States and/or its territories.

Out of the Ordinary: Any situation deemed an exception to the way normal child placement activities function that would affect the child's living conditions. This would include, but not be limited to: any placement in an unlicensed setting or any changes within the household composition of a current placement which might affect the child's living conditions, overnight visitation, etc.

Purpose Code "C": Code used in the FCIC II system to obtain criminal records, or rap sheets, on individuals involved in an investigation of child abuse, abandonment, neglect, threatened harm, or exploitation. These rap sheets may contain expunged, sealed, or hot file information. Rap sheets generated using Purpose Code "C" are performed by BSO for investigative purposes only and may not be shared with other individuals in the Department.

Purpose Code "Q": Code used in the FCIC II system to obtain criminal records, or rap sheets, on individuals in potential contact with children in need of placement. These rap sheets do not contain any expunged, sealed, or hot file information. Rap sheets generated using Purpose Code "Q" may be shared with other individuals in the Department and its contracted Community Based Care providers charged with the responsibility to provide placement services.

Purpose Code "X": Code used in the NCIC system to obtain criminal records or rap sheets on individuals in potential contact with children in need of emergency placement.



Information may be shared with other individuals in the Department but not with its contracted Community Based Care providers charged with the responsibility to provide placement services.

Rap sheet: Document detailing the criminal history of an individual.

Record: Any and all documents, writings, computer memory, microfilm, or any other form in which facts are memorialized, irrespective of whether such record is an official record, public record, or admissible record or is merely a copy thereof.

Requestor: Person who requests the Criminal History Check Form. The requestor must clearly indicate the purpose of the information and must be a person who is legally entitled to view the results. The Information Access user will return the results of the criminal history check to the requestor.

Sealed record: Record that has been sealed by the court, pursuant to §943.059 F.S., and is not available to the general public. It can be opened for inspection by the individual, his/her attorney, and a criminal justice agency and, in specific situations, a prospective employer. SEALED RECORDS ARE NOT PUBLIC RECORDS AND REQUIRE SPECIAL HANDLING.

Secure: Restricted area maintained in a manner that renders it not easily accessible to any individuals who are not authorized to view the type of information being provided.

Terminal Agency Coordinator (TAC): The designated Department of Children & Families and/or BSO staff person who is responsible for ensuring compliance with policy and procedures regarding access to external agency databases and who serves as the contact person for all issues regarding the FCIC/NCIC/FDLE Terminal. This person must attend training and be certified by the Florida Department of Law Enforcement as a Terminal Agency Coordinator within one year of their designation, and must be recertified as an FCIC user/operator every two years.

DCF/BSO Terminal Operator: Staff member of the Department of Children & Families/BSO who is responsible for the processing of requests on the FCIC/NCIC/FDLE Terminal. This person must attend training and be certified by the Florida Department of Law Enforcement. (This staff member may or may not be the TAC).

Statement of Procedure:

This procedure follows existing law and interagency agreements or contracts to establish what information ChildNet may access and how. It is imperative that ChildNet employees and designees abide by the terms of these documents and maintain the confidentiality of the information obtained. Information received from other agencies must never be shared with anyone outside of ChildNet, except DCF, our designees, and the courts. Some



information cannot even be shared within ChildNet, DCF, designees, and the courts except for emergency placements and certain exceptional situations.

I. ChildNet Broward

A. BSO Investigation

BSO will provide background screening documentation based on its investigation, including information received via the Information Access program, and supply it to either the ChildNet Child Advocate or Intake Placement Advocate (IPA) assigned to the case.

B. Criminal History Record Checks Procedure for Purposes of Child Placement and/or Supervision

Individuals directly responsible for child placement and supervision must submit requests for criminal history record checks. Requests are to be submitted when a child is taken into temporary physical custody prior to placement with a non-offending parent, non-licensed relative or non-relative for temporary or on-going protection from alleged or known abuse, neglect or abandonment or due to “out of the ordinary changes in living conditions” at the child’s current placement. Requests are also to be submitted prior to Reunification with a biological parent or caregiver. This is to include, but is not limited to, placement made as the result of requests from the Interstate Compact for Placement of Children (ICPC), Out of County Services (OCS), overnight visitations, babysitters, frequent visitors, any placement in an unlicensed setting or any changes within the household composition of a current placement which may affect the child’s living conditions.”

1. Emergency Placements

- a. Child Advocate or Intake Placement Advocate is to email the BSO Background Screening form to screening@ChildNet.us. The Child Advocate or Intake Placement Advocate must indicate purpose code “X” on the form.
- b. Background Screening Coordinator (BSC) receives requests and emails to BSO designee for screening process.
- c. Upon completion of screening process, BSO designee emails results to BSC who is to email to Child Advocate and Child Advocate Supervisor. Results include: FCIC, Sexual Predator, Driver’s License, DJJ and Broward County Courts (Civil / Family). If the results are indicated with serious concerns or disqualified, then BSC is to include the Director/Manager.
- d. If placement is to be made or child to remain in the placement, the Child Advocate/Intake Placement Advocate is to advise the applicant to schedule an appointment with the designated BSC via assigned contact number for live scan which must be completed within 72 hours of placement.
- e. BSO designee is to issue letter of the match results to BSC who is to then email the letter to the Child Advocate and Child Advocate Supervisor along with local



BSO and Police Department Call Outs, and Abuse Report Records (FAHIS). If the results are indicated with serious concerns or disqualified, then BSC is to include the Director/Manager

2. Reunification with biological, adoptive parents or caregivers
 - a. Child Advocate emails the BSO Background Screening form to screenings@ChildNet.us. Child Advocate must indicate purpose code "Q" on form and on drop down menu chose "RU".
 - b. Background Screening Coordinator (BSC) receives requests and emails to BSO designee for screening process.
 - c. Upon completion of screening process, BSO designee emails results to BSC who is to then email to Child Advocate and Child Advocate Supervisor Results include: , FCIC, Sexual Predator, Driver's License, DJJ and Broward County Courts (Civil / Family). If the results are indicated with serious concerns or disqualified, then BSC is to include the Director.
 - d. If deemed appropriate, the Child Advocate is to advise the applicant to schedule a live scan appointment with the designated BSC via assigned contact number.
 - e. BSO designee is to issue letter of the match results to BSC who is then to email to the Child Advocate and Child Advocate Supervisor along with local BSO and Police Department Call Outs, and Abuse Report Records (FAHIS). If the results are indicated with serious concerns or disqualified, then BSC is to include the Director.
3. Non-emergency placements (more than 72 hours) and background screenings for relatives, non-relatives, paramours, babysitters, step-parents, frequent visitors, overnight visitors, etc.
 - a. Child Advocate emails the BSO Background Screening form to screenings@ChildNet.us. Child Advocate must indicate purpose code "Q" on form and on drop down menu choose "PP".
 - b. Background Screening Coordinator (BSC) receives requests and emails to BSO designee for screening process.
 - c. Upon completion of screening process, BSO designee emails results to BSC who is then to email to Child Advocate and Child Advocate Supervisor . Results include: FCIC, Sexual Predator, Driver's License, DJJ and Broward County Courts (Civil / Family). If the results are indicated with serious concerns or disqualified, then BSC is to include the Director/Manager.
 - d. If deemed appropriate, the Child Advocate is to advise the applicant to schedule a live scan appointment with the designated BSC via assigned contact number



- e. BSO designee is to issue letter of the match results to BSC who is to email to the Child Advocate and Child Advocate Supervisor along with local BSO and Police Department Call Outs, and Abuse Report Records (FAHIS). If the results are indicated with serious concerns or disqualified, then BSC is to include the Director/Manager.

C. Live Scan – Provider and ChildNet Employees, Model Approach to Partnerships in Parenting (MAPP), (Foster Parents), Adoptive Parents

1. Background Screening Coordinator is responsible for maintaining a master live scan schedule.
2. Each live scan applicant is responsible for filling out a Live Scan Information form. *ChildNet is responsible for the billing the individual providers directly.*
3. ChildNet is to provide the Department of Children and Families with the name and contact number for persons from each agency responsible for receiving the FDLE records upon completion. If there are any additions or changes to the list of the contact person, the Background Screening Coordinator is responsible for forwarding the update to the DCF Circuit/Region Background Screening Unit.
4. The results of the Live Scan prints are to be bifurcated. The FDLE results are to be sent directly to the requesting agency. The FDLE/FBI results are to be delivered directly to The Department of Children and Families Circuit/Region Background Screening Unit and/or BSO. They will follow DCF operating procedure in regard to releasing and notifying the requesting party of any issues or concerns that may have been identified in the report results.
5. ChildNet **shall not** use the Live Scan to process new contractual providers nor new applicant classifications without prior registration of the provider and approval with the DCF Circuit/Region Background Screening Unit.

D. Criminal History Record Checks for Purposes of Reunifications, Placements and Frequent Contact

1. Submission of Fingerprints:
 - a. Biological parents, relatives, non-relatives, paramours, babysitters, frequent visitors, step-parents, overnight visitors etc. must complete a finger printing process in order to have a Level II Background Screening.
 - b. ChildNet is to make Live Scan available for the processing of Level II Screenings for the purpose of Reunifications, placements and frequent contact with a child.

Note: In unusual circumstances, hardcopy inked fingerprints can be submitted to Background Screening; however this will cause a delay in obtaining any results. All inked fingerprint cards submitted, must be submitted on fingerprint



cards provided by the Background Screening Unit and a check payable to "FDLE" must accompany the submission with proper amount of payment.

- c. ChildNet is to electronically submit all Live Scan prints directly to FDLE;
 - d. Upon processing the fingerprints by Live Scan, FDLE and the FBI are to return the records in the following "bifurcated" manner: FBI and FDLE results are sent electronically to BSO.
2. Review of Criminal History Records:
- a. BSO designee is to forward the FDLE/FBI records to ChildNet Background Screening Coordinator who is then to forward to the Child Advocate and Child Advocate Supervisor to evaluate the records for any possible disqualification or concerns.
 - b. Upon request by the Child Advocate to the Office of the Attorney General, BSO is to forward the FBI records with Level 2 disqualifiers to the Office of the Attorney General to review and make recommendations for placement or contact with individual live scanned. The Office of the Attorney General is to provide a copy of the live scan results to the courts.

E. Criminal History Record Checks for Purposes of Adoption (Please reference the CN 004.002 Adoptions as necessary)

1. Submission of Fingerprints:
- a. Adoptive parent applicants must complete a finger printing process in order to have a Level II Background Screening.
 - b. ChildNet is to make Live Scan available for the processing of Adoptive parents, Relatives and Caregivers.
- Note: In unusual circumstances, hardcopy inked fingerprints can be submitted to Background Screening; however this will cause a delay in obtaining any results. All Inked fingerprint cards submitted, must be submitted on fingerprint cards provided by the Background Screen Unit and a check payable to "FDLE" must accompany the submission with proper amount of payment.
- c. ChildNet is to electronically submit all Live Scan prints directly to FDLE; any inked fingerprints for adoption are to be submitted directly to DCF Background Screening.
 - d. Upon processing the fingerprints by Live Scan, FDLE and the FBI are to return the records in the following "bifurcated" manner: FDLE results are sent electronically to the ChildNet's Director of Support Services or designee. In addition, BCS designee submits results to Adoption Specialist and Adoption Supervisor. If the results are indicated with any concerns, then BSC is to include the Director of Adoptions. FBI results & FDLE results are sent electronically to DCF Circuit/Region Background Screening Unit.



2. Review of Criminal History Records:

- a. FDLE is to forward the FDLE/FBI records to DCF Circuit/Region Background Screening Unit who is to evaluate the records for any possible disqualification. DCF is to advise applicant if follow up is needed.
- b. The DCF Circuit/Region Background Screening Unit is to forward the FBI records with level 2 disqualifiers to the DCF Circuit/Region Adoption/Out of Home Care Specialist to review and make recommendations to the ChildNet Adoption Review Committee as to the eligibility of the applicants and is to advise ChildNet and applicant of the existence of possible issues by letter.
- c. ChildNet is to maintain an internal Adoption Review Committee to review the adoption file, the Local Law, and the FDLE records obtained.

3. Appeals:

When an adoptive applicant or parent is denied an application or an adoptive home study by ChildNet, efforts are to be made to settle the dispute at the Adoption Supervisor level. If this attempt is unsuccessful, the Adoption Review Committee is to be convened. If this review results in a decision that supports the original denial, the applicant or parent must be told of that decision in writing by the Regional Administrator or department designee and advised of their judicial option for review of the denial as described in the Administrative Procedures Act, Chapter 10068, F.S. and of their right to a hearing pursuant to 120.57, F.S.

4. Final Notifications:

ChildNet is to be responsible for verbal notifications to the applicants concerning their approval of the application for adoption. DCF district legal council is to be responsible for all notification to the applicant concerning denials for the applications on adoptions.

F. Abuse Registry Checks:

1. ChildNet is to select certain staff to process Abuse Registry Checks. The Department of Children & Families is to approve access for these staff to access CCWIS.
2. BSO is to be responsible for performing the initial Abuse Registry Check for all Non-Licensed Placements upon the initial removal of the child. In the event that BSO does not complete this check, ChildNet is to be responsible for processing the Abuse Registry Check prior to any emergency placement of a child.
3. All initial Abuse Registry checks are to be processed by ChildNet for the following screening categories: Licensed Provider Owner/Operators/ Directors of Residential Group-Care facilities, Individuals being processed by ChildNet or Licensed Providers for Foster Care or Adoption placement.



4. ChildNet is to additionally be responsible for the annual Abuse Registry re-screening for Licensed Provider Owner/Operators and the annual Abuse Registry re-screening for all adoptive and foster care screenings.
5. DCF Circuit/Region Background Screening is to continue to process Abuse Registry Checks for the Owner/Operator/Directors of Child Placement Agencies and Owner/Operator/ Directors of Adoption Agencies.
6. DCF Circuit/Region Background Screening is to continue to process Abuse Registry Checks for Prospective Adoptive Parents from the Private Adoption Agencies.

II. ChildNet Palm Beach

Refer to contracted provider or designee for background screening procedures.

President's Signature:

Date:

05-04-18