FSFN Utilization Position Paper – Background Checks
January 4, 2019
A “FSFN Position Paper” defines how a child welfare business process is supported with FSFN functionality.

I. Policy Overview
The following references provide guidance on background check requirements for the purpose of relative/non-relative placements:

Statutory References:
Section 39.0138, F.S.; Section 119.071(5), F.S.; 943.0525, F.S.; Section 943.053(3)(4), F.S.; Section 943.055, F.S.; Section 943.056, F.S.; and Section 985.045(1), F.S.

Florida Administrative Code:
65C – 28.011 Criminal, Delinquency, and Abuse/Neglect History Checks for Relative and Non-Relative Placements requires the following activities when a child in initially placed with a relative or non-relative:

1. Florida Abuse/Neglect record checks for all household members or frequent visitors to the home.
2. Local criminal records check through Law Enforcement for all household members and frequent visitors age 12 or older.
3. Delinquency records check through the Florida Department of Juvenile Justice’s information system for all household members or frequent visitors ages 12 through 26.
4. State criminal records check through the Florida Department of Law Enforcement information system for all household members and paramours ages 12 and older.
5. National criminal records check through the National Crime Information Center (NCIC) for all household members who are ages 18 or older when there are exigent circumstances requiring placement within 72 hours. If the child is placed in the home fingerprints of these persons are required to be submitted to FDLE the next business day but no later than within ten calendar days of the name check of NCIC.
6. For all household members 12 and older or frequent visitors 18 or older who are known to have resided in another state in the preceding 5 years, a request shall be made to the other state for abuse and neglect history.
7. For any household member whose NCIC check returns an arrest history for a charge that may have implications for child safety, a request shall be made for out of state local criminal information.
8. A review of State and National criminal history records via the submission of fingerprints for all household members age 18 and older.
65C-13.023 Foster Care Licensing Background Screening Requirements details the following required activities for all persons considered by the Department for initial licensure or re-licensure as out of home caregivers and for all household members age 12 and older:

1. Florida Abuse/Neglect record checks.
2. Local criminal records check through Law Enforcement.
3. Delinquency records check through the Florida Department of Juvenile Justice’s information system.
4. Record checks for the Florida Sexual Offenders and Predators registry.
5. Civil court records check regarding domestic violence complaints and orders of protection.
6. Abuse/Neglect history and civil court records regarding domestic violence complaints and orders of protection for applicants and household members who have resided in another state in the past 5 years.
7. A review of State and National criminal history records via the submission of fingerprints for all caregivers and household members age 18 and older.

65C-16.007 Abuse Hotline and Registry and Criminal Records Checks for Adoptions requires the following activities prior to placing a child in an adoptive household:

1. Abuse and neglect history checks for all adoptive applicants and household members age 12 and older.
2. For applicants and/or household members that have resided in another state in the preceding 5 years a request shall be made to the other state for abuse and neglect history.
3. Local criminal records check through Law Enforcement for all household members age 12 or older.
4. Delinquency records check through the Florida Department of Juvenile Justice’s information system for all household members age 12 or older.
5. Florida criminal history records for all household members age 12 to 17.
6. A review of State and National criminal history records via the submission of fingerprints for all applicants and household members age 18 and older.

II. Practice Overview

**Background Checks and Documentation Requirements for Relative and Non-relative placements:**
When a child is placed with a relative/non-relative, to include with a non-maltreating parent, the department is responsible for determining whether such person(s) are responsible adults who will be able to safely care for the child.

The Child welfare professional responsible for the child placement is required to obtain several types of background information to assess the ability of the caregiver and household members to care for and protect the child prior to placement.

The child welfare professional will initiate background checks and conduct any further activities necessary for documentation in the Unified Home Study.
Background Checks for Family Made Arrangements and Informal Safety Providers:
When approving a family made arrangements and informal safety providers CFOP 170-1 Chapter 6 requires that the child welfare professional perform initiate a review of the following data sources for all household members over the age of 12.

1. Florida Sexual Offenders and Predators Registration Check
2. Local Law Enforcement Record Check

Fingerprint Submission Results:
Fingerprint submissions to FDLE and the FBI are required for all noncriminal justice purposes to include Relative/Non-Relative placements, Adoptions, and Foster Care Licensing.

1. For planned placements, adoptions, and foster care licensing, a review of fingerprint results should be completed prior to approval and/or making a placement recommendation to the court.
   a. Fingerprint results are obtained from the department’s FDLE Secure email account(s) by the Hotline CIU.
   b. For case manager requests, the Hotline CIU conducts a screening to determine eligibility and completes a Criminal History Record Review Letter.
   c. The criminal history record results are provided to the appropriate department Regional Point of Contact.
   d. Criminal History Record Review Letters and Florida Public Criminal History records are provided to case management.
   e. The screening process conducted by the Hotline CIU is documented in the Caretaker Screening Information System (CSIS).

2. For emergency placements, fingerprint submissions are required the next business day but no later than within ten calendar days of the emergency placement background check request being completed by the Hotline CIU. Case Managers can request emergency placement background screenings, although most are submitted by CPI’s following a shelter; however, if an ongoing placement is disrupted and it is expected that a relative/non-relative placement will be made within 72 hours, Case Managers may submit the emergency placement request.
   a. Fingerprint results are obtained from the department’s FDLE Secure email account(s) by a designated Department Point of Contact in each Circuit.
   b. For case manager requests, the Circuit Point of Contact conducts a screening to determine eligibility and completes a Criminal History Record Review Letter.
   c. Criminal History Record Review Letters and Florida Public Criminal History records are provided to case management.
   d. For CPI requests, the criminal history record results are provided and the CPI completes the screening.
General Requirements
There are policies and procedures that govern all agencies and personnel using FCIC and/or NCIC and/or criminal history records provided by FDLE and/or the FBI following fingerprint submission.

1. The CJIS Advisory Board (APB) is responsible for reviewing policy, technical and operational issues related to the NCIC as well as additional systems and information administered by the FBI.
2. The National Crime Prevention and Privacy Compact Council establishes policy specific to criminal history records and information obtained and used for noncriminal justice purposes such as relative and non-relative placements.
3. Existing laws and our user agreement with FDLE establishes what criminal justice information the department may access, how the information can be accessed, how the information can be used, how the information can be shared, and how the information can be maintained. Department employees and designees or contractors must abide by the terms of these documents and maintain the confidentiality of the information obtained.
4. Criminal justice information, to include criminal history records, may only be released to authorized criminal justice agencies and some non-criminal justice agencies for specific and limited purposes as defined in law and in the user agreement with the Florida Department of Law Enforcement (FDLE).
5. CJIS personnel background screenings, certifications, and trainings are required for CJIS information users. These requirements vary depending on the level and type of access. Successful completion of training and/or CJIS personnel background screening and/or certification may be required to perform duties for some position types.
6. The purpose of the request/access/query, not the requestor’s job title/role, dictates what information can be accessed. Whether the staff member works for the department or a contracted provider may additionally dictate what information can be disseminated and received.

Document Security
Access to both the Background Screening page and documents provided by the Hotline CIU are restricted by FSFN and are associated with a user’s Login Profile.

Documents provided by the Hotline CIU and available via the Certified Document management system have a 72-hour availability for viewing after which they will no longer be viewable from the link within FSFN.

The X document has security settings restricting printing, saving, or forwarding.

Background check requests for relative/non-relative placements should only be submitted by the child welfare professional for the purpose of relative/non-relative placements and not for other purposes. This helps ensure that the most accurate and available information is provided and prevents access to data sources and information for unauthorized purposes.
To prevent unauthorized access to data sources and/or dissemination, information obtained for the purpose of relative/non-relative placements should not be used for other purposes.

Only Department staff may receive and/or view National Criminal history record information such as the X document. National criminal history record information cannot be disseminated to contracted staff to include protective services case managers.

**Storage**

Criminal History documents resulting from a request to the Hotline CIU are stored in the department’s Florida Department of Law Enforcement approved Certified Management System, not in FSFN.

Criminal History records must be protected from access by unauthorized personnel and/or public record requests. As a result, criminal history, delinquency, and driver’s license information obtained from the Hotline CIU Unit or obtained via direct access to another agencies data base, or from the results of fingerprint submissions should not be scanned into the FSFN File Cabinet or into a local data base. The general CJIS rule is that criminal history documents from FCIC/NCIC should not be scanned into FSFN or any other “local” imaging document system that has not been authorized for the electronic storage of criminal history information; Security concerns include (1) Unauthorized personnel gaining access to the documents (2) Rules concerning criminal history, delinquency, and driver’s license records specific to public record requests (3) CJIS security policy requirements that must be met for criminal history information storage (data at rest).

The Criminal History Record Review Letter for Placement Purposes (referred to in the past as the Concur/Non-Concur Letter) should not contain actual criminal history record information or summarized information. As a result, the Criminal History Record Review Letter for Placement Purposes can be scanned and stored as documentation indicating whether or not a person has been cleared by the background screening process.

**Logging**

Requests submitted to the Hotline CIU from an intake, investigation, Unified Home Study, and Maintain Case are recorded and logged in FSFN.

A BOE Criminal History Report (CHR) is available via “reporting” drop down box which provides data for each request and processing by the Hotline CIU. This reports serves as the Secondary Dissemination Log for the Hotline CIU as required in the department’s Criminal Justice User Agreement with the Florida Department of Law Enforcement (FDLE).

The dissemination of criminal history records and/or information obtained from such records to other authorized agencies is defined as “Secondary Dissemination” and requires additional logging. Requirements for secondary dissemination logging is detailed in CFOP 50-1 Criminal Justice Information Services (CJIS) Chapter 4 – Information Security.
III. Florida Safe Families Network Utilization

During the placement process, name-based criminal background history records of FCIC and/or NCIC for emergency or planned placements can only be requested from the Hotline Crime Intelligence Unit(s) via the FSFN Maintain Case or Unified Home Study pages.

Fingerprint submissions to FDLE are required for both emergency and planned Relative/Non-Relative placements.

Screenings for the following purposes are completed using the Agency for Health Care Administration’s Clearinghouse system and are not completed within FSFN:

- Provider Employment
- APD Employment
- Mental Health Facilities
- Summer Camps
- Volunteers
- Daycare Licensing
- Foster Care Licensing

Screenings for the following purposes are completed using the Department’s Caretaker Screening Information System (CSIS) and are not completed within FSFN:

- DCF employees
- Adoptions
- Relative/Non-Relative Placements (screening of results from fingerprint submissions)

The Center for Child Welfare FSFN page provides many resources including the following:

- The Topic Paper for Background Checks provides details on the designs of these pages in FSFN.
- The User Guide for Background Checks provides in-depth guidance for users and includes screenshots.
- The “How Do I... Guide” for Background Checks provides specifics steps, tips and guidelines to complete work in the FSFN system.