



State of Florida
Department of Children and Families

Charlie Crist
Governor

George H. Sheldon
Secretary

DATE: July 23, 2010

TO: Regional Directors

FROM: *Patricia Padland for Pete Digre*
Pete Digre, Assistant Secretary for Operations
David L. Fairbanks, Assistant Secretary for Programs *David L. Fairbanks*

THROUGH: *Mary O'Rourke for AA*
Alan Abramowitz, State Director, Office of Family Safety

SUBJECT: Background Screening Clarification
ACTION REQUIRED: Disseminate to Child Protection Staff
DUE DATE: Effective Immediately

PURPOSE: The purpose of this memo is to clarify:

- (1) Whether a criminal history background check is permissible when a child is being considered for placement with a parent other than the current caregiver, and
- (2) If and when criminal history background checks can be shared.

BACKGROUND: Fingerprinting of parents (and the running of criminal histories on parents) is permitted under s. 39.0138(1), (5) and (6), F.S. Under prior statutes, the Department advised the Florida Department of Law Enforcement (FDLE) that parents were not to be fingerprinted. The Department's Office of General Counsel has recently clarified with FDLE that requests to fingerprint parents will be honored. The staff at the Hotline's Crime Intelligence Unit will be honoring requests, as well. Fingerprinting is permissible effective immediately. Fingerprinting is now required prior to placement of a removed child with a non-custodial parent. Fingerprinting of a parent is discretionary prior to reunification, and for placements made through the Interstate Compact on the Placement of Children. State and local criminal and abuse registry checks should also be completed prior to reunification using the information on hand in the case record (i.e., do not call the parent back in for fingerprinting).

While the disqualifying offenses under s. 39.0138(2) and (3), F.S., do not automatically disqualify parents from consideration for placement, the court may consider such offenses in placement consideration, s. 39.0138(6), F.S. The law allows that Florida and National criminal background checks are PERMITTED prior to placement of a child with a parent.

Specific details of National Crime Information Center (NCIC) results (detailed national arrest and conviction history records from outside Florida) must not be provided to or shared with anyone other than authorized Department staff. Department employees are

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

not to disseminate specific details of an NCIC records check nor make reference to such record or details in the Florida Safe Families Network (FSFN).

The Florida Crime Information Center system (FCIC) criminal history records are generally public record and may be disseminated. The exception is any portion of the report which is identified as a sealed or expunged record. Sealed and expunged records are NOT public record and may not be disseminated outside of the Department. Only that portion of the criminal history record which is not "sealed or expunged" is public record and may be shared with Community-Based Care agencies and referenced in FSFN.

The Children and Families Operating Procedure 175-94 will be updated soon to reflect this directive.

ACTION REQUIRED: Please disseminate this guidance to all child protection staff.

CONTACT INFORMATION: For additional information, please contact Chris Compton at (850) 443 6646 or via email at chris_compton@dcf.state.fl.us or Travis Paulk at (850) 487 – 6159 or via email at travis_paulk@dcf.state.fl.us.

cc: Sheriffs' Offices
CBC CEOs
Gerald Curington, General Counsel
Mary Cagle, Director of Children's Legal Services
Walt Cook, Director, Florida Abuse Hotline