

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

January 28, 2004

MEMORANDUM

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND
CHILDREN'S DIVISION STAFF

FROM: FREDERIC M. SIMMENS, DIRECTOR

SUBJECT: RESOURCE FAMILY BACKGROUND SCREENING

REFERENCE: CHILDREN'S DIVISION

DISCUSSION:

This memorandum is to provide new policy effective, January 28, 2004, in the background screening requirements when licensing and re-licensing foster, kinship, relative and adoption resource families. These enhancements will include registration with the Family Care Safety Registry prior to licensure, the use of fingerprints for criminal record searches by the Missouri State Highway Patrol (MSHP) and national Federal Bureau of Investigation (FBI), a search of Case.net and circuit court records, and contact with child protection agencies in previous states of residence.

From the date of this memorandum through June 30, 2004, the Children's Division will absorb the expense of fingerprinting for the licensure and relicensure of resource families. (This includes the fingerprinting that is now a requirement for adoption update background screening.) A budget item request has been made to enable the division to continue to cover the expense of fingerprinting. Fingerprinting for court ordered placements (CTO) and respite providers is optional until such time that funding is received to cover the additional expense. In the meantime, any fingerprinting of respite and CTO providers will be done at their expense.

Special procedures for criminal record searches in cases of emergency placement are also covered in this memorandum.

STEPS TO BE FOLLOWED FOR LICENSURE:

The following steps shall be completed for every applicant and adult household member (age 18 and older). ***Supporting documentation of each step is to be filed in the licensing record.***

1. The Child Abuse/Neglect background screening will continue to be done by the local Children's Division (CD).
2. Each household member 18 years of age and older must register with the Family Care Safety Registry (FCSR). The registry is maintained by the Department of Health and Senior Services (DHSS). It will search the following systems:
 - CA/N records (probable cause and court adjudicated findings only);
 - Employee Disqualification List, maintained by DHSS;
 - Child care facility licensing records maintained by DHSS;
 - Residential living facility and nursing home records, maintained by DHSS;
 - Employee Disqualification Registry maintained by Department of Mental Health;
 - Foster parent licensing records, maintained by the Children's Division (CD); and
 - Sex Offender Registry information maintained by MSHP.

- A) Give the applicant a "Worker Registration Form" for each adult in the household to register with the FCSR. Copies of the form can be ordered from the warehouse or downloaded at www.dhss.state.mo.us/FCSR.
- B) Instruct the applicant to register as quickly as possible by submitting the completed form and a photocopy of their Social Security card to the Missouri Department of Health, Fee Receipts Unit, P.O. Box 570, Jefferson City, MO 65102. *The form may be faxed to 573-522-6981 to ensure a priority response.*

If no Social Security card is available, the only acceptable substitute is a driver's license (if the SSN is used as the ID number); a military ID; a Medicare card; or the Social Security Administration statement provided when application is made for a replacement card (as long as it has the SSN identified, the name appears on the statement and it is initialed or signed by a SSA representative).

Registrants (and all their adult household members) who are foster parents, respite providers, or are applying to provide those services must check the foster parent box in Section A to avoid having to pay the registration fee.

- C) The licensing worker may telephone the FCSR at 1-866-422-6872 to make a background screening request. Generally information will be available within two weeks. An oral report will be given at the time of the call and will be followed with a written report to both the requestor and the registrant within 48 hours.
- D) **REGISTRATION IS ONLY REQUIRED ONCE.** If completing a background screening for re-licensure, the worker needs to only call the FCSR.

3. State and national criminal record checks will be completed for each adult household member. **Fingerprints are now required.** The Missouri State Highway Patrol (MSHP) will complete a state criminal record check and then electronically send the fingerprint images to the FBI for a national search of criminal records.

The criminal record check may reveal open and closed record information on individuals consisting of arrests, prosecutor and court actions, correctional supervision, and release. All felony and serious misdemeanor arrests including sexual offender registration information as defined under 589.400, RSMo. All alcohol and drug related traffic offenses are considered reportable criminal offenses.

The Children's Division Background Screening Investigative Unit (BSIU) will be the point of entry with the MSHP.

- A) Send two Applicant fingerprint cards to the Background Screening Investigative Unit (BSIU), Children's Division, P.O. Box 88, Jefferson City, Mo 65103.
 - 1) Pre-printed "Fingerprint Applicant" cards (Form #FD-258) may be ordered from the warehouse. The card has the number **M0920360Z** printed in the ORI field. This is the Originating Agency Identifier number that has been assigned to BSIU. The number conveys to the Highway Patrol and the FBI that all reports will be sent to BSIU and paid for by the Children's Division.
 - 2) Each card must be signed by the person being fingerprinted.
 - 3) The "Employer and Address" field must have the local Children's Division (CD) requesting the report. If a contracted agency is completing the assessment, state the contractor's name, but place it within parentheses under the local office name. This information will only be used by BSIU and will show where the completed report is to be sent.
 - 4) The "Reason Fingerprinted" field must indicate the associated statutes for supervision over minors, **43.540 RSMo** and the sex offender statute **589.400 RSMo**.
 - 5) Fingerprinting for respite and court ordered placement providers is optional until such time that funding is made available. If requesting such fingerprints, attach a check or money order made payable to the Criminal Record History Fund. The cost is \$14.00 for the MSHP and \$24.00 for the FBI (\$38.00 total) and will be at the expense of the provider.

The completed reports will be sent to BSIU and then forwarded to the local CD office. The MSHP response will be received first. After the FBI has completed its search, any results will be forwarded to the MSHP, who will then forward the results to BSIU.

Per FBI guidelines, FBI reports can be released to local county offices and made available in court. FBI rap sheets cannot be released to contractors or to private entities. Even if a contractor has requested the information to complete an assessment, they are not allowed access to the report. The local office will have the responsibility to convey to the contractor one of the following: 1) The report is clear; proceed with the assessment, or 2) The report revealed something that must be explored. The contractor will then be requested to refer the family to the local office before continuing the assessment. Local office staff will then meet with the applicant and determine whether the applicant will be allowed to proceed with the application. If the applicant is selected out, the local office staff must inform the family in writing and notify the contractor.

B) There is a delayed fingerprinting process that will be followed in the cases of the emergency placement of a child.

- 1) The Children's Service worker or juvenile officer must request the local law enforcement to search the Missouri Uniform Law Enforcement System (MULES) for each adult in the household. MULES is an electronic communication system strictly used for law enforcement purposes, but permission has been granted to allow the CD access to the information in cases of the emergency placement of children.
- 2) The FBI has approved the use of a Purpose Code "X" to be used by law enforcement agencies that will allow the delay of fingerprints when placing a child in an emergency situation. However, fingerprints **must** be submitted to the FBI within 15 days of the MULES check. To meet that deadline, the Children's Services worker must submit the fingerprints immediately to BSIU. When a court or Children's Service worker approaches a law enforcement agency about providing this type of check, the law enforcement agency must determine if in fact the situation in question constitutes emergency placement or not.
- 3) The Children's Service worker or juvenile officer requesting the MULES inquiry is required to follow up with the local law enforcement agency if no fingerprints will be submitted due to a disqualifier found on the person's criminal record that would prevent the placement and the individual is not contesting the criminal record.

The local law enforcement has been advised by the MSHP that it is their responsibility to maintain a dissemination log to track any delayed fingerprints. If the Children's Division fails to notify law enforcement that the delayed fingerprints will not be submitted, our agency could lose the right to delay fingerprinting in the future.

4. Examine Case net, the Missouri State Courts Automated Case Management System, for any reference to Orders of Protection filed, either for a child or adult. There are limits to the use of Case.net. Case.net is not yet statewide so will not include all county circuit courts. Also, at this time public view does not include identifiers such as Social Security and birth dates; so, it is difficult to determine whether the individual you are searching is the same as one found in Case.net.
5. In locations where Case.net is not yet available, check with the circuit court for any pertinent information, including a record of Orders of Protection filed, both for a child or an adult. Additional circuit courts may need to be contacted if there is reason for concern. Any fee charged by the circuit court will be paid by the applicant.

NECESSARY ACTION:

1. Review this memorandum with all Children's Division staff.
2. As this will be a change in practice for Resource Development Contract providers, a letter with the memorandum will be sent to the contractors by Central Office.
3. Order a supply of "Fingerprint Applicant Cards", Form FD-258 from E-Store.
4. The following sections have been changed in the Child Welfare Manual Intranet site:
 - Section 6, Chapter 3.1, "Foster/Kinship Family Assessment"
 - Section 6, Chapter 3.4, "Dual Licensing"
 - Section 6, Chapter 3, Attachment A, "Guide for Conducting Foster/Kinship Family Assessments"
 - Section 6, Chapter 3, Attachment C, "Foster/Kinship Family Assessment Recording Outline"
 - Section 6, Chapter 3, Attachment D, "Guide For Conducting Renewal Assessment"
5. All comments and questions regarding this memorandum should be cleared through supervisory channels.

FMS/DK:js