

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

June 25, 2004

MEMORANDUM

TO: AREA EXECUTIVE STAFF, COUNTY DIRECTORS, CIRCUIT MANAGERS AND CHILDREN'S DIVISION STAFF

FROM: FREDERIC M. SIMMENS, DIRECTOR

SUBJECT: BACKGROUND INVESTIGATION PROCEDURES IN ICPC CASES.

REFERENCE: CHILDREN'S DIVISION

DISCUSSION:

The purpose of this memo is to clarify procedures for completing background investigations on applicants when an ICPC referral is received requesting a home assessment.

The Interstate Compact on the Placement of Children (ICPC) ensures protections and services to children who are placed across state lines for the purpose of relative/kinship care, foster care or adoption. ICPC establishes procedures for ensuring safe and suitable placements. Through ICPC, legal and financial responsibilities for those placements are also ensured. Missouri's Children's Division is responsible for assuring the highest degree of safety possible for children entering the state. According to the Child Welfare Manual, Section 6.3.A, the following steps are to be taken when completing a background investigation in a home assessment for the purpose of licensure. The same steps are to be taken in completion of any ICPC assessment.

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). The following background screening information is available from FCSR:
 - Missouri criminal history information made available from the Missouri State Highway Patrol;

- Sex Offender Registry information made available from the Department of Social Services;
- The employee disqualification list made available from the Department of Health and Senior Services;
- Child-care facility licensing records made available by the Department of Social Services; and
- Residential living facility and nursing home licensing records made available from the Department of Health and Senior Services.

- A) Give the applicant a “Worker Registration Form” to register each adult in the household with the FCSR. Copies of the form can be ordered from the warehouse or downloaded at <http://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 dates, as well as 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 applicant.

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.

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.

Except for the specific felony convictions listed below, a criminal history, child abuse/neglect history, or other review information does not automatically preclude licensure. Staff should determine the relevance of all such findings to child caring responsibilities, and should seek guidance from supervisors. A supervisor must review and evaluate the background information if there is a record of conviction (other than

those listed below) and/or child abuse and if the decision is to approve the home study. The supervisor's review and decision to approve/disapprove must be documented.

FELONY CONVICTIONS

Staff may not approve the application of any person in which a record check reveals that a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide.

Staff may also not approve the application of any person, who in the past five years, has had a court of competent jurisdiction report a felony conviction for physical assault, battery, or a drug-related offense.

For the purpose of this policy, a "felony conviction by a court of competent jurisdiction" is defined as a criminal court conviction for a felony offense as defined by law in the jurisdiction that the offense took place.

NECESSARY ACTION:

1. Review the memorandum with all Children's Service Staff.
2. Please contact Mary Kay Kliethermes or Amy Poyser, ICPC Child Placement Coordinators, at 573-751-2981 if you have any questions.

FS:KK:MKK:AP:ct