

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

April 8, 2014

<p>What's Inside: Resource Provider Fingerprinting Process Effective April 22, 2014</p>
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M E M O R A N D U M

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

FROM: TIM DECKER, DIRECTOR

SUBJECT: RESOURCE PROVIDER FINGERPRINTING PROCESS

DISCUSSION:

The purpose of this memorandum is to introduce clarifications and revisions to the fingerprinting process for individuals who are screened as resource providers for youth in foster care. These clarifications and revisions will be effective April 22, 2014. This memo also serves as a reminder to staff of the correct use of the statute reference required for fingerprints and addresses the Missouri State Highway Patrol (MSHP) audit of Children's Division use of fingerprint based criminal background check results. Revisions include but are not limited to new registration numbers, new and revised fingerprint authorization letters and the revised Purpose Code X (PCX) Log.

MSHP Audit Findings

The MSHP's audit of Children's Division's compliance with state and federal statutes regarding fingerprint results is being conducted to meet state and federal guidelines for accessing criminal history record information pursuant to state and federal laws. All Children's Division staff need to practice the following:

1. Use the correct statute reason for obtaining fingerprints

There are three statutory reasons that Children's Division may request fingerprints:

- a. Resource provider license or approval – **RSMo 210.487**. This includes the following vendor types:

FH, Foster Home
RH, Relative Home
KH, Kinship Home
CF, Level B Home
FG, Foster Group Home

- b. Resource provider approval for individuals who are solely a Transitional Living Advocate, Respite Provider or Adoptive Approved Provider- **RSMo 43.540**

If the provider has another vendor type listed in paragraph “a”, they do not need additional fingerprints to be approved as TL, RS, RP or AD vendor. The 43.540 statute is for those individuals who only have the TL, RS, RP, or AD vendor type.

- c. Purpose Code X (PCX) for the initial emergency placement in a relative or kinship resource home- **RSMo 210.482**

The fingerprint results from the PCX should be used for the initial licensure of the RH or KH applicant. Additional fingerprints of the RH and KH applicants and required household members to be licensed should not be done again until renewal. However, for the relative and kinship home license renewal, fingerprint requirement statute **RSMo 210.487** should be used.

A PCX request may be made by CD staff only.

- 2. Use the correct destruction method of fingerprint results

Fingerprint responses and/or results are to be destroyed when subsequent fingerprint results are received for license and or approval renewal. The FBI requires that criminal history records be destroyed so they are not viewable. Records must be shredded or incinerated in order to meet this requirement. Records must be destroyed either by a Children’s Division (CD) employee or in the presence of a CD employee. FBI regulations allow for document shredder contractors to destroy records as long as a CD staff person is present (i.e. done on-site). However, if the document shredder contractor picks up the documents to be destroyed and takes them to another location, this is considered outsourcing and does not meet FBI regulations. Each circuit should have local protocols for staff in regard to the destruction of criminal history records.

- 3. Use the authorized dissemination process of fingerprint results.

Title 28 CFR 50.12 states that records obtained from the FBI may not be disseminated outside of the receiving department.

- a. Do not scan and email fingerprint responses or results
- b. Do not send fingerprint responses or results out of state
- c. Do not provide fingerprint responses or results to other agencies including contractors
- d. Do not archive case files with fingerprint responses or results included
- e. Do not record the fingerprint responses or results in home assessments
Instructions in policy provide the three (3) allowable statements to include in the home assessment regarding the fingerprint history responses or results:
 - 1) Results meet eligibility requirements

- 2) Results do not meet eligibility requirements
 - 3) Results require further review to determine if applicant is precluded from licensure
4. The CD requester of PCX must provide their full name to law enforcement

It is important that CD staff maintain a positive relationship with law enforcement. Law enforcement should know which CD staff might be contacting them for a PCX background check. The Circuit Manager or designee should provide a current list of staff who could request a PCX criminal check to local law enforcement.

Purpose Code X

When youth are placed in the custody of the CD, Purpose Code X (PCX) must be used by CD to make placement of the youth in an unlicensed relative or kinship provider. Only CD staff may request a PCX background check.

Once a CD worker requests a PCX background check, the individual(s) for whom the request was made must submit their fingerprints within 15 days of the request. If fingerprints are not submitted within 15 days of the request, the foster youth is to be removed immediately before day 16. If the foster youth remain in the home less than 15 days, the individual(s) for whom the request was made must submit fingerprints within 15 days of the foster youth being placed in the home when a PCX request is made to law enforcement.

Revised Purpose Code X Request Log, CD-153

The PCX Request Log has been revised to support compliance with state and federal dissemination guidelines. Instructions for completing the PCX Log have been created. This log shall be completed every time a PCX background screening check is requested.

Introduction of Two New Fingerprint Authorization Letters

The Fingerprint Authorization letters provided to individuals who must register through Missouri Automated Criminal History Site (MACHS) via the MSHP website to schedule their fingerprint appointment are located on the CD Desktop. There are currently the following Fingerprint Authorization Letters for CD staff use:

- CD26-a; this letter is given to foster, relative, and kinship applicants for initial licensure and license renewal by the authority of RSMo 210.427
- CD26-b; this letter is given to natural parents by the authority of HB 1453 which prevents CD from reuniting any child with a parent who, or into household where a household member has, been convicted of specific criminal charges,
- CD26-d; this letter is given to those resources who are an adoptive resource only.

Minor cosmetic revisions have been made to the current authorization letters. The language in the current fingerprinting authorization letters, CD-26a, CD-26b, and CD26-d has been revised. Destroy previously printed letters and begin using the revised letters with publication of this memorandum.

The two additional Fingerprint Authorization Letters now available for CD staff only on Desktop CD forms, are the CD-26e and CD-26f:

Respite and Transitional Living Advocate providers, CD-26e

This document is to be given to those individuals who are respite only or transitional living only providers. The authority for fingerprinting these vendor types is covered in statute **43.540**. If a provider has other vendor types (FH, RH, KH, AD) they do not need additional fingerprints to be approved as a respite or transitional living advocate.

Purpose Code X, CD26-f

This document is to be given to those individuals whom the CD is screening for emergency placement of youth that have been placed in CD custody. The statutory authority to use this reason for fingerprinting is only for emergency placement. This letter is not used for license renewal. The results of the fingerprints received using PCX authority may be used to initially license a relative or kinship home without another initial fingerprint.

Revised Fingerprint Registration Numbers

The fingerprinting registration numbers for all 45 circuits have been revised. The previously assigned Registration Numbers will be obsolete and will not work for registration after April 22, 2014. The registration numbers for case management agencies and private agencies to use for their foster care clients to register have not changed. The document listing all the registration numbers is the Fingerprint MACHS Registration Number Sheet, CD26-g. There are five (5) registration numbers for each circuit and two (2) for each private contractor. The correct registration number for the fingerprint reason is entered in the box at the bottom of the authorization letter identified as *Registration Number*.

FACES

To be in compliance with FBI regulations regarding the dissemination of criminal history, the language referencing the Criminal Background Checks in FACES has been renamed, *Fingerprint Based Criminal Background Check*. The result selections in the drop-down box are:

1. Results meet eligibility requirements
2. Results do not meet eligibility requirements
3. Results require further review to determine if applicant is precluded from licensure

The language in policy regarding how the fingerprint based results are documented has also been revised to reflect compliance with the FBI.

The diligence of staff to use the fingerprinting process correctly within statutory regulations is necessary to retain the ability to complete Fingerprint Based Criminal Background Checks.

NECESSARY ACTION	
<ol style="list-style-type: none"> 1. Review this memorandum with all Children’s Division staff. 2. Review revised Child Welfare Manual chapters as indicated below. 3. Review revised Children’s Division forms. 4. All questions should be cleared through normal supervisory channels and directed to: 	
PDS CONTACT Elizabeth Tattershall 573-522-1191 Elizabeth.Tattershall@dss.mo.gov	PROGRAM MANAGER Amy Martin 573-751-3171 Amy.L.Martin@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS Section 4 Chapter 3 Subsection 1 Sub-subsection 2 Section 4 Chapter 10 Subsection 1 Section 4 Chapter 12 Subsection 3 Section 4 Chapter 25 Subsection 7 Section 5 Chapter 1 Subsection 6 Section 6 Chapter 3 Attachment A	
FORMS AND INSTRUCTIONS- Fingerprint Authorization Letters CD26-a, CD26- b, CD26-d, CD26- e, CD26-f Available to CD staff on CD-forms Desk Top Only Fingerprint MACHS Registration Number Sheet, CD26-g Purpose Code X Log, CD153 Available to CD staff on CD-forms Desk Top Only	
REFERENCE DOCUMENTS AND RESOURCES N/A	
RELATED STATUTE 210.487 210.482 43.540	
ADMINISTRATIVE RULE 13 CSR 35-60.010	
COUNCIL ON ACCREDITATION (COA) STANDARDS N/A	
CHILD AND FAMILY SERVICES REVIEW (CFSR) N/A	
PROTECTIVE FACTORS N/A Parental Resilience Social Connections Knowledge of Parenting and Child Development Concrete Support in Times of Need	

Social and Emotional Competence of Children

FACES REQUIREMENTS

Revision to Background Checks screen as discussed herein