



**State of Florida  
Department of Children and Families**

**Rick Scott**  
Governor

**David E. Wilkins**  
Secretary

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**DATE:** June 17, 2011

**TO:** Regional Directors, Circuit Administrators, Background Screeners,  
Region/Circuit Points of Contact, General Counsel Attorneys

**FROM:** Pete Digre, Assistant Secretary for Program Operations

**THROUGH:** Jamie Self, Ed.D, Director, Office of Family and Community Services

**SUBJECT:** Guidance, Clarification and Direction: Criminal History Record Check  
Procedure for the Purpose of Emergency Placements, Planned Placements,  
Adoptions and Special Conditions Intakes  
**Action Required:** Please disseminate to all affected staff  
**Timeframe:** Immediate

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**PURPOSE:** The purpose of this memo is to clarify and provide directives on procedures regarding the handling of criminal history record checks. The Department must maintain compliance with the Florida Department of Law Enforcement (FDLE)/Federal Bureau of Investigation (FBI) user agreement as it pertains to the purpose of placements, special conditions intakes, and adoptions. Some parts of the state must change procedures currently in place in order to insure full compliance with the law and user agreement with the FBI and the FDLE.

To ensure the Department is in compliance, the following procedures will be immediately implemented:

The Department through the Criminal Intelligence Unit (CIU) at the Hotline is authorized to conduct Name Based Criminal History Records Checks for only two specific situations: **Investigations** and **Emergency Placements**. Only the staff of the CIU is authorized to conduct name based criminal history records checks.

**Investigations** are conducted as a result of a call to the Florida Abuse Hotline having been "accepted" as meeting the statutory requirements for an investigation of suspected abuse, neglect or abandonment. The Department is not authorized to conduct criminal history record checks for calls that are not "accepted" for an investigation even if the Department refers the call to someone for the provisioning of services. Two of the four types of "Special Conditions" situations will no longer involve a criminal history records check by the Department. If, how and by whom these types of calls to the Hotline are to be handled will be decided later and are not the subject of this directive.

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



**Emergency Placements** generally are carried out by Child Protective Investigators but could, in rare cases, be carried out by provider case workers. Only after consultation with the Criminal Investigative Unit regarding the terms of qualification for "emergency placement" will the CIU authorize these name-based criminal history checks. When a named based criminal history records check is authorized, the requester continues to have the responsibility of submitting, by livescan, the fingerprints of the individual(s) with whom the child was placed the next business day or no later than 10 days of the date the named based check was requested. If authorization is not received from the CIU, the criminal history record information must be obtained through the normal fingerprint submission process utilizing the 3z ORI code.

Placements other than emergency placements are termed **Planned Placements** and include **Adoptions**.

**Planned Placements.** Criminal history records checks for planned placements shall always be conducted utilizing fingerprint submission, preferably, by livescan. Name based checks are not authorized for planned placements.

The CIU will no longer be conducting name based "prescreen" checks for planned placements.

**Adoptions.** The practice followed by the department, in some areas of the state, of conducting the name based "90 day rechecks" is hereby, discontinued. It should also be noted that the requirement of obtaining the criminal history records as part of the preliminary and final home studies for adoptions for both the State and Federal requirements are not limited to a state only check but rather **require** the check to be of both State and Federal records. The requirement to conduct these checks must be through the normal fingerprint based process.

The DCF Operating Procedure 175-94 will be updated soon to reflect this directive.

**ACTION REQUIRED:** Please disseminate this guidance to all Department and CBC child protection staff.

**CONTACT INFORMATION:** For additional information, please contact Travis Paulk, CI Unit Manager at (850) 487-6159 or via email at [travis\\_paulk@dcf.state.fl.us](mailto:travis_paulk@dcf.state.fl.us) or Lynne Dupuis at (850) 717-4651 or via email at [lynne\\_dupuis@dcf.state.fl.us](mailto:lynne_dupuis@dcf.state.fl.us).

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