



State of Florida  
Department of Children and Families

Charlie Crist  
Governor

George H. Sheldon  
Secretary

**DATE:** August 2, 2010

**TO:** Regional Directors

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

**THROUGH:** Alan Abramowitz, State Director, Office of Family Safety *ah* *ay*

**SUBJECT:** **Background Screening Clarification – AMENDED**  
**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 for placement of a removed child with a non-custodial parent. Fingerprinting for placement of a removed child with a non-custodial parent shall follow the same process for completion as that of placement with relatives and non-relatives including the process for emergency placement. 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

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shared with anyone other than authorized Department staff. Department employees are 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](mailto:chris_compton@dcf.state.fl.us) or Travis Paulk at (850) 487 - 6159 or via email at [travis\\_paulk@dcf.state.fl.us](mailto:travis_paulk@dcf.state.fl.us).

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