

## Chapter 6

## REQUESTING AND ANALYZING BACKGROUND RECORDS

6-1. Purpose. This chapter provides an overview of requirements that all child welfare professionals must follow when obtaining, using and sharing background history information. Background history includes information obtained from criminal justice information sources and child welfare information from Florida Safe Families Network (FSFN).

6-2. Authority. The following authorities and references apply throughout this chapter:

a. Florida Department of Law Enforcement (FDLE) Criminal Justice Agency User Agreement with the Department of Children and Families (DCF).

b. Florida Department of Law Enforcement (FDLE) Non-criminal Justice Agency User Agreement with the Department of Children and Families (DCF).

c. 28 Code of Federal Regulations (CFR), Subparts 20 (28CFR20), 901 (28CFR901), and 50 (28CFR50).

d. Public Law 109-248, The Adam Walsh Child Protection and Safety Act of 2006.

e. Sections [39.0138](#), [39.202](#), [39.301\(9\)\(a\)1-\(a\)5](#), [39.401\(3\)](#), [39.402](#), and [39.521\(2\)\(k\)](#), Florida Statutes (F.S.).

f. Sections [985.045\(1\)](#), [943.045\(11\)](#) and [943.056](#), F.S.

g. Rule [11C-6](#), Florida Administrative Code (F.A.C.).

h. Rule [65C-16.007](#), F.A.C.

i. Rule [65C-28.011](#), F.A.C.

j. Rule [65C-28.020](#), F.A.C.

k. Rule [65C-29.003\(2\)\(e\)](#), F.A.C.

l. Rule [65C-30.015](#), F.A.C.

6-3. Definitions. For the purposes of this chapter, the following definitions shall apply:

a. "Criminal Intelligence Unit (CIU)" means the crime intelligence staff, located at the Florida Abuse Hotline, responsible for providing results of name based checks of FCIC and/or NCIC for protective investigations and emergency background checks.

b. "Criminal Justice Information Services (CJIS)" means related systems including:

(1) Department of Corrections (DOC).

(2) Department of Juvenile Justice (JJIS).

(3) Florida Criminal Information Center (FCIC).

(4) Jail Booking System (APPRISS).

- (5) Judicial Inquiry System (JIS).
- (6) National Criminal Information Center (NCIC).
- (7) DHSMV Driver and Vehicle Information System (DAVID).

c. "Emergency Background Check" means that a child must be placed within 72 hours due to exigent circumstances. Emergency background checks include the following situations:

- (1) Release to a non-maltreating parent.
- (2) Placement with a relative/non-relative.

(3) A child in shelter status is in a placement that has disrupted and there is a need to place in a non-licensed household within 72 hours.

d. "Focus household" as described in CFOP 170-1, [Chapter 2](#), paragraph 2-3c, is the household in which the alleged child victim's parent/legal guardian or paramour (frequenting or residing in the home) or caregiver with significant caregiver responsibility is the alleged person responsible for the maltreatment.

e. "Planned Background Check" means that the child does not need a placement within 72 hours.

f. "Subjects" as defined in Rule [65C-30.001\(114\)](#), F.A.C., means any person named in a report of abuse, neglect or abandonment.

g. "Computerized Criminal History (CCH)" is a term used to describe criminal history records, more commonly known as rap sheets, which are maintained by the state where the offense occurred and contain identifying information on the individual as well as arrest, disposition, and incarceration information.

h. Additional terminology and definitions for Criminal Justice Information Services (CJIS) are located in CFOP [50-1](#), Criminal Justice Information Services (CJIS).

#### 6-4. When Background Record Checks Are Required.

a. The following activities require the child welfare professional to conduct a background history check and analysis:

- (1) Investigation Initial, Additional (if qualifying participants are added) and Rechecks.
- (2) Institutional Investigation.
- (3) Approving a Family-Made Arrangement or Informal Safety Plan Providers.
- (4) Other Parent Home Assessment.
- (5) Initial and updated Unified Home Study, all types.
- (6) Progress Update for Reunification.

b. Investigators employed by the Department are not authorized to conduct State or Federal criminal history record checks for the following "Special Conditions" intakes:

- (1) Child on Child sexual abuse;
- (2) Foster Care Referrals;
- (3) Caregiver Unavailable;
- (4) Parent in Need of Assistance; and,
- (5) Other Service Referrals.

6-5. Analyzing Background Record Results.

a. The child welfare professional will obtain and analyze the results of all required criminal records and child abuse history. The child welfare professional must assess for patterns of criminal behavior that may impact the child's safety, permanency, and wellbeing. This includes but is not limited to:

- (1) Patterns of assault, battery, and other criminal behaviors.
- (2) Domestic and/or Family violence.
- (3) Substance abuse.
- (4) Sexual assault.
- (5) Crimes against children.
- (6) Resisting arrest with violence.
- (7) Other crimes involving violence.
- (8) Open arrest warrants.
- (9) A household member on probation or parole.

b. The child welfare professional shall review criminal background information to assess for worker safety. This includes:

- (1) History of assault and battery on other persons.
- (2) Any record responses such as wanted person and/or any Status File records such as Sexual Predator/Offender and/or Probation or Supervised Release file.
- (3) Determination if law enforcement should be contacted to accompany the child welfare professional to the home.
- (4) Determination if the probation officer should be contacted for assistance when information indicates a participant is on probation.

c. Child welfare history in FSFN will be reviewed for information about past family conditions and dynamics that may be present currently. Factors to be considered by the child welfare professional include the severity of the action resulting in the report, the circumstances surrounding the report, how

much time has elapsed and, and whether records indicate an ongoing pattern of family conditions or behaviors. This includes, but is not limited to:

(1) Patterns of domestic violence, substance abuse or an unmanaged mental illness. In particular, substance abuse and domestic violence tend to escalate over time in terms of severity. Domestic violence is a pattern that occurs across many different relationships, and can also actively occur after separation in different ways (visitation with children, withholding of support, using children as “pawns,” etc.).

(2) Any special needs of a child.

(3) Cultural considerations, including language barriers.

(4) Effectiveness of services provided in the past? Factors to consider when assessing prior service history:

(a) The family may not have needed the service as the underlying problem may have been misdiagnosed.

(b) The service may have been the “right” type of service but was not a good match to the level of intensity needed, or family culture, or other accessibility issue.

(c) The service may have been an excellent match to family needs and was successful at the time; however, there might be a relapse currently occurring (e.g., a relapse involving alcohol or drugs).

(5) Indicators that there may be a need for worker safety strategies:

(a) Has anyone in this family shown violence towards a worker in the past?

(b) Do they have pets that have been aggressive towards a worker in the past?

#### 6-6. Information Provided by the Criminal Intelligence Unit (CIU).

a. The hotline CIU was created to assist child welfare professionals in obtaining criminal and other background information to support investigation, emergency and planned background checks. The Department must ensure that information is accessed and used in accordance with a user agreement that the Department has executed with the agency responsible for the data base.

b. The CIU obtains information from data bases for specific purposes. The data bases include:

(1) National Crime Information Center (NCIC), administered by the Federal Bureau of Investigation (FBI). Information includes computerized criminal history (CCH) that contains identifying information on individuals and arrest, disposition, and incarceration information for all 50 states and U.S. territories.

(2) Florida Crime Information Center (FCIC), administered by the Florida Department of Law Enforcement (FDLE). Information includes computerized criminal history (CCH) that contains identifying information on individuals as well as Florida arrest, disposition, and incarceration information. Records may additionally include Person or Status files, such as missing person, outstanding warrant, protection order, and sexual offender/predator files.

(3) Driver and Vehicle Information Data Base (DAVID), administered by the Florida Department of Highway Safety and Motor Vehicles (DHSMV). Information includes current license

information, status of driver's license including suspended, disqualified or revoked. DAVID can be used to verify identity and to assist in locating a subject.

(4) Department of Corrections (DOC) data source, administered by the Florida Department of Corrections (DOC), provides information on persons under the supervision of the Florida DOC. In addition to criminal background information, this can also assist in locating a person.

(5) Juvenile Justice Information System (JJIS), administered by the Florida Department of Juvenile Justice (DJJ), provides delinquency records and is obtained for household members 12 to 26 years old.

(6) Jail Booking System (APPRISS) provides information on recent jail bookings for 42 states including Florida. This can assist in locating a person.

6-7. Other Record Resources. Child welfare professionals have access to other data sources that may assist with providing additional background information for child welfare purposes. These are not required but may be useful given individual case dynamics. Examples include:

a. Parent Locator Service.

b. Florida Vital Statistics records.

c. ACCESS Florida information.

d. Comprehensive Case Information System (CCIS) which provides Florida Clerk of Courts case information. CCIS Access Request Forms are located on the Department's intranet under [Security Forms](#).

e. Individuals under DOC supervision can be searched on the Florida DOC website for [Offender Information Search](#).

f. FDLE Sexual Offender and Predator Public Website which provides public information and photos on individuals registered as [Sexual Offenders or Predators in Florida](#).

g. Dru Sjordin [National Sexual Offender Public Website](#) which provides public information and photos on individuals registered as Sexual Offenders or Predators nationwide including U.S. Territories and Indian Tribes and Territories.

h. Child welfare professionals may have access to Accurint, a system that searches multiple data sources for public information that may be helpful with locating persons to include collateral contacts and/or verifying identity and personal information. Availability of the Accurint system for Department investigative staff may vary by location. Circuit Administration should be contacted for additional information.

i. Child welfare professionals may also request access to the DHSMV DAVID system for use in protective investigations. DAVID Access Request Forms are located on the Department's intranet under [Security Forms](#). Additional information specific to the DAVID system and DHSMV usage, to include misuse, is located in CFOP [50-1](#), Chapter 7, Driver and Vehicle Information System.

NOTE: Additional information on these data sources and the access request process (when applicable) can be found on the Department's [Criminal Justice Information Services](#) intranet page.

NOTE: A Child Welfare Dissemination Job Aid is available on the Department's [Criminal Justice Information Services](#) intranet page.

## 6-8. Child Protective Investigations.

a. For each report received, per requirements in Rule [65C-29.009](#), F.A.C., the investigator is required to obtain and analyze records for all subjects of the report, household members, and any adult visitor to the home.

(1) When there is sufficient demographic information on household members at the time the hotline creates the intake, the hotline's CIU will provide computerized criminal history (CCH) from FCIC, NCIC and other information sources detailed in paragraph 6-6 of this operating procedure.

(2) The investigator shall submit a "Recheck" to the hotline's CIU via functionality available in FSFN within 24 hours of the following:

(a) When additional subjects are identified.

(b) When a subject's demographic information becomes known or has been updated and the investigator determines a need for a new record check to ensure accuracy or to obtain updated results.

(3) The investigator will request and assess local law enforcement records including calls for service to the home. The child welfare investigator will follow local protocols to request the local history and calls for service. As an alternative to requesting local records when unavailable via designated protocols, the investigator may conduct a search of the Comprehensive Case Information System (CCIS).

(4) The investigator will review and assess information in FSFN for prior and/or current child protective investigations and ongoing services.

(5) If the family has moved to Florida from another state in the last 5 years, the investigator shall:

(a) Request an abuse and neglect history check from the other state.

(b) Review national criminal history record provided by the hotline's CIU and all other background information received to determine if additional information is needed from another state.

(c) When additional information is needed, contact the appropriate law enforcement and/or child protection agency in the state where the family resided to make a formal request for additional information on all subjects and household members of the report.

1. A listing for each state's contact and the request processes for child welfare records can be located on the Department's [Background Screening](#) internet website.

2. The Clerk of the Court in the appropriate jurisdiction may also be able to assist with providing additional information such as dispositions when missing from a criminal history record.

(6) A Child Welfare Background Check Job Aid that further explains each required record and information type by each screening purpose is available on the Department's [Criminal Justice Information Services](#) intranet page.

b. Information provided by the hotline's CIU for investigations is made available to the investigator via a hyperlink in FSFN. Each document type contains information from different data

sources detailed in paragraph 6-6 of this operating procedure. Documents provided by the hotline's CIU for purposes of investigations include:

(1) Q Document. Contains CCH obtained from the Florida Crime Information Center (FCIC) for subjects/participants who are age 12 and older. This includes a summary alerting the CPI to any data sources not checked. When there are no sealed or expunged information in the record, the investigator will only receive the Q document.

(2) C Document. Contains CCH obtained from the Florida Crime Information Center (FCIC) for subjects/participants who are age 12 and older. This document is provided **only if** sealed/expunged or Status/Person file information is located during the FCIC Query.

(3) N Document. Contains CCH obtained from the National Crime Information Center (NCIC) for subjects/participants who are age 12 and older. This document also contains Status/Person file information that is located during the NCIC Query

(4) J Document. Contains CCH obtained from:

(a) Delinquency history from the Juvenile Justice Information System (JJIS) for subjects/participants who are age 12 to 26.

(b) Department of Corrections (DOC) information for subjects/participants who are ages 12 and older.

(c) Driver license or State ID information from the Department of Highway Safety Driver and Vehicle Information DAVID Database for subjects/participants who are ages 12 and older.

(d) APPRISS jail booking information for subjects/participants who are ages 12 to 26.

6-9. Investigation Documentation and Information Sharing with On-Going Services. The investigator will provide documentation in the Family Functioning Assessment (FFA)-Investigation of records reviewed and analyzed. The following limitations apply:

a. Hotline CIU documents have security protections to ensure compliance with the FDLE User Agreement to include a 72-hour availability for viewing.

b. The Q document is the only document that can be printed or shared with case managers if the case is transferred for ongoing services.

(1) Information in a "Q" document may be summarized in case notes as to dates, the charge and disposition.

(2) Records may only be retained in an on-site physical case record, in an envelope marked "Confidential", and shall not be scanned into FSFN or stored off-site. Additional requirements specific to information security are located in CFOP [50-1](#), Chapter 4.

(3) The dissemination of Criminal Justice Information, to include state and national criminal history records, must be logged. When the criminal history records or information is released to other authorized agencies, such as during case transfer from investigations to services, the information released must be recorded in a Secondary Dissemination log.

(a) Secondary dissemination logging is detailed in CFOP [50-1](#), Chapter 4.

(b) A secondary dissemination log template can be located on the Department's [Criminal Justice Information Services](#) intranet page.

c. The investigator may share specific information obtained from hotline CIU documents with a supervisor, program manager or Children's Legal Services (CLS) professional as these persons work directly for the Department and have been designated as protective investigations.

d. The investigator **may not share**, to include verbally, specific record details of CCH that contain Florida sealed/expunged or national criminal history with any other persons, including case managers and placement professionals working for Community-Based Care (CBC) Lead Agencies. The following standardized wording is recommended when documenting results of C and/or N documents provided by the hotline's CIU:

"The appropriate background checks were conducted on (date) for (individual's name). The child protective investigator has evaluated the information and reviewed for patterns of behavior or family violence that may pose a potential safety concern or elevated risk to a (child or vulnerable adult). At this time, (there appears to be) or (there does not appear to be) an immediate negative impact on the victim's safety."

e. Charges and dispositions from criminal history records obtained directly from a local law enforcement agency in or outside of Florida may be documented in the FFA-Investigations. The investigator must document the specific law enforcement agency that provided the information.

6-10. Institutional Investigations. The only persons required to have criminal history checks are the alleged victims who are 12 years of age or older and the alleged perpetrator/alleged caregiver responsible. Even when the facility is a foster home, group home or assisted living facility, the only participants/subjects of the intake/report are the alleged victim(s) and alleged perpetrator(s).

a. If the alleged perpetrator on the intake/report is unknown and the investigator identifies a small number of staff who could reasonably be the alleged perpetrator, the investigator shall request criminal history checks on those individuals.

b. The protective investigator should not contact the CIU for criminal history checks on all employees of a facility, unless the employees are alleged perpetrators.

6-11. Approving a Family-Made Arrangement or Informal Safety Plan Providers. Per requirements in CFOP 170-7, [Chapter 6](#), and CFOP 170-7, [Chapter 7](#), the child welfare professional will initiate a national and state Sexual Offenders and Predators registration check and a local background check on all household members over the age of 12.

6-12. Other Parent Home Assessment. When a child needs out-of-home care and placement with a parent who was not residing in the focus household at the time of the investigation, the child welfare professional must complete an Other Parent Home Assessment per requirements in CFOP 170-7, [Chapter 5](#). The child welfare professional will follow procedures in paragraphs 6-12 and 6-13 of this operating procedure for conducting background checks of a parent. Results and analysis will be documented in the Other Parent Home Assessment.

a. For placement with a non-maltreating parent, there are no offenses that automatically disqualify the parent regardless of whether the offense was committed by the parent, a household member, another visitor, or a paramour of a household member.

b. The child welfare professional must request a CLS staffing when a parent, household member, another visitor, or a paramour of a household member has had verified findings of sexual abuse or has been found guilty of any of the serious crimes listed in s. [39.0138](#), F.S., as detailed in CFOP 170-1, [Chapter 3](#).



c. Prior to placement with a non-maltreating parent, information obtained from the background checks shall be provided by the child welfare professional or CLS attorney to the court which shall make the final decision regarding the placement decision when the results of the checks raise concerns about the safety of the child.

### 6-13. Emergency and Planned Background Checks for Placements.

a. The child welfare professional must obtain and analyze background information prior to placing a child per Rule [65C-28.011](#), F.A.C. Background information will be obtained and assessed in the UHS (Unified Home Study) in FSFN when there are new household members, visitors, or paramours of household members, if they have not received the checks within the previous twelve months and there has been no break in the placement for over ninety days. This includes any new child age 12 and older. This includes following information types:

(1) Computerized criminal history (CCH) from the hotline's CIU. For Emergency placement background checks, CCH will include national criminal history record information from the National Crime Information Center (NCIC). For Planned placement background checks, CCH will only include Florida criminal history record information from the Florida Crime Information Center (FCIC)

(2) Local law enforcement records including call-outs to the home.

(3) FSFN for prior and/or current child protective investigations and ongoing services.

(4) If the family has moved to Florida from another state in the last 5 years:

(a) Request an abuse and neglect history check from the other state.

(b) The child welfare professional shall review the national criminal history record provided by the hotline's CIU and all other background information received to determine if additional information is needed from another state. When the child welfare professional determines that additional information is needed, he/she will contact the appropriate law enforcement and child protection agency in the state where the family resided to request local criminal history and abuse history on all subjects and household members of the report.

1. A listing for each state's contact and the request processes for child welfare records can be located on the Department's [Background Screening](#) website.

2. The Clerk of the Court in the appropriate jurisdiction may also be able to assist with providing additional information such as dispositions when missing from a criminal history record.

(5) Florida and national criminal history records via the submission of fingerprints to the Florida Department of Law Enforcement (FDLE) and Federal Bureau of Investigations (FBI).

b. Information provided by the hotline's CIU for placements is made available to the child welfare professional via a hyperlink in FSFN. Each document type contains information obtained from different data sources. Documents provided by the hotline's CIU for purposes of placements include:

(1) Q Document. Contains CCH obtained from the Florida Crime Information Center (FCIC) for household members age 12 or older and adult visitors. For placements, the Q Document will also include:

(a) Delinquency history from the Juvenile Justice Information System (JJIS) for household members who are 12-26 years of age.

(b) Results from the Florida Department of Corrections for household members who are age 18 or older.

(c) Florida Sexual Predator results for household members who are age 14 or older.

(2) X Document. Contains CCH obtained from the National Crime Information Center (NCIC) for household members and visitors age 18 or older. This information is only provided for emergency background checks.

(3) P Document. For those requests initiated by a Case Manager, the hotline's CIU will conduct a review of both the Florida and national criminal history record results and provide a Criminal History Record Review Letter for the Purpose of Emergency Background Check indicating if there is an offense that prohibits an individual from being considered for placement per s. [39.0138](#), F.S. This information is only provided for emergency background checks.

(4) Criminal history record results from fingerprint submissions are obtained by the Background Screening Program's Placement Unit for planned background checks and by the Circuit Point of Contact for emergency background checks. The Background Screening Placement Unit or the Circuit Point of Contact will conduct a review of both the Florida and national criminal history record results and provide a Criminal History Record Review Letter for the Purpose of Placement indicating if there is an offense that prohibits an individual from being considered for placement per s. [39.0138](#), F.S.

c. Updates. Persons who are approved relative/non-relative caregivers and any adult household members 18 years old or older shall be re-screened through fingerprints every 12 months. For household members 12 years old and older, annual screening shall be limited to a local criminal records check, an abuse record check, and national and state Sexual Offenders and Predators registration check. This may include records of any responses to the home by law enforcement that did not result in criminal charges, and any calls for service to the home.

d. Background Assessment Documentation. The child welfare professional will document the records obtained and his/her analysis of the results in FSFN on the UHS page.

(1) The child welfare professional will document that based on a review of the CCH information, whether he/she has specific concerns related to child safety. The following is an example of correct documentation for results received from the CIU: *"The appropriate background checks were conducted on (date) for (individual's name). The child protective investigator has evaluated the information and reviewed for patterns of behavior or family violence that may pose a potential safety concern or elevated risk to a (child or vulnerable adult). At this time, (there appears to be) or (there does not appear to be) an immediate negative impact on the victim's safety."*

(2) Charges and dispositions from criminal history records obtained directly from a local law enforcement agency in or outside of Florida and the analysis must be documented. The child welfare professional must also document the specific law enforcement agency that provided the information.

(3) Information in a "Q" document may be summarized in the UHS as to dates, the charge and disposition.

(4) The child welfare professional must summarize information about child welfare history obtained from FSFN and explain whether or not the history is relevant given the person's current situation and status.

#### 6-14. Fingerprint Submission and Screening Procedures.

a. A fingerprint submission is the best method for obtaining all available criminal history records maintained by FDLE and the FBI. This is due to the following factors:

(1) Some states will not provide specific records via CCH in NCIC for an emergency background check query. However, states will normally provide the information based upon a fingerprint submission.

(2) Several factors may impact the accuracy of a search for FCIC/NCIC CCH to include the availability and/or the accuracy of demographic information; for example, misspelled names, incorrect dates of birth or address, and possible use of an alias. Fingerprints provide the most accurate and reliable results.

b. It is best practice to verify a person's identity prior to submitting fingerprints. Recommendations for acceptable primary and secondary identification(s) can be located in the Identify Verification Program Guide on the [Criminal Justice Information Services](#) intranet page.

c. The child welfare professional must receive and assess Florida and national criminal history record results from fingerprint submissions of those persons in the household of the prospective caregiver who are age 18 and older prior to approving the placement.

d. The National Crime Prevention and Privacy Compact Council and the Department's agreement with the FDLE recognizes that there are situations in which a child must be placed but there is insufficient time to complete fingerprinting of the prospective caregiver and household members prior to the placement.

(1) The hotline's CIU may obtain CCH from NCIC and fingerprint submission may be delayed if the placement must be made within 72 hours and is in exigent circumstances.

(2) This includes release/placement with a non-maltreating parent, relative or non-relative while the child is in shelter status and the placement has disrupted and it is anticipated that the new placement will occur within 72 hours.

e. When a child is removed due to exigent circumstances and is in need for emergency background checks to be placed, the child welfare professional placing the child(ren) must advise the adult household members in the placement household that fingerprints should be submitted the next business day. The emergency background check process provides for a delay in fingerprint submissions, not an exception to the requirement.

f. Fingerprints must be submitted no later than ten calendar days following the emergency background checks conducted by the hotline's CIU.

(1) The child welfare professional who requested the emergency background checks is responsible for ensuring that the household members submit fingerprints within ten calendar days.

(2) When placement occurs before or as the case is transitioning from investigations to a contracted provider, the CPI that requested the emergency background checks from the CIU is responsible for ensuring fingerprints are submitted within the ten calendar days.

g. For placements with a relative/non-relative, the child welfare professional will assess the criminal record per the guidance in paragraph 6-5 of this chapter and the following criteria specific to placement assessments:

(1) If the criminal records checks reveal that the applicant has been found guilty or entered a plea of guilty or nolo contendere for crimes other than those listed in ss. [39.0138\(2\) or \(3\)](#), F.S., the applicant shall be evaluated as to the extent of his or her rehabilitation. Factors to be considered will include the severity of the action resulting in the record, how much time has elapsed since the offense, circumstances surrounding the incident, and whether records indicate single or repeated offenses.

(2) A child welfare professional is prohibited from placing a child with a relative or non-relative who has offenses listed in s. [39.0138](#), F.S., and Rule [65C-28.011](#), F.A.C. Rule [65C-28.011](#), F.A.C., lists specific charges and references in the statutes that define those charges. Per s. [39.0138](#), F.S., the Department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

- (a) Child abuse, abandonment, or neglect;
- (b) Domestic violence;
- (c) Child pornography or other felony in which a child was a victim of the offense;

or,

(d) Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery.

(3) The Department may not place a child with a person other than a parent if the criminal history records check reveals that the person has, within the previous 5 years, been convicted of a felony that falls within any of the following categories:

- (a) Assault;
- (b) Battery;
- (c) A drug-related offense; or,
- (d) Resisting with violence

h. The child welfare professional must request a CLS staffing when a parent, household member, another visitor, or a paramour of a household member has had verified findings of sexual abuse or has been found guilty of any of the serious crimes listed in s. [39.0138](#), F.S., as detailed in CFOP 170-1, [Chapter 3](#).

i. The court has the authority to approve a placement regardless of the Department's recommendation.

6-15. Initial Foster Home License, Relicense for Foster Home and Adoption Unified Home Study. The following procedures provide guidance for conducting background screening in accordance with Rule [65C-13.023](#), F.A.C., for foster care licensing and Rule [65C-16.007](#), F.A.C., for adoption home studies.

a. Prior to placing a child in a foster home, the home must be licensed or relicensed in accordance with Rule [65C-13](#), F.A.C. This includes background screening requirements in Rule [65C-13.023](#), F.A.C.

b. Prior to placing a child in an adoptive household, there must be an approved Adoption Home Study in FSFN that documents the evaluation required in Rule [65C-16.005](#), F.A.C. This includes background screening of the adoptive parent(s), household members and other visitors to the home per requirements in Rule [65C-16.007](#), F.A.C. Fingerprints must be completed in order to receive background check results. The results must be received before the child is placed.

c. The following record information will be obtained for household members in a prospective foster home or adoptive household:

(1) Florida and national criminal history record results from fingerprint submissions for all prospective adoptive parents, household members, and other visitors to the home aged 18 and older.

(a) For foster parents, relative, and non-relative caregivers who are the current caregivers adopting a child in the custody of the Department, national criminal record checks must be current within 5 years of the adoptive placement.

(b) For relative and non-relative caregivers or potential adoptive parents who are not the current caregivers of the child, national criminal record checks must be current within one year of the date of the adoptive placement.

(2) Delinquency history from the Juvenile Justice Information System (JJIS) for household members who are 12-26 years of age.

(3) Local criminal history checks for all potential adoptive parents and household members age 12 or older.

(4) A records check of FSFN for all potential foster care or adoptive parents, household members, and other visitors to the home. Abuse and neglect history checks must be current within 30 calendar days of placement. A listing for each state's contact and the request processes for child welfare records can be located on the Department's [Background Screening](#) website.

d. All potential adoptive parents must have state and local background checks that are current within 90 days of the date of the adoption placement.

e. No child shall be placed with a relative or non-relative who has felony convictions for offenses listed in s. [39.0138](#), F.S.

(1) If the records reveal that the applicant has been convicted of crimes specified in s. [39.0138\(2\)](#), F.S., the application must be denied. These are detailed as felony convictions that fall within any of the following categories:

(a) Child abuse, abandonment, or neglect;

(b) Domestic violence;

(c) Child pornography or other felony in which a child was a victim of the offense;  
or,

(d) Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery.

(2) If the criminal record reveals that the applicant has been convicted of a crime specified in s. [39.0138\(3\)](#), F.S., the applicant cannot be considered for adoption until five years after the date of conviction. These are detailed as felony convictions that fall within any of the following categories:

- (a) Assault;
- (b) Battery;
- (c) A drug-related offense; or,
- (d) Resisting with violence.

(3) For convictions specified in s. [39.0138\(3\)](#), F.S., after five years have passed, the applicant shall be referred to the Adoption Applicant Review Committee if the applicant submits a new Adoptive Home Application.

(4) If the criminal record checks reveal that the applicant has been found guilty or entered a plea of guilty or nolo contendere for crimes other than those listed in ss. [39.0138\(2\) or \(3\)](#), F.S., the applicant shall be evaluated as to the extent of his or her rehabilitation. Factors to be considered will include:

- (a) Severity of the offense.
- (b) How much time has elapsed since the offense.
- (c) Circumstances surrounding the incident.
- (d) Whether records indicate single or repeated offenses.

(5) If the juvenile records check reveals a record, this information must be addressed in the home study and a determination must be made regarding possible impact to the adopted child.

#### 6-16. Progress Updates for Reunification.

a. The child welfare professional will obtain and assess the following background checks as indicated in Rule [65C-30.007](#), F.A.C., for the Progress Update when there are new household members, visitors, or paramours of household members, if they have not received the checks within the previous 60 days.

b. If case information supports the need for a Florida criminal history check, the request may be submitted to the hotline's CIU, with follow-up fingerprint submission per paragraph 6-13 of this operating procedure.

c. When assessing the background history of parents, the child welfare professional will follow procedures in CFOP 170-7, [Chapter 12](#), to implement reunification and post-placement supervision.

d. The child welfare professional will update local criminal background checks of all household members 12 years of age and older prior to a reunification. If the child welfare professional has any

concern that any of the individuals in the home engaged in criminal activity since the closure of the investigation, and such activity was outside of the local jurisdiction, an FCIC check through the CIU must be completed as a planned background check with subsequent fingerprint submission to obtain both Florida and national criminal history records.

e. The identification of records collected and analysis of the results will be documented in the Progress Update.

#### 6-17. Fingerprint Exemptions for Household Members.

a. The fingerprint exemption process is intended for rare or extenuating circumstances in which the adult household member cannot safely submit fingerprints due to a physical, developmental or cognitive disability.

b. Adult household members, excluding current and potential caregivers, are eligible to request an exemption from fingerprinting.

c. Individuals not eligible for a fingerprint exemption must attempt to submit fingerprints through an approved vendor. Individuals who provide babysitting and overnight care of children shall follow the screening provisions set forth in CFOP 170-11, [Chapter 7](#), titled “Babysitting and Overnight Care.”

d. Individuals who receive two rejected fingerprint submissions shall follow the FDLE guidelines for processing criminal record checks.

e. Agencies seeking fingerprint exemptions for an adult household member shall seek to eliminate barriers to fingerprint submission that do not pose a safety concern for the individual due to a physical, developmental or cognitive disability (i.e., use of mobile fingerprint vendors, assisting with transportation needs).

f. Requests for fingerprint exemptions for adult household members shall be submitted on the *Fingerprint Exemption Request Form* referenced in Rule [65C-28.020](#), F.A.C. Requests shall be submitted within 72 hours of receiving supporting documentation. Documentation from a licensed health professional is required and shall address the following:

(1) Justification that the individual is unable to submit fingerprints safely due to a disability; and,

(2) The disability does not pose a safety concern for any children in the home.

g. DCF regional managing directors or designees receiving fingerprint exemption requests shall ensure that the individual meets the criteria for an exemption as outlined in Rule [65C-28.020](#), F.A.C. A determination of approval or denial shall be made within 10 days of receiving the request and the requesting agency shall be notified of the determination. The DCF regional managing director or designee shall upload the form into the Caretaker Screening Information System (CSIS) within five (5) business days of the determination.

h. Upon receipt, the requesting agency shall upload the determination into the state’s official system of record. To ensure clarity and consistency, the following naming conventions shall be used for fingerprint exemption request forms:

*Last Name, First Initial. Requesting Agency. Fingerprint Exemption. Status. Year*

Ex: Smith, J. CBC. Fingerprint Exemption. Approved. 2019

Jane, M. CBC of FI. Fingerprint Exemption. Denied. 2019

i. Adult household members who are granted a fingerprint exemption must obtain a Level I screening as outlined in s. [435.03](#), F.S. Agencies shall follow protocol to request a criminal history search through the Florida Department of Law Enforcement (FDLE).

j. If the department determines that the individual does not qualify for an exemption, the individual shall be notified in writing within 10 business days of the determination, identifying the reasons for the denial, the statutory authority for the denial and the individual's right of appeal pursuant to Chapter 120, F.S.