

## Federal Requirements

For each kin caregiver you seek to approve, conduct a fingerprint-based check of national crime information databases.

For each kin caregiver you seek to approve, check any child abuse and neglect registry maintained by the State.

For each kin caregiver you seek to approve, check any child abuse and neglect registry maintained by any other State in which they resided in the preceding 5 years *if applicable*.

For each adult living in the home of the kin caregiver you seek to approve, check any child abuse and neglect registry maintained by the State.

For each adult living in the home of the kin caregiver you seek to approve, check any child abuse and neglect registry maintained by any other State in which they resided in the preceding 5 years *if applicable*.

A kin caregiver cannot be approved if the above checks show any of the following:

- Felony conviction for child abuse or neglect;
- Felony conviction for spousal abuse;
- Felony conviction for a crime against children (including child pornography); or
- Felony conviction involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

A kin caregiver cannot be approved if above checks show any of the following in the last 5 years:

- Felony conviction for physical assault;
- Felony conviction for battery; or
- Felony conviction for a drug-related offense.

## Additional Kin-Specific Model Standards

For each kin caregiver you seek to approve, conduct a name-based state/local/tribal criminal background check.

For each kin caregiver you seek to approve, check the sex offender registry.

For each adult living in the home of the kin caregiver you seek to approve, conduct a name-based state/local/tribal criminal background check.

For each adult living in the home of the kin caregiver you seek to approve, check the sex offender registry.

Background checks are not required on children under the age of 18. **Starts at 13.**

Standards do not include any automatic disqualifying criminal history beyond those listed in 42 U.S.C. 671(a)(20)(A) [Rows 8 & 9 above].

For 5 year automatically-disqualifying felonies, the 5 years begins on the date the crime was committed. (Currently date of conviction.)

#### **Additional Implementation Recommendations: General**

Kin caregivers and any other adult living in the home never pay for any approval steps, including fingerprints.

Agency uses the recommended background check request template.

Agency uses the recommended background check result evaluation template.

Agency uses the recommended approval denial and appeal instruction template.

An approved kin caregiver should not require a renewal of approval for the same placement, unless original circumstances change, such as moving to a different home. In the case of a change in circumstances, you should not need to re-fingerprint anyone.

When appropriate, the agency begins or possibly completes the approval process for known kin caregivers prior to formal removal, with this approval lasting up to one year.

Expunged crimes are not included in the evaluation of criminal histories.

Have a pathway for a kin caregiver without citizenship or legal residency to take placement and receive full foster care maintenance payments from agency funds.

Agency provides information to applicants about how to correct factual errors in their criminal history.

#### **Additional Implementation Recommendations: Fingerprinting**

In the case of an emergency placement, fingerprint-based background check results do not have to be back before making the placement. Each adult should get fingerprinted within at least 14 days of placement, with the ability to make case-by-case exceptions in exceptional circumstances.

Track the time it takes to collect, process, and evaluate fingerprint-based checks.

Provide community-based fingerprinting options (that are not police stations) that include evening and weekend hours, with broad geographic distribution. **Every 35 miles!**

Evaluate fingerprint-based history within one day (recognizing there may sometimes be extenuating circumstances that cause a delay). **Currently 85%.**

Do not delay approving the current kin caregivers in order to complete background checks on adults who may qualify as adults in the home *in the future* .

Subscribe to background check updates via rap back

Agency can conduct a name-based background check for individuals without fingerprints (such as those missing fingers, or those who no longer have fingerprints due to age, exposure to chemicals, etc.).

**Additional Implementation Recommendations: Fulfilling Out-of-State Child Abuse and Neglect Registry Requests**

Agency uses the recommended out-of-state child abuse and neglect registry request template.

When fulfilling out-of-state child abuse and neglect registry request checks, respond within one week.

When fulfilling out-of-state child abuse and neglect registry request checks, do not charge a fee.

When fulfilling out-of-state child abuse and neglect registry request checks, do not require a witnessed or notarized signature.

When fulfilling out-of-state child abuse and neglect registry request checks, accept electronic requests to a centralized email or portal.

When fulfilling out-of-state child abuse and neglect registry request checks, accept attestation from the sending agency that they received consent; do not require a copy of the consent or a new consent form.