

**The Philadelphia Department of Human Services
Children and Youth Division
Policy and Procedure Guide**

Issue Date: May 30, 2008

TO: All CYD Social Work Staff and Service Providers

**FROM: Joseph E. Kuna, Ph.D. Acting Deputy Commissioner, 
Pamela Mayo, Operations Director**

**RE: Interim Policy for FBI and Out of State Child Abuse Clearances for
Prospective Kinship, Foster and Adoptive Parent Applicants**

EFFECTIVE DATE: Immediately

Discussion:

The recently signed Act 73 of 2007 amends the Child Protective Services Law (CPSL) and brings Pennsylvania into compliance with the federal Adam Walsh Child Protection and Safety Act of 2006. The new law requires that effective January 1, 2008, all prospective foster, kinship and adoptive parent applicants and household members 18 years of age or older complete a fingerprint-based federal criminal record check through the FBI. In addition, these individuals are also required to submit child abuse history record checks from other states in which they resided within the previous five year period.

Effective July 1, 2008, prospective child care service employees and self-employed family day care providers in Pennsylvania will also have to comply with the requirement for FBI clearances.

POLICY

Beginning January 1, 2008, all prospective foster, kinship and adoptive parent applicants, as well as any individual over the age of 18 residing in the home at least 30 calendar days a year, must submit a fingerprint based federal criminal record check through the FBI. These individuals are also required to resubmit their FBI record check every 24 months. At the point of recertification, clearances are to be obtained for foster children who turn 18 and reside in the home at least 30 days of the calendar year.

Effective July 1, 2008, DHS will not approve PLC family profiles without FBI clearances for the prospective PLC applicants and their family members over age 18.

DPW will receive the completed federal criminal history record checks from the FBI and will interpret the results to determine if an individual has been convicted of a crime equivalent to Pennsylvania's list of prohibitive offenses.

If a prospective foster, kinship or adoptive parent or any household member 18 years of age or older resided outside of Pennsylvania at any time within the previous five year period, they must request certification from the Statewide Central Registry or its equivalent in each state in which they resided as to whether they are named as a perpetrator of child abuse. A child abuse record check from another state is also required within 30 days when any individual over 18 years of age who resided outside of Pennsylvania within the past five

years begins residing in the home of an approved foster/kinship family. Information is not required from any foreign country in which an individual may have resided in the preceding five years.

If it is determined that any individual is named as the perpetrator of child abuse within the previous five year period, and the findings meet the equivalent of a founded report in Pennsylvania, he or she must either immediately move out of the home or the foster child(ren) must be immediately removed from the home without a hearing.

Summary of Clearance Requirements

FBI Clearances:

- required for all prospective foster, kinship, PLC and adoptive parent applicants and household members 18 and older who reside in the home at least 30 calendar days a year, at the time of application and every 24 months thereafter.
- required for foster children who remain in the home at least 30 days of the calendar year, beginning at age 18.

Out of State Child Abuse Record Check:

- required if a prospective foster, kinship or adoptive parent or any household member 18 years of age or older resided outside of Pennsylvania at any time within the previous five year period.
- required within 30 days when any individual over 18 years of age who resided outside of Pennsylvania within the past five years begins residing in the home of an approved foster/kinship family.

Childline and Pennsylvania Criminal History Clearances:

- required for all prospective foster, kinship and adoptive parents and household members 14 years of age and older at the time of application and every 24 months thereafter.
- required for foster children age 18 and older when the foster/kinship home is being recertified.

Procedure:

When evaluating a potential kinship care home:

CYD social workers will advise prospective caregivers and household members 18 and older of the requirement to obtain FBI clearances and child abuse registry clearances from any other state they resided in the previous five years. This is in addition to the Childline and criminal history record information (CHRI) clearances for all household members 14 and older.

FBI Clearances:

For kinship homes being evaluated by A Second Chance, Inc (ACSI)

-the ASCI social worker will inform the family members of the procedure to obtain FBI clearances through Cogent Systems. ASCI will begin the FBI clearance process for all household members who require it by:

- *completing the fingerprint applicant information “form”*
- *registering the applicant with Cogent and obtaining an ID*
- *providing a list of sites where fingerprinting can be done*
- *providing a list of the types of acceptable identification.*

ASCI will pass on to the new provider copies of all information provided to the caregivers and completed for them.

If the CYD social worker is completing the kinship home evaluation

- he or she will inform family members of the procedure to obtain FBI clearances through Cogent Systems and will help facilitate their application if needed.
- The \$40 application fee for each kinship family member 18 and older will be paid for by DHS through contract with Cogent Systems.
- the CYD worker will forward any out of state child abuse registry clearance requests to the Liaison unit for processing.

(Information to complete kinship home evaluations can be found in CYD Policy Manual Section 5204- Kinship Caregiver Placements (updated June 2003), and Policy and Procedure Guide, "Amendments to the Child Protective Services Law (including Act 160)" issued May 15, 2007).

Private Providers

- providers can enter an agency agreement with Cogent Systems for payment of FBI clearances or can require that applicants pay the fee themselves.
 - providers are responsible for obtaining all out of state child abuse record checks and processing the clearances through Childline. These must be submitted, if applicable, to the DHS Licensure Unit when the homes are certified or recertified.
- (Note: the cost of FBI clearances for pre-adoptive homes may be submitted as a request for reimbursement of non-recurring costs)*

FBI Clearance Processing:

Childline will forward a letter with the results to DHS when DHS has paid for the clearance and completed the agency information section on the initial application. A copy of the results will also be sent to the applicant upon request. If an applicant pays for the clearance, Childline forwards the results directly to him/her. The applicant is then responsible for providing the results letter to the foster care/adoption agency.

Child Abuse and Neglect Registry Checks from Another State:

Any household member 18 or older who resided in any other state in the previous five year period, must request certification from the other states' central Child Abuse and Neglect registries. A copy of the states' contact information and forms are available in the Liaison Unit. The necessary information must be provided to the family by the CYD social worker or the ASCI social worker.

If the CYD social worker is completing the kinship evaluation, the out of state clearance request and any additional documentation required by the specific state(s) must be submitted to the Liaison unit who will forward to Childline. (note: Payment is required for clearances from California and Colorado.)

*To establish consistent interpretation of the results, Childline will receive the out-of-state registry information and will determine whether the individual's status is equivalent to a **founded** report of child abuse in Pennsylvania. Childline will then forward a letter specifying the results to the requesting agency. If an individual is named as perpetrator of a founded report of child abuse within the previous five year period, the foster/kinship or adoptive home can not be approved.*

If there are any questions about the results, Law Department should be consulted.

Procedure for Cogent Systems

Registration:

The applicant must first register with Cogent either through the DPW website at www.pa.cogentid.com/dpw or by calling **1-888-439-2486**. Applicants will not be permitted to have their fingerprints scanned without fully completing the registration process.

Fingerprinting:

The CYD social worker can obtain a current list of Cogent fingerprinting sites from the Liaison Unit.

Identification:

Applicants will need to present approved photo identification.

Fingerprint Rejection:

In the event the fingerprints are rejected by the FBI due to poor detail, applicants are requested by the FBI via a rejection letter to submit a second set, at no charge to the applicant.

Applicants must take their rejection letter and proper identification to the nearest Pennsylvania Fingerprint location. Individuals do not need to re-register for their second fingerprinting session.

If the fingerprints are rejected a second time by the FBI, notification is forwarded to Childline by the FBI. Childline will then conduct a name based check based on the demographic information on the initial application. Results of the FBI name based record check are also forwarded by the FBI to Childline for interpretation. The result record will be printed on paper with the Commonwealth Seal imbedded on the paper. This document constitutes an official Record.

If the applicant does not receive the Criminal History Record from DPW within three weeks after being fingerprinted, they should call (717) 783-6211.

Questions regarding this Policy and Procedure Guide may be addressed to:

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