



State of Florida
Department of Children and Families

Rick Scott
Governor


Mike Carroll
Secretary

MEMORANDUM

DATE: February 9, 2015

TO: DCF Regional Managing Directors
Community-Based Care Lead Agency CEOs

VIA: DCF CBC Contract Managers

FROM: Traci Leavine, Director of Child Welfare Practice 

SUBJECT: Revision of Procedure for Relative and Non-Relative Placements

PURPOSE: This memo advises you of the revision of the process for handling criminal history reviews for relative placements, non-relative placements, and adoptions.

BACKGROUND: Pursuant to Chapter 39, Florida Statutes, the Department is required to conduct background screening on all persons who are being considered for placement of a child, including relative placements, non-relative placements and adoptions. Section 39.0138, Florida Statutes, outlines the criminal offenses that prohibit the Department from placing children with anyone other than a parent, if the criminal history reveals a conviction of one of the identified offenses.

To promote consistency statewide, the Office of Child Welfare, after feedback from our community-based care partners, has developed a standardized process for handling criminal reviews for relative and non-relative placements and adoptions.

KEY PROVISIONS: Effective February 23, 2015, the Background Screening Unit will process all relative placements, non-relative placements and adoption results statewide. This will not impact the procedure for the receipt of background screening for emergency placements.

The Department's Background Screening Unit has established a Placement Unit to review results and determine eligibility. The Background Screening Help Desk can provide information regarding screening results. The Help Desk number is 1-888-352-2842.

ACTION REQUESTED: The Department is asking each community-based care lead agency (CBC) to identify one point of contact to receive results. The "Criminal History Record Review Letter for Placement Purposes" and the Florida Criminal History Public Record will be sent to the CBC point-of-contact for screenings received. The Department should identify a point of contact in the Family Safety/Child Welfare Office in each region who will receive results to allow for collaboration, if needed, on placement decisions.

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

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

Please provide the name and contact information for the point of contact to Diane Harris at diane.harris@myflfamilies.com by February 16, 2015. If you have any questions, please contact Diane at the above e-mail address or (850) 717-4636.

Cc: Pete Digre, Deputy Secretary
Janice Thomas, Assistant Secretary for Child Welfare
JoShonda Guerrier, Office of Child Welfare Director of Planning and Strategic Projects
Kellie Sweat Darnell, Director of Child Welfare Operations
Grainne O'Sullivan, Children's Legal Services Statewide Director
Regional Family and Community Services Directors
Center for Child Welfare, University of South Florida

ATTACHMENTS:

Criminal History Record Review Letter for Placement Purposes
Comments Matrix
Background Screening Flow Chart



State of Florida
Department of Children and Families

Rick Scott
Governor

Mike Carroll
Secretary

Criminal History Record Review Letter
For Placement Purposes

[Enter Date Here]

To: [CBC Point of Contact address]

Dear [CBC Point of Contact]:

In accordance with the requirements of Section 39.0138, Florida Statutes, the Department has completed a review of the criminal history records of the individual listed below. The records reviewed were based upon the fingerprints submitted at your direction.

- The Department's review found **no** information that automatically prohibits the above individual from being considered by you as a placement option.
- The Department's review found information that **statutorily prohibits the above individual from being considered as a placement** option. This is not applicable if the applicant is the parent of the child.
- Although there was no information reviewed that would statutorily prohibit placement consideration under FS 39.0138, it is recommended that the child protective investigator or the Circuit Point of Contact review all available information and discuss with the case manager the appropriateness of this placement. Advisement of the court may be warranted.
- The Department requires additional information in order to complete this criminal history records review. Please contact the below listed Department staff at the number listed below.

Please remember that this letter is not an approval of a placement, it is the notice to you of the department's review of the criminal history record as required by statute. The Community-Based Care Lead Agency is responsible for conducting the home study and other required investigative checks as well as conducting an evaluation of all factors regarding the safety of the child in determining the appropriateness of this placement. This includes information obtained from local law enforcement and other sources available to you.

If you have any questions, please contact [DCF Placement Screening Coordinator] at [telephone number].

Sincerely,

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

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

COMMENTS REGARDING PROPOSED PROCESS CHANGE FOR PLACEMENT SCREENINGS

Individual/Agency Contact Information	Comments/Issue	Response (Office of Child Welfare – Background Screening)
Kathleen Cruz- Kcruz@childnet.us / Said Benachenhou - Sbenachenhou@childnet.us	Time Frames for return of Live Scan results not defined.	The DCF Background Screening Placement unit will review criminal history results statewide daily. For results that can be immediately cleared, notification will be the day of review. If additional information is needed, the CBC will be notified. The review will generally be within 3 business days of receipt of the results.
Kathleen Cruz- Kcruz@childnet.us / Said Benachenhou- Sbenachenhou@childnet.us	Allow the CBC point of contact be a mail box instead of a specific staff.	The Department must ensure the confidentiality of criminal history results is maintained. The request for a mailbox point of contact cannot be granted, because there would be no way to ensure access to the inbox is limited.
Kathleen Cruz- Kcruz@childnet.us / Said Benachenhou- Sbenachenhou@childnet.us	Not obtaining level of details of results such as reasons behind disqualifications	The CBC will receive the placement letter, along with the Florida Department of Law Enforcement Criminal History Public Record. To comply with the DCF and FDLE user agreement, the Department may indicate whether or not an individual is eligible or disqualified. If the disqualifying arrest is on the Florida Public Record, the disqualifying charge will be shown. If the disqualifying charge is sealed, expunged or an offense shown on the federal criminal history, state and national laws prohibit the Department from releasing that criminal history information.
Kathleen Cruz- Kcruz@childnet.us / Said Benachenhou- Sbenachenhou@childnet.us	Clarify if Rejected Prints will be handled by the “Additional information” box on the review letter and related delays.	The rejected prints will be sent in a separate email with the information required for resubmission. If there is a second rejection, the CBC will be notified when the Department has initiated a name search. The timeframe to complete the FBI name search is approximately six weeks.

COMMENTS REGARDING PROPOSED PROCESS CHANGE FOR PLACEMENT SCREENINGS

Individual/Agency Contact Information	Comments/Issue	Response (Office of Child Welfare – Background Screening)
<p>Kathleen Cruz-Kcruz@childnet.us / Said Benachenhou- Sbenachenhou@childnet.us</p>	<p>The review letter includes the “Statutorily prohibited placement” box for all other than parents. Is there any other consideration allowed by Case Management? Please clarify.</p>	<p>Section 39.0138, Florida Statutes, state: (2) The department <u>may not</u> 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; or (c) A drug-related offense.</p>
<p>CBCCFL</p>	<p>This is another layer that we do not think will expedite receipt of the results. We need to expedite and expect that results are received within 10 days.</p> <p>Not sure any of the memo documentation states what this unit will provide that is value added. Why would units or positions be added to a process unless there is a</p>	<p>Placement screenings are currently handled differently in different areas of the state. In some areas, the review is completed by Family Safety/Child Welfare units and in others, by the Background Screening Units. Often, there may be extensive delays in receiving results, depending upon the region.</p> <p>This change will ensure all results are reviewed by the same unit. It will provide consistency in screening</p>

COMMENTS REGARDING PROPOSED PROCESS CHANGE FOR PLACEMENT SCREENINGS

Individual/Agency Contact Information	Comments/Issue	Response (Office of Child Welfare – Background Screening)
	<p>documented need established? The documentation provided does not state why we need more people involved in a process that should be streamlined. In addition, there is no accountability outlined for timeframes and how they will ensure adding a layer will not interfere with placement for our youth.</p> <p>This adds an additional layer and there needs to be timeframes and expectations on the process that is currently in place rather than adding additional people. Somewhat like the idea of a single point of contact at the CBC but do not see benefit in the DCF Background Screening Placement Unit.</p>	<p>determinations. It will also ensure accountability with the single point of contact and the assurance that screenings are reviewed every work day, with a process in place to provide back-up in the event of an absence of the Coordinator.</p>
Lorrene Egan/Devereux CBC	Does this include both emergency NCIC/FCIC checks requested through FSFN to hotline/command center as well as fingerprint results which are currently reviewed by Circuit CPI staff?	This does not include the emergency NCIC/FCIC checks requested through the Hotline. The Circuit CPI staff will continue to review results received screened as emergency placements. The Department Background Screening Placement Unit will review screenings for the planned placements by the CBCs.
Lorrene Egan/Devereux CBC	What is the turnaround time for the concur/non-concur letter to the field?	The unit will review criminal history results statewide daily. For those that can be immediately cleared, notification will be the day of review. If additional information is needed, the CBC will be notified. The review generally will be within 3 business days of receipt of the results from FDLE. The results are

COMMENTS REGARDING PROPOSED PROCESS CHANGE FOR PLACEMENT SCREENINGS

Individual/Agency Contact Information	Comments/Issue	Response (Office of Child Welfare – Background Screening)
		generally received within 3 business days of submission.
Lorrene Egan/Devereux CBC	Does this require a change in codes, etc., where fingerprint results are sent from the vendors?	We will create OCA numbers for placement screenings to identify the agency that requested the screening. The ORI will remain the same.
Valerie Holmes	A centralized placement unit to conduct screenings should result in a more seamless process and improve continuity as well as an identified liaison/single point of contact. A back up staff person should also be identified in the event that the SPOC is unavailable. Some follow up questions that have been posed for additional clarification are: is there an expectation that the timeliness of the background screening process will increase and if so what is the expected timeframe? What is the target date for implementation?	There will be alternate contacts available. Timeframes: For those that can be immediately cleared, notification will be the day of review. If additional information is needed, the CBC will be notified. The review will generally be within 72 hours of receipt of the results. Target Date for implementation is 02/23/2015.
Ada Gribble, Heartland for Children agribble@heartlandforchildren.org	Is the POC at the CBC one person per Lead Agency or one person per Case Management Agency? Currently, we have one POC at each Agency as well as one at HFC (a total of 5).	There should be one point of contact per Lead Agency to receive the results of the screening.
	Is the plan to take down the DCF portal for retrieving clearance letters, or will this system remain? If left up, will all results come to the CBC Portal?	This does not impact screening for employment or foster care providers. The process for receiving clearance letters through the DCF web portal will remain the same until the Department begins utilizing

COMMENTS REGARDING PROPOSED PROCESS CHANGE FOR PLACEMENT SCREENINGS

Individual/Agency Contact Information	Comments/Issue	Response (Office of Child Welfare – Background Screening)
		<p>the Clearinghouse for employment and licensure screening. It is anticipated this will begin in the summer of 2015.</p> <p>The results for the placement screenings will not be in the DCF Portal; they will be sent via encrypted email to the appropriate DCF and CBC points of contact.</p>
	Will the CBC be assigned to a single contact at the Background Screening Helpdesk, i.e. would we contact the same person each time?	Any staff on the Helpdesk will be able to assist; additionally, there will be a contact for placement unit.
	Will the clearance letters that are sent to the CBC be delivered via e-mail, and, if yes, will the messages be encrypted?	Yes, the results will be delivered through secure email.
	Are you aware of any change in process for scanning agency employees, volunteers, private adoptions and foster care licensing candidates?	The process is not changing at this time. However, once the Department begins participating in the Clearinghouse, those procedures will change. Information and training will be provided, prior to the implementation, which is expected to the summer of 2015 for screening agency employees, volunteers, private adoptions and foster care licensing.
	Are any updates to OCA/ORI codes going to be needed?	We will create OCA numbers for placement screenings to identify the agency that requested the screening. The ORI will remain the same.
	What identifying information will be available on the letter to facilitate	We will create OCA numbers for placement screenings to identify the agency that requested the screening.

COMMENTS REGARDING PROPOSED PROCESS CHANGE FOR PLACEMENT SCREENINGS

Individual/Agency Contact Information	Comments/Issue	Response (Office of Child Welfare – Background Screening)
	determination of receiving agency and delivery of same?	
TRAVIS PAULK	Background Screening Staff to include the placement unit will need to complete and maintain CJIS Online Security Awareness Training.	All Background Screening staff complete the CJIS Online Security Awareness Training.
TRAVIS PAULK	CFOP 175-94 Update. This is the OCW CFOP for record checks for the purposes of investigations and placements which include the policies, work flows, roles, and responsibilities for placement business practices/procedure. *Needs updating for several policies/procedures anyway.	This CFOP will need to be updated to include the current changes. Revisions will be included in the CJIS Modernization Project.
TRAVIS PAULK	Recommend any changes to the placement review letter be reviewed by Hotline and Legal prior to finalization.	The placement review letter has been reviewed and approved by Legal and the Hotline.
TRAVIS PAULK	Any changes to the placement review letter will need to be updated in FSFN (template) for the Hotline.	The final changes after all reviews to the placement review letter will be provided to the Hotline.
TRAVIS PAULK	The current Circuit NCIC Point of Contacts are the TACs primary POC for CJIS audits to include the monthly PCX and Placement audits. Need to determine if the OCW Regional Point of Contact mentioned in the memo will be the TACs POC for audits.	After discussion with Travis Paulk, the placement screenings the Background Screening Unit will process are not subject to the CJIS audits. The Points of Contact for the audits should remain with the Circuit OCW Point of Contact.

COMMENTS REGARDING PROPOSED PROCESS CHANGE FOR PLACEMENT SCREENINGS

Individual/Agency Contact Information	Comments/Issue	Response (Office of Child Welfare – Background Screening)
TRAVIS PAULK	Background Screening/Placement Unit staff and the OCW Regional POC will need FSFN access/role to: access placement letters provided by the Hotline and to the FSFN Criminal History Record report. May require training (to additionally include understanding Hotline and overall process/procedures).	Background Screening Placement Unit staff will send the Placement Review Letter via secure email to the CBC staff. The unit will not be required to access FSFN to complete the review. Reviews for the planned placements are not processed through FSFN; they are accessed through secure email from FDLE.
TRAVIS PAULK	Hotline will need to be notified and provided with the contact info for the placement unit and OCW Regional POC for instances that a Circuit referral is needed (they currently use the NCIC POC contact listing).	The points of contact will be provided to the Hotline for referral purposes.
TRAVIS PAULK	Family Made Living Arrangements procedure/practice may need to be discussed. Currently submitted as emergency placements to the Hotline and via livescan submission which would result in a placement review letter for CM (Safety Methodology Guidelines).	With these results being submitted as emergency placements to the Hotline, the procedure for handling the processing will not change. The Placement Unit will only process the planned placements by the CBCs.

