

## IYSA/YSB Fund Background Check Questions

### Standard Policies and Procedures Questions from Presentation:

1. All IYSA subcontractors need to contact the DCS Background Check Unit for new or renewed contracts. Even though IYSA provides a list of all of the sub-contracted accredited YSBs in the budget, they do still need to contact the BCU at contract renewal, to have their agency/individuals named as a separate entity on the fingerprint registration website.

2. A contract liaison is available for all DCS-contracted agencies.  
Indiana Youth Services Association (IYSA) holds the contract with DCS with YSBs and PSPs subcontracting. IYSA is assigned to a contract specialist, but the majority of questions related to the contract should be directed to Prevention Manager, Hannah Robinson. The contract specialist assigned to IYSA is Rena Lockett, [Rena.Lockett@dcs.IN.gov](mailto:Rena.Lockett@dcs.IN.gov) (317)-234-6032. Contact the BCU if results are not returned.

If Agencies are interested in learning who their contract specialist is for Community Based or Residential contracts that they hold they can do so by reaching out to DCS Child Welfare Plan [ChildWelfarePlan@dcs.IN.gov](mailto:ChildWelfarePlan@dcs.IN.gov).

3. If you have questions about results that are not returned, contact DCS COBCU via e-mail at [cobcuinquiry@dcs.in.gov](mailto:cobcuinquiry@dcs.in.gov)
4. DCS BCU is only concerned with DCS contracted programs, and not all agency staff. However, IYSA accredits the entire YSB. Per the DCS contract, IYSA is accountable for background checks of the agency's non-DCS funded program or other agency staff. For funded program staff, IYSA is accountable for background checks, training, and other HR issues (reference checks, proof of education)
5. Board of Director members who do not have access to client files or contact with youth do not need background checks, unless they are called upon to step in for paid staff.

If Board members do step in for agency staff, Board of Director members who step in for paid staff OR supervise employee and volunteers would need a level of background checks equal to the person whom they are covering or supervising.

Additionally, the agency CEO is required to have background checks at the highest level of the staff or volunteers within the agency even when they do not step in to cover for staff or direct supervise.

6. Vendors who are never left alone with the youth do not need background checks. If vendors have access to client files or they are left alone with children or if they are with kids and only other contracted staff are present, they need an A-1 background check.

7. One-time guests who are never left alone with youth do not need background checks, only signed confidentiality forms, unless they have access to client files, they are alone with children, or with children and only other contracted staff members.
8. Support staff, such as maintenance, cafeteria, or office administrative personnel or janitorial staff require an A2 level check, unless they have access to client files or they are left alone with children or if they are with kids and only other contracted staff are present.

***Additionally, if the staff/volunteer person are providing services inside a DCS licensed residential facility, ALL staff and volunteers require A-1 level background checks.***

9. Regular basis is defined as scheduled weekly or monthly contact and requires an A1 level check. Other definitions of “regular” are defined in contracts or subcontracts or you expect the contact to occur again or repeat in the future.
10. Shared office space with other agency staff members – background checks are needed if the other agency staff members have access to client files (A-1) or will see the youth overhear conversations, phone calls, or conference calls regarding the child (A-2).
11. Outside speakers in programs who will not return and who are never left alone with the youth:
  - If only other contactor staff is present during the presentation then this requires all staff, including the presenter, to have A-1 level background checks.
  - If the parents or guardian of the child was present then the speaker would be required to have A-2 level background checks since the presenter might have access to the child’s information during the presentation, verbal or written.
12. Sex offender checks must be through the National Sex Offender Registry – [www.nsopr.gov](http://www.nsopr.gov). Run this as a nationwide check and do not filter by state/county unless the applicant has an extremely common name and returns hundreds of matches to the name.
13. Local criminal checks can be done on MyCase.in.gov or Doxpop.com, and DCS-approved fingerprint vendors can be found on the IdentiGo website.
  - The local criminal court record searches for periods of time with residency within Indiana are completed through MyCase.in.gov.
  - If the staff/volunteer has lived outside of Indiana within the past five years, checks would need to be completed with that appropriate jurisdiction’s criminal court corresponding to the applicant’s resident residency.

- MyCase.in.gov is the official website that should be used to complete local criminal court record searches within the State of Indiana.
- Doxpop.com will only be acceptable when the MyCase.in.gov county the applicant has resided is not been converted to myCase.in.gov. yet. Doxpop.com can also be used to supplement/clarify the information obtained through MyCase.in.gov

14. An application for criminal history check must be filled out by the applicant with last five years of residences listed. The application for criminal history only requires the city, county and state of residency and does not require full resident addresses for the applicant in the past five years.

15. Agencies are no longer required to send in the A1 or A2 forms to DCS.

16. Hiring decisions are based only on convictions, not arrests. COBCU can't determine how an agency will make their hiring decision. When COBCU evaluates fingerprint results the final determination of qualified or disqualified is based on convictions. When the agency is evaluating the results of the criminal court record searches, below is the policy regarding when the agency should contact COBCU for additional assistance or for COBCU to evaluate criminal history records in more details.

Policy 13.4 page 2 is below

**Local Criminal Court Records Check**

The DCS Contractor Agency will evaluate the results of the Local Criminal Court Records Checks. See Policy 13.3 Conducting Background Checks for DCS Contractors for more information regarding who should complete the Local Criminal Court Records Checks. If this name-based court record check returns convictions for a felony, four (4) or more misdemeanors, or a misdemeanor that may relate to the health and safety of a child, the DCS Contractor Agency or designee shall contact COBCU for additional guidance if the fingerprint-based status letter was qualified.

17. Waiver request forms must come from the agency, but the applicant's letter must also be included with the request.

18. All forms must come back "clear" and the applicant must be Qualified or a Waiver Granted before the applicant can be alone with any children, be alone with children and only other contractors are present, or have access to children's information.

19. If the volunteer is under the age of 18 years of age the parent or guardian shall provide the signature for the Application of Criminal History and Child Protective Service History Checks. All other searches completed for an under-age 18 volunteer are public record.

A-1 checks include National and State fingerprint based checks, Child Protective Search history checks in all states of residency in past five years, National Sex Offender Registry checks as well as local criminal court record checks in all criminal court jurisdiction the applicant has resided in the past five years. A1 level checks must be done for:

- Executive Directors - if they have A-1 level staff at agency. If they have only A-2 level staff working at the agency then the Executive Director is an A-2 level covered personnel
- Any person who will be alone with a youth or alone with youth and only other contractor staff present.
- Anyone with “regular” contact – reoccurring contact, weekly, monthly, quarterly
- Anyone who may fill in for an A1 level staff person

A1 checks include:

- a DCS-approved fingerprint check dated within the past 48 months
- local criminal court history check through MyCase for Indiana residency.
- Only use or Doxpop if the county of residency is not converted in MyCase yet. Criminal court records outside of the state of Indiana will be obtain from the appropriate criminal court sources.
- NSOR checks
- CPS checks in all states of residency in the past five years.

A1 checks are done at hire, as outlined above, and once each 48 months based on the anniversary date of the individual staff/volunteer as long as employment/volunteer is a covered personnel with a DCS contractor/subcontractor agency.

A-2 checks includes Child Protective Search history checks in all states of residency in past five years and National Sex Offender Registry checks.

A2 level checks must be done for:

- Anyone with access to client files, including IT vendors, if only has access to children’s records this is an A-2 level covered personnel
- Support staff that do not have access to children’s records nor are alone with a child, alone with child and only other contractors or has regular access to a child information does not have a requirement of any background checks.
- Support staff who are not left alone with youth, alone with youth and only other contractor staff present and do not have regular contact with youth but does have access to children’s records
- Occasional and unscheduled volunteers who are not left alone with youth or not left alone with youth and only other contractors, and do not have access to client files. If no to all three then no background checks are required.

A2 checks include:

- NSOR checks

CPS checks in every state the applicant has resided in the past five years.

A2 checks are done at hire, as outlined above, and once each 48 months based on the anniversary date of the individual staff/volunteer as long as employment/volunteer is a covered personnel with a DCS contractor/subcontractor agency.

## Other Questions not answered:

- How often do the local criminal court history checks need to be done?  
At hire and once each 48 months based on the anniversary date of the previous checks.
- Do K-12 school personnel require an A1 or A2 check?  
School personnel staff are not referenced as A-1 or A-2 staff as this a DCS contractor term. Other agency's, including the Department of Education, checks are completed using different evaluation standards than those used for DCS contractor/subcontractor staff.
- Do Teen Court volunteer attorneys require A1 or A2 checks?
- Teen Court Volunteers attorneys would be required to comply with the same background check standards as other DCS contractor/subcontractor staff and volunteers.
- Does IYSA set the policy for the checks required for other agency non-DCS program staff?  
A2 vs A1?  
These non DCS program staff would not be referred to A-1 or A-2 as these terms reference DCS Contractor/Subcontractor program only. If there are no National/State or other agency policy requirements then it is up to IYSA discrimination when making determination of policy regarding non-DCS program staff.
- What is the record retention requirement for background checks?  
The Provider shall maintain a record of the results of each check conducted pursuant to this Section. The Provider shall, if requested by the State, provide a copy of that record to DCS or make the record available for inspection by an authorized representative of DCS.
- What do we do with international job candidates or volunteers?  
Best practice involves attempts to obtain equivalent criminal court record checks, CPS searches and Sex offender registry checks in the other countries the applicant has resided in the past five year.
- What and when can agencies accept the background checks done by others?  
If this is referring to when a contractor/subcontractor can use a third party vendor to complete checks, the contractor/subcontractor can use a third party vendor to assist with background check requirements if that third party vendor is checking the same information and in the same manner as outlined in DCS Child Welfare policy 13.4 and 13.5.
- What documentation from MyCase is needed?  
Please see full instructions at  
<https://www.in.gov/dcs/files/Local%20LEA%20Instructions%20Effective%207%201%202017.pdf>

- Instructions about frequency of CPS and NSOR checks differ depending upon who at DCS is asked. Is the yearly *required* or recommended?  
**To complete CPS and NSOR checks annually is best practice. This is not a requirement nor is it recommended in written policy.**
- What if contract renewal falls within 90 days of a new hire? Does the new hire still have to do the background check renewals?  
**Background checks are required each 48 months on the anniversary date of the applicant's previous check completion date.**
- How are agencies supposed to handle inconsistent instructions between DCS staff?
  - If inconsistent information is in regards to background check requirements contact supervisors Heidi Gaha or Scott Hood via e-mail [cobcuinquiry@dcs.in.gov](mailto:cobcuinquiry@dcs.in.gov).
  - Outside of information regarding background check requirements see the below
    - Concerns should be brought to the attention of DCS Division Leadership.
    - For inconsistent information related to DCS Prevention programs please direct concerns to the Prevention Manager, Hannah Robinson via DCS Prevention Questions [DCSPreventionquestions@dcs.in.gov](mailto:DCSPreventionquestions@dcs.in.gov).
    - For concerns related to other Child Welfare Services please direct communication to David Reed or Austin Hollabaugh via DCS Child Welfare Plan
    - **For concerns regarding DCS Field Operations please contact the Local Office Director for the County. Local Office Director contact information can be located at <https://www.in.gov/dcs/2372.htm>.**
- If you are partnering with other agencies for programs, can you use the checks they have for employees if they've been done in less than 90 days?  
 If your agency is partnering with an agency that is also a direct DCS contractor or subcontractor, this agency will have completed their own background checks through DCS. As long as those checks are within the past 48 months and evaluated/completed through DCS, there is no requirement for the checks to be completed over by your agency, regardless of the 90 days.