



TITLE	POLICY NUMBER	
Background Checks – Child Welfare Agency Staff	DCS 15-32	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of License and Regulation	07/24/2019	5

## **I. POLICY STATEMENT**

This policy exists to help ensure the safety of children in the care of a Child Welfare Agency licensed by the Department of Child Safety (DCS).

## **II. APPLICABILITY**

This policy applies to all Child Welfare Agencies and their staff pursuant to Child Welfare Agencies licensed under Arizona Administrative Code (A.A.C.) Title 21, Chapter 7, and in accordance with the Family First Prevention Services Act, and to the employees of Office of Licensing and Regulation (OLR).

## **III. AUTHORITY**

[A.A.C. Title 21, Chapter 7](#)

Department of Child Safety-Child Welfare Licensing

[A.R.S. § 8-503](#)

Powers and duties

[A.R.S. § 8-505](#)

Issuance of licenses; application; investigation; renewal

[A.R.S. § 8-509](#)

Licensing of foster homes; renewal of license; provisional license; exemption from licensure; immunization requirements

<a href="#">A.R.S. § 8-804</a>	Central registry; notification
<a href="#">A.R.S. § 46-141</a>	Criminal record information checks; fingerprinting employees and applicants
<a href="#">A.R.S. § 41-1758.07</a>	Level I fingerprint clearance cards; definitions
<a href="#">Congressional Bill 1892</a>	115th Congress Bipartisan Budget Act of 2018

#### IV. DEFINITIONS

Adam Walsh Child Protection and Safety Act of 2006 (AWA): An Act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

Adult: A person age 18 years or older; a youth in extended care does not apply.

Affiliated: Officially attached or connected to an organization.

Background Check: The combination of obtaining a level one fingerprint clearance card, an Arizona central registry check, and a central registry check in any state a staff has resided at any time within the five-year period prior to the hire date with the licensee.

Child welfare agency: Any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for 24- hour social, emotional, or educational supervised care or have been adjudicated as a delinquent or dependent child.

Department or DCS: The Department of Child Safety.

DCS Central Registry: The information maintained by the Department of substantiated reports of child abuse or neglect for the purposes of A.R.S. § 8-804.

Family First Prevention Services Act: Is an amendment to parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep

children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

Hire Date: The first day staff performs any task, training, or additional function with the licensee either on a voluntary basis or for compensation.

Licensee: The person or entity holding a Child Welfare Agency license.

Office of Licensing and Regulation (OLR): The administration within DCS that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.

Staff: a person engaged full-time or part-time by an Agency including paid and unpaid employees, consultants, contractors, subcontractors, volunteers, students, interns, governess members, and persons otherwise affiliated with the Agency on either a temporary or permanent basis.

## V. POLICY

- A. Child Welfare Agency shall submit:
  - 1. a DCS Central Registry Clearance check in the department's electronic database prior to all staff's hire date with the Child Welfare Agency in accordance with A.R.S. § 8-804; and
  - 2. a completed AWA request form to OLR and verify that the results have been received by OLR from the processing state prior to hire date with the Child Welfare Agency for any staff that have lived in another state other than Arizona within five years prior to the hire date.
- B. Child Welfare Agency staff shall have obtained a valid Level One Fingerprint Clearance Card in accordance with A.R.S. § 46-141.
- C. Child Welfare Agency shall submit the request for a Central registry check for all staff no earlier than 90 days or later than 60 days prior to the expiration date of the license.
- D. Child Welfare Agencies shall complete and submit to OLR an Agency Roster, on

a form provided by the department, on a specific day determined and communicated to the Child Welfare Agency by the Department.

- E. Child Welfare Agencies shall refer to any and all of their individual contracts and meet those background check requirements in addition to the ones listed in statute and this policy.
- F. Prior to receiving all required background checks, staff shall not be permitted to assume a position or any responsibilities with the licensee.

## **VI. PROCEDURES**

- A. All staff of a Child Welfare Agency shall complete and sign the Background Check Authorization ([CSO-1637](#)) form and submit it to the Child Welfare Agency. The signed form shall be placed in individual personnel files maintained by the Child Welfare Agency and is subject to audit by the Department.
- B. Using the Background Check Authorization (CSO-1637) form, the Child Welfare Agency shall add the required information to the Department's electronic database.
  - 1. If the individual is offered a hire date with the Child Welfare Agency the staff shall be entered in the Child Welfare Agency's individual Agency Roster, provided by the Department.
  - 2. When staff separate from the Child Welfare Agency, the Background Check Authorization (CSO-1637) form shall be updated to reflect the separation date and whether staff is eligible for rehire. Separation information shall be entered in the Department's electronic database within five (5) business days from date of separation.
  - 3. The Child Welfare Agency shall retain a copy of all automated emails and forms related to the central registry checks in the personnel file maintained by the Child Welfare Agency.
- C. If a disqualifying event, substantiation, is identified during the Arizona central registry check, regardless of direct care responsibilities, staff may apply for a good cause exception with the Board of Fingerprinting (<https://fingerprint.az.gov/application-process/central-registry-exception>).

1. OLR shall not provide to the Child Welfare Agency details on a substantiation finding.
2. If a good cause exception is granted, the staff shall receive the approval letter and provide it to the Child Welfare Agency.
3. A good cause exception does not entitle staff to employment.
4. If a non-disqualifying act is identified, but not noted on the Background Check Authorization Form (CSO-1637):
  - a. the staff must submit a new Background Check Authorization Form (CSO-1637) to convey the non-disqualifying act if the staff remains employed by the Child Welfare Agency; and
  - b. the Child Welfare Agency shall maintain both the original and updated forms in the staff's personnel file.

D. Adam Walsh Act Background Checks

1. Child Welfare Agency shall identify if a staff has resided in any other state five years prior to the hire date with the Child Welfare Agency. The Child Welfare Agency shall review the completed Background Check Authorization (CSO-1637) form to determine residence history.
2. The Child Welfare Agency shall obtain the required central registry form prescribed by the state(s) the staff has resided in at any time during the past five years prior to the hire date with the Child Welfare Agency.
3. The Child Welfare Agency shall inform and assist the staff in the completion of all required forms.
4. Completed original forms shall be submitted to OLR with attached payment, if applicable, on the form required by the processing state.
5. Once received by OLR the Child Welfare Agency shall receive a status notification when OLR has submitted the request to the processing state.
6. Results shall be provided to the Child Welfare Agency by OLR when the

processing state returns the results to OLR. Results are received as: No record found or record found.

- a. OLR shall not provide details on a substantiation finding to the Child Welfare Agency.
  - b. OLR shall provide contact information and details on how to request the record for the processing state at the request of the Child Welfare Agency.
7. Processing times for AWA requests vary and timeframes are dependent upon the processing state.

E. Level One Fingerprint Clearance Card Status

1. All staff of a Child Welfare Agency shall obtain a Level One Fingerprint Clearance Card. The staff's Level One clearance card shall be maintained active and valid at all times the staff is employed or associated with the Child Welfare Agency.
2. If at any time a staff's Level One Fingerprint Clearance card has a status other than "valid" OLR shall notify the Child Welfare Agency via email.
3. If a Level One Fingerprint Clearance Card is denied, suspended, or revoked the staff may apply for a good cause exception with the Board of Fingerprinting (<https://fingerprint.az.gov/applying-good-cause-exception>).
  - a. OLR shall not provide details related to the cause of an invalid status to the Child Welfare Agency.
  - b. If a good cause exception is granted, a Level One Fingerprint Clearance Card will be issued to the staff and the Department's electronic database will be updated to reflect the valid status.
4. If an individual is unable to provide fingerprints either through the state contracted provider or a manual fingerprint roll, OLR shall:
  - a. Advise the child welfare agency to submit the Fingerprint Clearance Card application and fee to DCS/OLR. Applications are submitted to: DCS/OLR -ATTN: CWL Unit, P.O. Box 6030, Site

Code C010-22, Phoenix, AZ 85005-6030;

- b. Advise the child welfare agency to submit a letter on the child welfare agency's letterhead advising of the reason the individual cannot be printed. A letter from the doctor on the doctor's medical office letterhead may be substituted for the child welfare agency letter; and
  - c. Upon receipt of the hard copy of the fingerprint application, supporting documentation, and payment, the assigned DCS unit will submit all paperwork via in person delivery to DPS, located at: 2222 W. Encanto Blvd., Phoenix, AZ 85009. Results of the request to DPS are sent directly to the individual requesting a fingerprint clearance card.
- F. Child Welfare Agency Rosters provided to Child Welfare Agencies by the Department
- 1. Information listed on this form shall be for the previous month sent on a specific day determined by the Department.
- Example: If the form is due the first Thursday of the month is May 4<sup>th</sup>, the form shall have the information from April 1<sup>st</sup> -April 30<sup>th</sup>.
- 2. Child Welfare Agency Roster shall be submitted each month via email to an email address determined by the Department.
  - 3. The Department shall track Agency Roster submissions, review content, and may request adjustments and clarification

## **VII. FORMS INDEX**

[CSO-1637 Background Check Authorization](#)

*Agency Roster-provided by the department*

*Verification of Employment-OLR specific form, provided as needed*