



Administrative Policies and Procedures: 14.24

Subject:	Child Protective Services Background Checks
Authority:	TCA 37-1-414; 37-5-105; 37-5-106; 27-5-107; 37-5-511
Standards:	COA: PA-CR 2.01, 2.02, 2.04; PA-RPM 6.01, 6.03, 6.05; PA-FC17.04, PA-KC 6.04
Application:	All Department of Children's Services Employees
Policy Statement:	
The Department of Children's Services requires a background check on any person who applies to work with children and youth as a volunteer or paid employee in any position in which any significant contact with children is likely.	
Purpose:	
Pursuant to <i>Tennessee Code Annotated 37-1-414 and 37-5-511</i> , background checks are required for all persons who have direct contact with children. This operating procedure provides the steps to be followed when child caring, contract agencies and child welfare agencies request a CPS records check on an individual(s).	
Procedures:	
A. Request for a CPS record check	<ol style="list-style-type: none"> 1. When DCS central office receives a child protective services records request from a contract or child caring agency a DCS database records check of the TFACTS and the Social Services Management System (SSMS) will be conducted. 2. The staff person completing the search will also record the information for the requesting party on form CS-0741, Database Search Results. This form is mailed or faxed to the requesting agency.
B. Waiver of an indicated case for placement	<ol style="list-style-type: none"> 1. If a person was found to be indicated on the SSMS database for one of the following classifications, the indication can be waived by the Regional Administrator or Designee if the following circumstances are present: <ol style="list-style-type: none"> a) The indication was for any of the following classification codes: <ul style="list-style-type: none"> ◆ Lack of supervision: ◆ Educational neglect:

	<ul style="list-style-type: none">◆ Moral abuse:◆ Physical neglect: <p>b) There have not been any subsequent referrals of any kind.</p> <p>Note: If a child death (Codes Q & R) resulted in any previous report, <u>the indication cannot be waived.</u></p> <ol style="list-style-type: none">2. If there is an indication on SSMS or TFACTS that occurred prior to the implementation of the Multiple Response System and the allegation would now be addressed within the current assessment track criteria, a review of the investigation can be requested from the Office of Child Safety. The review will determine if the indication can be overturned based upon the current practice of the Multiple Response System.3. Prior to the release of information from either the TFACTS or SSMS database, the hard copy file and/or court order with adjudication must be located. After receipt of all necessary information /materials to conduct a Central Office review, Office of Child Safety staff has 3 business days to provide review results. Placement will not be made prior to this review.4. If DCS does not begin procedures to release from the TFACTS database the identity and other related information of a perpetrator in an "indicated" report of abuse, severe child abuse, child sexual abuse, or neglect within two (2) years of the initial classification, DCS will not release any information as to that report. This provision will not, however, require expunction of this information from the Department's internal records.
<p>C. Waiver of the formal case file review process of an indicated case</p>	<ol style="list-style-type: none">1. If a person was found to be indicated on the SSMS or TFACTS database for one of the following classifications, the indication can be overturned without formal case file review, for purposes of employment, if the following circumstances are present:<ol style="list-style-type: none">a) The indication was for any of the following classifications:<ul style="list-style-type: none">◆ Lack of supervision:◆ Educational neglect:◆ Moral abuse:◆ Physical neglect:◆ Substantial risk of physical abuse:◆ Substantial Risk of physical injury:

	<p>b) The indication is ten (10) years or more from the date of the requested background check.</p> <p>c) There have not been any subsequent referrals of any kind.</p> <p>2. If DCS does not begin procedures to release from the TFACTS database the identity and other related information of a perpetrator in an “indicated” report of abuse, severe child abuse, child sexual abuse, or neglect within two (2) years of the initial classification, DCS will not release any information as to that report. This provision will not, however, require expunction of this information from the Department’s internal records.</p> <p>3. Prior to the release of information from either the TFACTS or SSMS database, the hard copy file and/or court order with adjudication must be located.</p> <p>NOTE: If a child death resulted in any previous report, <u>the indication cannot be waived.</u></p> <p>4. Refer to <u>DCS Policy 14.11, Child Protective Services Due Process Rights and Reviews</u>, for general guidelines related to Due Process Rights and Reviews.</p> <p>5. Refer to <u>DCS Policy 4.1, Employee Background Checks</u>, for general guidelines related to Background Checks.</p>
<p>D. Internal DCS records check guidelines</p>	<p>1. If a request is received after hours, on holidays or weekends the DCS case manager may contact Central Intake to perform the DCS database records check.</p> <p>2. If local or regional DCS are unable to locate the closed case file or if the file has been destroyed, the records check will note that there is insufficient information for the review.</p>

<p>Forms:</p>	<p><u>CS-0668, Authorization For Release of Information to DCS</u></p> <p><u>CS-0741, Database Search Results</u></p> <p><u>CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues and CPS Indications</u></p>
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<p>Collateral documents:</p>	<p><i>None</i></p>
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Glossary:	
Term	Definition
Social Services Management System (SSMS):	The Tennessee child welfare data system prior to the DCS <i>current child welfare information system</i> .