



**State of Tennessee
Department of Children's Services**

Administrative Policies and Procedures: 4.1

Subject:	Employee Background Checks
Authority:	TCA 37-5-105, 37-5-106, 37-1-414, Adoption and Safe Families Act, P. L. 109-239, Safe and Timely Interstate Placement Act of Children in Foster Care Act of 2006- P.L. 109-239, and Social Security Act
Standards:	COA: PA HR 3.03, PA-ASE 6.03, PA-RPM 2.01
Application:	All Department of Children's Services, Private Provider Employees

Policy Statement:

All Department of Children Services (DCS) and Private Provider Employees **who have access to children during the performance of their job duties** must be free from criminal or abuse history that could pose a safety risk to children.

Purpose:

To ensure that background checks are conducted on all DCS and Private Provider Employees that have access to children and a determination made that no criminal or abuse history exists that could pose a safety risk to children.

Procedures:

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| A. Background checks | <p>1. <u>DCS/Private Provider Applicants or New Hires</u> - Applicants recommended for new hire or transfer to a DCS position or to a Private Provider Agency position <u>that involves contact with children must</u> submit to a full background check, and any waiver granted where applicable, after the acceptance of a conditional offer of employment <u>but prior to the first day of work.</u> The background check will be completed by the appropriate designated DCS or Private Provider staff member and results maintained in the employee's official personnel file.</p> <p><u>NOTE:</u> Paid interns from out-of-state providing direct care to children/youth may begin employment without the completion of a fingerprint check as long as they have no unsupervised contact with children until fingerprint results are obtained. Fingerprinting must be arranged and results received within fifteen (15) calendar days from the date of hire. Appropriate action will be taken as outlined in this policy if fingerprint results do not comply with policy requirements.</p> |
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2. All DCS employees whose position involves access to children must complete form **CS-0668, Authorization for Release of Information to DCS** upon receipt of a conditional offer of employment.
3. Private provider employees will use the agency's appropriate authorization form.
4. The following is a detailed listing of the documentation and background checks to be completed:
 - a) A **Criminal history check** to include local criminal records check from local law enforcement records for all residences of employee within the immediate six (6) months preceding application for employment. All criminal charges listed in the local criminal history check for which there is no final disposition identified in the local criminal history check must be clarified by obtaining additional official documentation from the local court with jurisdiction.
 - ◆ DCS/Private Provider employees must report any arrest, indictment, or criminal conviction of any criminal offense (either misdemeanor or felony). Refer to DCS Policy [4.9, Employee Disciplinary Actions](#) for additional information on reporting of arrests, indictments, or criminal convictions of any criminal offenses by DCS employees.
 - b) TBI/FBI fingerprint check.

NOTE: If an employee has a period of unemployment between DCS or Private Provider agency of thirty (30) days or less **AND** the fingerprint results are less than one year old, the original fingerprint check results will be considered valid.
 - c) Driving records check to include current valid driver license and a check of moving violations records.
 - d) A **DCS Records Check** that includes a check of CPS records in TFACTS and a **Social Service Management System (SSMS)** search must be completed. This search must be completed by the appropriate designated DCS staff member on form **CS-0741, Database Search Results** to determine if there is a past Child Protective Service (CPS) indication identifying the applicant as an indicated perpetrator of child abuse or neglect.
 - ◆ Unless a waiver is granted pursuant to DCS Policy [14.24 Child Protective Services Background Checks](#), no applicant will be approved for employment who has been determined to be an indicated perpetrator of child abuse or neglect.
 - ◆ Specific information related to CPS findings and records involving an applicant must be maintained in the **confidential section** of the official

	<p>personnel file.</p> <p>5. An <u>Internet Records Clearance</u> must be completed on each applicant and documented in the employee’s official personnel file. The internet records clearance involves a background check of the following:</p> <p>a) A National Sexual Offender Registry Clearance must be conducted for the prospective employee. The Internet Website address is: http://www.nsopw.gov/</p> <p>b) A Tennessee Department of Health Abuse Registry Clearance. The Website address is http://health.state.tn.us/abuseregistry/index.html</p> <p>Note: Any private provider agency accessing an internet service to complete the required background checks for employees is responsible for ensuring that the internet services being utilized accesses the internet searches listed above, at a minimum. Doing so will preclude the need for the provider to complete each individual internet search.</p> <p>Failure to ensure and verify that the chosen internet service uses the exact sites listed above for each check, will result in that check being considered invalid and cause the employee check to be non-compliant.</p> <p>c) All internet checks must be completed in accordance with DCS policy to ensure compliance. On occasion, when a search has been completed incorrectly (e.g., middle initial or name left out; misspelling, etc.), it can be rectified by appropriately performing the checks again. Checks that show no results are considered compliant. Checks that show charges or convictions within the findings are deemed non-compliant.</p> <p>6. Results from all background checks must be documented on DCS form <i>CS-0687 Criminal History and IV-E Eligibility Checklist</i>. Form <i>CS-0687</i> must be fully completed by the local DCS Human Resources office staff/Private Provider designee and filed with supporting results documentation attached in the employee’s official personnel file.</p> <p>7. Private Providers may substitute an equivalent form to <i>CS-0687</i> provided that the content of the substituted form is the same as <i>CS-0687</i>. Any substituted form must be fully completed and filed with supporting results documentation attached in the employee’s personnel file.</p>
<p>B. Annual background checks</p>	<p>1. DCS/Private Providers will conduct <u>annual background checks</u> on all employees in positions that <u>involve contact with children</u>. The following is a detailed listing of the documentation and background checks that must be completed annually with results to be maintained in the employee’s personnel file:</p> <p>a) Driving records check to include validation of current driver license and a check of moving violations records.</p>

	<p>b) An Internet Records Clearance The internet records clearance involves a background check of the following:</p> <ul style="list-style-type: none"> ◆ Methamphetamine Offender Registry Clearance^{1***} The Internet Website address is: http://www.tennesseeanytime.org/methor ◆ TN Felony Offender Database Clearance^{2***} The Website address is: http://www.tennesseeanytime.org/foil/search.jsp ◆ A National Sexual Offender Registry Clearance must be conducted for the prospective employee. The Internet Website address is: http://www.nsopr.gov/ ◆ Department of Health Abuse Registry Clearance. The Website address is http://health.state.tn.us/abuseregistry/index.html ◆ <u>See note in Section A-5, above</u> <p>2. Results from all annual background checks must be documented on DCS form CS-0687Criminal History and IV-E Eligibility Checklist in the same manner as set out in Section A, 4 of this policy.</p> <p>3. Any issues discovered in the annual check will be addressed on a case-by-case basis and may result in disciplinary action up to and including termination from employment with DCS/Private Provider.</p>
<p>C. Approval or Denial of DCS employment based on background check</p>	<p>1. No applicant may be approved for employment who has a felony conviction for the following:</p> <ul style="list-style-type: none"> a) Child Abuse and Neglect; b) Spousal Abuse; c) A crime against a child or children (including child pornography); d) Any aggravated crime or other crime involving violence, including, for example, rape, sexual assault, or homicide, but not including other types of physical assault or battery. <p>Note: In situations where there are pending charges of this type with no disposition, approval or disapproval may be withheld until such time as the charges have been resolved.</p>

1 *** These registry checks are required only on an annual basis.

2 *** These registry checks are required only on an annual basis.

	<ol style="list-style-type: none"> 2. An applicant who has been convicted of any other felony offense may be granted a waiver if: <ol style="list-style-type: none"> a) The conviction occurred more than five (5) years prior to the applicant's hiring; and b) The DCS Executive Director of the Office of Human Resources Development or Private Provider Program Director personally reviews the circumstances of the applicant and determines that the applicant could work productively and constructively with children. 3. Prior misdemeanor convictions may be waived if: <ol style="list-style-type: none"> a) The offense does not relate to a child safety issue or domestic violence issue; and, b) The DCS Regional Administrator/Regional Administrator/YDC Superintendent or Private Provider Program Director personally reviews the circumstances of the applicant and determines that the applicant could work productively and constructively with children (see waiver process listed below). 4. In situations where there are pending charges with no disposition, approval will be withheld until the charges have been resolved. 5. A criminal history waiver must be approved and properly documented as required in <i>Section D</i> of this policy.
<p>D. Criminal history waiver</p>	<ol style="list-style-type: none"> 1. In situations where an applicant for employment with DCS/Private Provider is determined to have a criminal conviction/charge that meets the criteria in Section C, items 2 and 3, a criminal history waiver must be completed. In order for employment to be approved, the criminal history waiver <u>must be approved as outlined in this policy and according to the instructions for form CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues and CPS Indications, prior to hire.</u> Documentation of the criminal history waiver request and approval must be maintained in the employee's personnel file. 2. For any waivers of criminal history, DCS form CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues and CPS Indications, must be approved and properly completed.
<p>E. Tracking and monitoring of private provider direct care staff</p>	<p>The Central Office Division of Child Placement and Private Providers (CPPP) will track and monitor IV-E safety requirements regarding Private Provider direct care employees in congregate care or facility settings. Review Facility and Group Care IV-E Compliance Protocol.</p>

Forms:	<p><u>CS-0668, Authorization for Release of Information to DCS</u></p> <p><u>CS-0687, Criminal History and IV-E Eligibility Checklist</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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Collateral Documents:	<p><u>Facility and Group Care IV-E Compliance Protocol</u></p>
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Glossary:	
<i>Term</i>	<i>Definition</i>
Conditional Offer of Employment:	For this policy, the conditional offer of employment is that prospective employees will not have any access to children until all background checks are completed or a criminal history waiver is approved.
Private Provider:	<u>For the purpose of this policy:</u> Refers to entities that contract directly with the Department of Children's Services (DCS) for the provision of direct care, treatment and services to children/youth in the custody of the State and their families.