

Guidance for Private Providers
Criminal Records Checks
COVID-19 (Coronavirus)
April 7, 2020

The following guidance is based on the state of emergency declared in Executive Order 15. Due to the current emergency, the Department has opted to suspend the requirement for providers to obtain a criminal record check from local law enforcement or county records for all localities for which the applicant resided in the six months prior to their application for employment.

Guidance for Criminal History Background Check Requirements During COVID-19

Please reference policy 4.1, *Employee Background Checks* for more details regarding requirements.

- Must complete TBI/FBI fingerprint check
- Must complete DCS database records check (child abuse and neglect check).
 - ✓ Complete form CS-0741 send to: EI-DCS-Provider.Backgroundcheck@tn.gov.
- If applicant has lived in another state in the past 5 years, submit Out-of-state Adam Walsh child abuse/neglect registry check. Out-of-state contact information can be found in the Adam Walsh State Contacts for Child Abuse Registries. Results of Adam Walsh Checks are not required prior to the hire of the employee, but documentation must be provided to show the request has been made. Agencies are required to engage the state in which the request is made every sixty (60) days until a result is obtained.
- Must complete National Sexual Offender Registry Clearance (<https://www.nsopw.gov/>).
- Must complete Tennessee Department of Health Abuse Registry Clearance (<https://apps.health.tn.gov/AbuseRegistry/default.aspx>)
- Must complete Methamphetamine Registry check online (<https://apps.tn.gov/methor/>)
- Must complete Tennessee Felony Registry check online (<https://apps.tn.gov/foil-app/search.jsp>)
- Must complete driving records check to include current valid driver license and check of moving violations records
- All background check results must be documented on form CS-0687, Background Check History and IV-E Eligibility Checklist.
- For current employees, must continue to complete all annual criminal checks to include driving records check, drug offender registry clearance, Tennessee felony offender registry clearance, national sex offender registry clearance, and Tennessee Department of Health Abuse Registry clearance.

Guidance for Waivers of Criminal Charges During COVID-19

Please reference policy **4.1, Employee Background Checks** for more details regarding waiver tip sheet.
(<https://files.dcs.tn.gov/policies/chap16/waiverTipSheet.pdf>)

- Must consider any charges listed from the fingerprint results with no disposition as a conviction if provider is unable to obtain disposition.
 - ✓ If provider is unable to acquire information related to any missing disposition, reference the waiver tip sheet to determine whether the charged offense is waivable.
 - ✓ If the charge without disposition listed in the fingerprint results isn't waivable, the prospective employee will not be hired until further documentation is received to indicate the charged offense was dismissed or resulted in a not guilty verdict or the charge was pled down or otherwise modified to reflect a waivable offense.
- Provider must complete the local criminal checks on any applicant hired during the emergency period who remains employed with the provider within ninety (90) days of Executive Order 15 or subsequent similar executive order expiring or being withdrawn.

Guidance to Providers for Continued IV-E Oversight During COVID-19

- Must continue to complete and submit the spreadsheet by the first week of the month to the agency's RET Representative.
 - ✓ All monthly spreadsheets submitted must include an updated list of all new direct-care staff beginning their employment with the agency. Agencies must also include on the spreadsheet employees that are no longer with agency.
 - ✓ RET Representatives will monitor the completion of outstanding local criminal checks on a monthly basis, requiring compliance no later than 90 days after the Executive Order ends.

The availability of obtaining local background checks in some metropolitan areas may still be available through the county clerk's office utilizing online resources. Providers are still encouraged to take advantage of this option if available to alleviate backlogs when the COVID-19 Crisis is over.