 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

## I. STATEMENT OF POLICY

In accordance with R.S. 15:587, a national criminal record clearance shall be requested from the Louisiana State Police by the Department of Children and Family Services (DCFS) Child Welfare on the following individuals:


- Foster and adoptive parent applicants and adult members of foster and adoptive parent’s households
- Parents whose children have been removed from their custody
- Parents or caregivers involved in investigations of abuse or neglect
- Potential caregivers of a child who is either in the custody of DCFS and is the subject of an investigation of abuse or neglect, or is or has been receiving services through the DCFS
- Potential employees of DCFS whose duties include the investigation of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys
- Individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing care and supervision to any child or youth in the custody or under the supervision of DCFS

DCFS will complete these national criminal background clearances on the above noted individuals, the Office of Juvenile Justice (OJJ) contracted child care institution staff, as well as DCFS contracted child care institution staff through fingerprint based scans using LIVE-SCAN equipment located in DCFS offices around the state \* or other approved DCFS protocol. \*\*

No person shall be hired by DCFS or contracted child care institutions whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, employment by a child care facility or performance of licensing surveys, until \*\*\* the person has submitted his fingerprints \* according to agency protocol for submission to \*\* the Louisiana Bureau of Criminal Identification and Information of the Louisiana State Police and it has been determined the person has not been arrested, convicted or pled nolo contendere to a crime listed in R.S. 15:587.1(C).

\*\*\*

Each national criminal background clearance can only be used for the purpose for which it was obtained. A new clearance is conducted whenever one is needed for another purpose or at a later time for the same purpose. Anyone with the potential of providing daily care or supervision to any child or youth in the custody of DCFS cannot meet criteria based on certain convictions as listed in R.S. 15:587.1 and 46:51.2 C. When reporting results of national criminal background clearances, the designated DCFS staff reviewing the criminal background clearances may only report “meets criteria” or “does not meet criteria” to provide care for a child or youth in the custody of or under the supervision of the State of Louisiana. DCFS is

 Department of <b>Children &amp;          Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

prohibited by the Federal Bureau of Investigation (FBI) from referencing the findings in a national criminal background check/clearance. Findings of national criminal background checks for applicants are reported via the Criminal Record Clearances (CRC) form for potential caregivers in residential settings or potential foster/adoptive parents being certified through private child placing agencies. The reference to R.S. 15:587.1 in this document has been authorized by the FBI.

Individuals being fingerprinted must present official current and valid photo identification or a current and valid digitized credentials as in accordance with in R.S. 39:17.1 through 39:17.5 verifying their identity. Documents that can be accepted in lieu of a valid driver’s license are:

- Social Security Card
- U.S. Passport
- Certificate of Birth
- Marriage Certificate
- Certificate of Citizenship
- Court Order for Name Change/Gender Change/Adoption/Divorce
- U.S. Tribal or Bureau of Indian Affairs Identification card
- Certificate of Naturalization


When an official photo identification document is not available, two original forms of non-photo identification must be provided. If none of these documents are available, no clearance can be completed.

**II. PROCEDURES**

**A. FINGERPRINT BASED CRIMINAL CLEARANCE**

Fingerprint-based national criminal record clearances shall be completed on the parties noted in this policy by using the DCFS Child Welfare LIVE-SCAN equipment, which must be kept in a secure location within each office designated to house the equipment **\* or other DCFS approved protocol. \*\*** Results are retrieved by designated individuals within each office. Arrangements for the person(s) to have fingerprints scanned and submitted to the State Police and FBI via LIVE-SCAN are made through the Regional Office.

Each Area Director is responsible for identifying a staff person in the designated offices to conduct the LIVE-SCAN fingerprint clearances. Each Area Director is also responsible for identifying a designee, such as a Home Development Supervisor, Child Welfare Manager or an equivalent level staff person to review the results of the clearances. This individual shall determine whether the potential caregiver “meets criteria” or “does not meet criteria” to provide care to a child. This individual may only share results of the clearance with staff members directly involved in the case decision-making and planning. If ordered by the court, the judge in the case may be shown the results but may not be provided a copy.

 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

\* Results of employee fingerprint scanning can only be accessed by or provided to the regional HR Liaison for uploading into the employee’s ePAR file. Hardcopies of employee clearances should not be retained for any purpose.


A copy of the LIVE-SCAN fingerprint log shall be sent MONTHLY to State Office, Attention: Administrative Services.

Two submissions of fingerprints are allowed for an individual before DCFS is billed for another submission. Therefore, every effort shall be made to obtain readable prints within the first two trials. Alcohol swabbed on the tips of the fingers may enhance the ridges. Confirmation of the quality of the prints shall be made prior to releasing the prospective caregiver or employee to prevent them and/or their family members from having to make another trip to the Regional Office.

### 1. Categories of Criminal Clearances

When the Regional Office staff are completing fingerprint scans on the LIVE-SCAN, several options will appear on the computer screen regarding the type of clearance being completed. Staff are to select the appropriate code/category based on the descriptions below.

- DCFS A – Foster/Adoptive - This clearance is conducted on any foster/adoptive parent applicant for certification purposes (DCFS and/or private agencies providing certification to applicants to care specifically for children in the custody of DCFS).
- DCFS B – Abuse/Neglect - This clearance is conducted on parents or current caregivers of a child involved in an investigation of abuse/neglect but the child is not in the custody of the state.
- DCFS C – Parent Custody - This clearance is conducted on any parent of a child who has been removed from the parent’s custody (children in DCFS custody or another state child welfare agency for whom we are completing an ICPC home study on a parent of a child in a state’s custody).
- DCFS E – Employee - This clearance is conducted on potential child welfare and DCFS licensing staff only. Always use the default option for an FBI as well as state criminal history to ensure a national clearance is obtained. \*\*
- DCFS P – Potential Caregiver - This clearance is conducted anyone who is a potential staff member of a child care institution; anyone with the potential of providing daily care and supervision to any child in the custody of the State of Louisiana, or another state for whom the agency is completing a home study of a

 Department of <b>Children &amp;          Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

potential caregiver other than a parent for Interstate Compact on the Placement of Children (ICPC) purposes; or, any potential caregiver of a child which is the subject of an investigation of abuse/neglect.

Staff shall track the number of fingerprints submitted for clearance by using the Fingerprint Log. The log shall be retained for audit/tracking purposes in a central file. Please refer to Chapter 25 Forms Manual to download a copy of the Fingerprint Log/Instructions.

For those applicants and/or individuals who want to secure a personal copy of the criminal clearance, refer them to the following website: [FBI - Homepage](#).


## 2. ICPC Home Study

In completing ICPC home studies, the agency may use LIVE-SCAN fingerprint equipment to complete a fingerprint based national criminal clearance on adult household members who are subjects of the home study. This is allowed as these homes are being reviewed for children in the custody of other states and will potentially be children that are receiving services through the department. Staff are to utilize the potential caregiver category (P) for all home studies except those involving a parent who is residing in Louisiana. For parents, residing in Louisiana, the parent custody code (C) should be utilized.

## 3. Criminal Record Clearance Backup Plan

When there is a problem with the LIVE-SCAN machines in a particular region go to another DCFS, Child Welfare office to use the equipment there. Call first to verify the equipment in the other office is working and to schedule a time which does not conflict with the routines of the office. Only use another Child Welfare office to ensure the equipment has the coding necessary to scan prints and receive results for Child Welfare purposes. Once prints are ran by another Child Welfare office the procedure to get the fingerprint background clearance back to the region of origin should be as follows:

- For DCFS Potential Employee Clearances, the results need to be handled **\* only by the HR Analyst in the region \*\* \*\*\***.
- For Residential Staff Clearances, the clearances should be provided to the regional designee for reviewing those clearances in the region running the fingerprints to notify the facility if the referred potential employee meets criteria or does not meet criteria.
- All other clearances (e.g. foster/adoptive parent, relative caregiver, ICPC family, biological parents or household members of any of those individuals) will need to be scanned to the requesting region case worker and/or supervisor so the clearance can be placed in the family or child's case record. Scanning are to be sent via a

 Department of <b>Children &amp;          Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

DCFS computer to a DCFS email account to ensure the security of the information during the transmission.

**B. \* PROBLEMS WITH FINGER PRINT BASED CLEARANCES**

When there are case specific circumstances that prevent DCFS from obtaining an individual’s fingerprints as a result of the individual’s disability or serious health condition; or, prevents DCFS from obtaining legible fingerprints due to low quality fingerprints, as a result of age, occupation or otherwise, thereby making it impossible to obtain fingerprint based results from the national criminal information databases, staff should contact the local Sheriff’s department to determine if DCFS may collaborate with the crime scene unit to have a deputy go out to the home of the individual and utilize the spoon system to complete hard copy ten print cards for DCFS.


The cards may then be submitted to the attention of Amanda Moore, Louisiana State Police Criminal Records Unit, P.O. Box 66619, Mail Slip A6, Baton Rouge, LA 70896 for processing. The cards will need to have the ORI code for the parish DCFS office notated in the appropriate field on the card as well as the appropriate reason code for the criminal background clearance. The ORI number for the parish may be obtained by emailing [CWSupportServices.dcf@la.gov](mailto:CWSupportServices.dcf@la.gov), and the reason code may be found in DCFS policy, Chapter 1, Section 10, Part 1-1000.

Payment for the Sheriff’s office to complete the ten print cards will need to be negotiated locally, and applied to the program TIPS major/minor code 800/830.

The [DPSSP 6696](#) Authorization Form, along with the ten-print fingerprint card obtained from the Sheriff’s office, must be completed and submitted to the Louisiana State Police (LSP). \*\*  
 \*\*\* The DPSSP 6696 Form can be downloaded through the LSP website, [www.lsp.org](http://www.lsp.org). To access the DPSSP 6696, click on Applications and Forms, click on Background Checks and click on Authorization Form. The ten-print card, DPSSP 6696 and a DCFS PMF 108 Form authorizing payment of \$39.25 per person must be sent to Division of Management and Finance (DM&F), DCFS Fiscal Services, Accountant-Payment Management Unit, P.O. Box 3927, Baton Rouge, LA 70821 to authorize processing. All efforts to obtain fingerprints must be documented in the case record.

The DCFS PMF 108 should be completed as follows:

- Vendor Name and Address: Louisiana State Police Criminal Records Unit, P.O. Box 66619, Mail Slip A6, Baton Rouge, LA 70896 (or other agency name and address if for another state or law enforcement entity)
- Office Name and Address: Inquiring Parish Office and mailing address
- Office Contact Person: Inquiring Worker Name
- Office Phone Number: Telephone number for the case worker

 Department of <b>Children &amp;          Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

- Description: Criminal Record Clearance for (Name of parent, caretaker or potential caretaker). In order to return the criminal record report on each parent, caretaker or potential caretaker for the child, the name of each parent, caretaker or potential caretaker must be listed individually on the form with the fee amount itemized per person for the Louisiana criminal clearances.
- Amount: Fill in total amount as appropriate at \$39.25 per person.
- Prepared by, Date and Authorized/Receiving Agent: Complete these categories according to local office procedures.


Category	Agency No.	Organization No.	Object Code	Reporting Cat.
DCFS A – Foster/Adoptive	360	8030	4900	0594
DCFS B – Abuse/Neglect	360	8030	4900	0696
DCFS C – Parent Custody	360	8030	4900	0695
DCFS E – Employee	360	Region 1 - 8711	5100	0902
		Region 2 - 8702		
		Region 3 - 8709		
		Region 4 - 8793		
		Region 5 - 8764		
		Region 6 - 8785		
		Region 7 - 8726		
		Region 8 - 8757		
		Region 9 - 8738		
DCFS P – Potential Caregiver	360	8030	4900	0697

These codes are used only for the cost of the actual national criminal clearances and **NOT** for any other affiliated costs, such as the LIVE-SCAN fingerprint equipment or the connection to AFIS through AT&T or Cox. Those costs should be processed through regional budget coding used for other regional office expenditures.

### C. CRIMINAL HISTORY

A potential caregiver and those who have other adult household members who are found to have a criminal history shall be handled according to the following criteria.

1. Persons who have been convicted of any of the criminal offenses listed in 1-1000 R.S. 15.587.1 Criminal Offenses or have been convicted of an attempt to commit or conspiracy to commit or have pled nolo contendere to any of the criminal offenses or

 <p>Department of <b>Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i></p>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

who have other adult household members who have been convicted of any of the criminal offenses or have been convicted of an attempt to commit or conspiracy to commit or have pled nolo contendere of any of the criminal offenses are prohibited from becoming caregiver of foster children (R.S. 15:587.1 Child Protection Act). No exceptions or waivers can be made to criminal behaviors listed in the Child Protection Act.


Pursuant to Louisiana R.S. 46:51.2(C), a child may not be placed with a prospective foster/adoptive parent until it has been determined that the prospective foster/adoptive parent has not been convicted of or pled nolo contendere to a felony listed in R.S. 40:966(C) and (E), 967(C), 968(C), 969(C), or 970(C), Possession of Schedule I, II, III, IV, or V drugs, unless five or more years have elapsed between the date of proposed placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole.

- If a potential caregiver has been convicted of or pled nolo contendere to a felony listed in 46:51.2(C), a child shall not be placed in the home until the convictions or nolo contendere pleas the potential caregiver submits to and passes an initial drug screen and has provided written consent to any plan of random drug testing by the Department for the duration of the placement of the child in the home. Any required drug testing shall be at the expense of the individual.
- Residential caregivers, noncertified caregivers and household members of noncertified caregivers over the age of 18 must abide by the policy of 1-1000, Criminal Record Clearance, Section C.

No exceptions or waivers can be made to criminal behaviors listed in Louisiana R.S. 46:51.2(C).

2. In addition to the Child Protection Act (R.S. 15:587.1) criminal offenses, 42 USC 671a(20) prohibits persons who have been convicted of felony offenses from becoming caregivers of children in foster care. The prohibited criminal offenses are:
  - a. Felony offense against a spouse or former spouse
  - b. Felony offense against children including child pornography, child abuse or neglect
  - c. A crime involving sexual assault (battery), rape or homicide, but not including other physical assault/battery
  - d. A felony physical assault within the last five years
  - e. A felony drug related criminal offense within the last five years

The criminal behaviors listed in the Public Law are not the actual legal titles of crimes in Louisiana’s criminal code but are general descriptions. Should the criminal record check include federal or other state criminal offenses, it shall be necessary to obtain an understanding of the acts which constituted the crime to screen the offense against the

 Department of <b>Children &amp;          Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

prohibited offenses listed in the Louisiana Child Protection Act and 42 USC 671a(20). After obtaining definitions of crimes in other states, a consultation with the Regional Attorney, may be needed to determine if a crime from another state is equivalent to a LA criminal code citation.

There can be no exceptions or waiver of the criminal offenses listed in the Public Law.


No exceptions or waiver can be granted for individuals “on probation/parole.” Regardless of the criminal offense, individuals on probation/parole are to be excluded from becoming caregivers for foster children as the individual may have the probation or parole revoked at any time leaving the child without a caregiver. This does not apply to potential staff members in child care institutions as other caregivers would be available. However, if the crime for which a prospective child care institution person is on probation or parole is found in the Child Protection Act or 42 USC 671a(20), the individual would not meet criteria to provide care to a child in foster care. An individual on probation/parole is a convicted criminal offender who has been released into the community under the supervision of a probation/parole officer in lieu of incarceration. Therefore, certification of and/or placement of a child with an individual on active probation/parole would leave a child vulnerable should the probation/parole be revoked. Revocation of the individual’s probation/parole would result with imposition of sentence. Individuals under court ordered supervision, relative to criminal activity, cannot be considered as possible placements for foster children.

For any crimes listed in the Child Protection Act or 42 USC 671a(20), there can be no exceptions to allow a child to be placed in the care of the provider. For a criminal record offense not prohibited by these laws, there must be a determination of potential risk of harm to the child for families considered for placement of the child. This does not apply to potential child care institution. The Area Director or designee shall make the decision regarding whether an individual or family “meets criteria” or “does not meet criteria” to care for foster children, in situations involving potential caregivers other than foster/adoptive parent applicants.

**D. PRIVATE CHILD PLACING AGENCY CLEARANCES**

Private Child Placing Agencies, with whom DCFS Child Welfare has a provider agreement, and private adoption agencies which are completing home studies for DCFS foster children are to submit the names of all adults living in the home along with payment to the DCFS State Office Division of Programs. Payment (\$26 per person) for the state criminal record clearance should be made payable to the DCFS Child Welfare. DCFS does not require the private agencies to cover the cost of the federal portion of the fingerprint based national criminal clearances for foster/adoptive parent applicants. The private agencies shall contact the Home Development (HD) Unit in Regional Office for the parish in which the family lives to schedule a fingerprint clearance for each adult in the home in need of a fingerprint based clearance. The appointment should be at least one week from the time the criminal record clearance is



 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

requested and payment is made to the DCFS Child Welfare State Office. When DCFS State Office receives the private agency request/payment, the HD Unit in the Regional Office and the private agency will be emailed a confirmation of receipt. This will serve to alert the HD Units in the Regional Office to expect telephone contact to arrange the appointment for the prospective caregiver(s) to complete the fingerprinting process.


Private agencies submit a “Transmittal Form for DCFS Private Child Placing Providers to Request Criminal Records Clearances” and an “Authorization to Disclose Criminal History Records Information Form” to DCFS State Office along with payment for the state police portion of the criminal background clearance. The private providers will also give the prospective caregiver(s) a copy of the Transmittal Form to bring to the fingerprinting appointment, as well as advising the family/individual to bring the necessary identification documents to the appointment. The family/individual is to wait in the DCFS office until a confirmation of “good” fingerprints is received. This will allow immediate reprinting of the family/ individual if necessary.

**E. CHILD CARE INSTITUTION STAFF CLEARANCES**

Potential staff members at Child Care Institutions caring for foster children in state custody are to have all staff and individuals employed directly or indirectly by the facility submit to national fingerprint-based criminal clearances. These clearances will be completed by the DCFS Regional offices utilizing LIVE-SCAN fingerprint equipment. The child care institution is to contact the Regional Office where the facility is located to schedule an appointment when fingerprinting is necessary. When a request is received from a child care institution for a criminal records check, DCFS staff should verify the provider’s license by viewing <http://carefacility.dss.louisiana.gov/licensing>. However, DCFS does not complete national fingerprint-based criminal clearances for staff at Therapeutic Group Homes (TGH), Psychiatric Residential Treatment Facilities (PRTF), or Juvenile Detention Centers.

Each child care institution staff applicant should be supplied a letter on the child care institution letterhead as well as the DSS 35 Form to present to the regional DCFS staff at the time of the appointment. The letter should indicate the name of the individual and that they are being considered as a potential staff member. The potential child care institution staff member must also be advised to provide the necessary identification documents at the time of the appointment.

Regional DCFS staff is to encourage, and child care institutions are to advise, the child care institutions staff applicant(s) to wait until confirmation of “good” fingerprints is received when present in the Regional DCFS office completing the fingerprint clearance. This will allow immediate reprinting of the individual(s) if necessary. This may require a wait of approximately 30 minutes.

 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

When the fingerprint clearance is complete, DCFS staff sign the bottom of the letter the child care institution staff applicant submitted upon arrival for the appointment to indicate the fingerprint clearance was completed. The letter is to be faxed and scanned and emailed to the child care institution as well as to DCFS State Office, (225) 342-0965 and [DCFS.Residential.Licensing@la.gov](mailto:DCFS.Residential.Licensing@la.gov). DCFS State Office will use these letters to invoice the facilities monthly for all staff applicants completing the national fingerprinting process during the month at a rate of \$39.25 per person.

The national criminal record clearances shall be stored in a “Confidential” file in the Regional DCFS office, in a secure location when the report is received through the automated system. DCFS must maintain the original report and may only destroy them according to Record Retention requirements for Child Welfare Administrative files and by law cannot release any information contained in those reports. The reports cannot be shared with the Provider requesting the clearance. The individual being fingerprinted may be shown the clearance, but a copy may not be provided. DCFS may only release to the Provider that requested the report, a decision regarding the staff applicant(s) criminal record clearance, utilizing the DCFS Child Welfare Criminal Record Clearances for Potential Caregivers in Residential Settings Form.


When the results of the criminal clearances are received, the Area Director’s designee must verify for all applicants that no crimes in the Louisiana Child Protection Act and 42 USC 671a(20) have been committed by the applicant. The Area Director’s designee will then need to submit the decision in writing to the Child Care Institution. Refer to Chapter 25 for the Criminal Record Clearances for Potential Caregivers in Residential Settings form.

## **F. DISPOSITION OF CRIMINAL CLEARANCES**

DCFS receives and reviews dispositions on criminal clearances for the care of children by:

1. Home Development (Foster/Adoptive Parents),
2. Child Care Institutions,
3. Relative and Other Adult Caregivers

If the applicant’s criminal record clearance includes a notation that the applicant’s record contains information which has been expunged, DCFS shall contact the [Louisiana State Police](#), Bureau of Criminal Identification and Information (225-925-7011 or 225-925-4110) in order to obtain further information regarding the expunged information. If the additional information provided to the DCFS indicates that the individual was convicted of a crime listed in the Child Protection Act or 42 USC 671a(20), there can be no exception to allow a child to be placed in the care of the applicant, regardless of the expungement per ACF clearance with regard to eligibility of the caregiver for Title IV-E funding. If the additional information provided to DCFS indicates that the individual was convicted of any criminal offense not prohibited by the Child Protection Act or 42 USC 671a(20), the expunged criminal offense shall be waived.

 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022


Should the criminal record clearance only indicate an arrest and/or not contain the disposition of criminal charges of a prohibited offense, or if the criminal record clearance lacks information sufficient to make a conclusive determination concerning the safety of the child, the application must be determined as requiring additional information for a decision. This may not be waived.

- The applicant may contact the reporting authority to clear/clarify arrest or charges reflected on his/her criminal clearance without a disposition. For those dispositions of criminal charges not listed in the Louisiana Child Protection Act or 42 USC 671a(20), staff may discuss criminal clearance findings with the individual on whom the clearance was completed, without providing a copy of the clearance. If an individual on whom a criminal clearance was completed wants a copy of the clearance, the individual should be directed to the FBI website ([www.fbi.gov](http://www.fbi.gov)) for information on how to obtain a copy of his/her own. The FBI prohibits DCFS from providing copies of the criminal clearance to applicants.

As DCFS is the government department permitted by law to request and receive fingerprint based criminal record clearances for prospective caregivers, the criminal record clearances shall be marked “Confidential” but filed in the child’s case record for child specific clearances or the home development record for potential foster/adoptive families. Criminal record clearances for potential child care institution staff may be stored in a “Confidential” file in the regional office and then destroyed according to Record Retention requirements for Child Welfare Administrative files. Criminal record clearances for potential DCFS Child Welfare and Licensing employees should be stored according to DCFS Human Resources guidelines. The criminal record clearance from the case record of a family, a child or a foster/adoptive family should be scanned through the Document Imaging into the online case for the family or child by the case worker as soon as it is received and the paper document shredded. Criminal record clearances should never be included in the case record when it is being sent to the Document Processing Center for scanning. No copy of any information contained in a fingerprint clearance may be released to any agency or individual outside DCFS, including the individual whose fingerprints were scanned. DCFS may only release to the agency which requested the report, a decision regarding the prospective staff or caregiver’s ability to provide care to a child in foster care using the DCFS Child Welfare Criminal Record Clearances for Potential Caregivers in Residential Settings. Criminal record clearances may only be viewed by staff directly involved in the reason for which the criminal record clearance was completed. Auditors of department practices in serving clients and utilization of taxpayer funds may be allowed to view the clearances as part of the audit process, when necessary.

## **G. CRIMINAL OFFENSES**


1. The following is a listing of charges covered under the Child Protection Act, Louisiana R.S. 15:587, 15:587.1, 46:51.2(C) and P.L. 115-123. Foster and/or adoptive caregivers, relatives and other caregivers with the charges listed below shall NOT have children

 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

placed in their care if a conviction or nolo contendere plea is identified on their national criminal clearance.

Revised Statutes (R.S.) Description of Offense


14:28.1	Solicitation for murder
14:30	First degree murder
14:30.1	Second degree murder
14:31	Manslaughter
14:32.1	Vehicular homicide (BAC exceeds 0.20%)
14:32.6	First degree feticide
14:32.7	Second degree feticide
14:32.8	Third degree feticide
14:37.7	Domestic abuse aggravated assault (if victim was spouse or former spouse)
14:39.9.1	Aggravated criminal abortion by dismemberment
14:43.1	Sexual battery
14:43.2	Second degree sexual battery
14:43.3	Oral sexual battery
14:43.4	Female Genital Mutilation
14:43.5	Intentional exposure of HIV
14.43.6	Administration of medroxyprogesterone acetate (MPA) to certain sex offenders
14:44	Aggravated kidnapping
14:44.1	Second degree kidnapping
14:44.2	Aggravated kidnapping of a child
14:45	Simple kidnapping
14:46.2	Human trafficking
14:46.3	Trafficking of children for sexual purposes
14:46.4	Re-homing of a child
14:51	Aggravated arson
14:55	Aggravated criminal damage to property
14:60	Aggravated burglary
14:62.8	Home invasion
14:64	Armed robbery
14:64.1	First degree robbery
14:64.2	Highway robbery (carjacking)
14:64.3	Armed robbery; use of firearm; additional penalty
14:64.4	Second degree robbery
14:65	Simple robbery
14:65.1	Purse snatching
14:78.1	Aggravated incest
14:79	Violation of a protective order (involves battery or crime of violence)

 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

14:79.1	Criminal abandonment
14:80	Felony carnal knowledge of a juvenile
14:81	Indecent behavior with juveniles
14:81.1	Pornography involving juveniles
14:81.1.1	“Sexting” prohibited acts; penalties
14:81.2	Molestation of a juvenile or a person with a physical or mental disability
14:81.3	Computer-aided solicitation of a minor
14:81.4	Prohibited sexual conduct between educator/student
14:82.1	Prostitution; persons under eighteen, Additional offenses
14:89.1	Aggravated crime against nature
14:92	Felony Contributing to the delinquency of juveniles
14:93	Cruelty to juveniles
14:93.2.1	Child desertion
14:93.2.3	Second degree cruelty to juveniles
14:93.5	Sexual battery to the infirm
14:108.1	Aggravated flight from an officer
14:128.1	Terrorism
14:286	Sale of minor children

2. Foster and/or adoptive caregivers, relatives and other caregivers with the charges listed below may have children placed in their care if five or more years have elapsed between the date of proposed placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole.

<u>Revised Statutes (R.S.)</u>	<u>Description of Offense</u>
14:32.1	Vehicular homicide
14:34	Aggravated battery
14:34.1	Second degree battery
14:34.2	Battery of a police officer
14:34.6	Disarming of a peace officer
14:34.7	Aggravated second degree battery
14:34.9	Battery of a dating partner
14:34.9.1	Aggravated assault upon a dating partner
14:35.3	Domestic abuse battery (other than spouse or former spouse)
14:37	Aggravated assault
14:37.1	Assault by drive-by shooting
14:37.2	Aggravated assault on a peace officer
14:37.4	Aggravated assault with a firearm
14:37.7	Domestic abuse aggravated assault (other than spouse)
14:38.1	Mingling harmful substances
14:40.2	Stalking


 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

14:79	Violation of a protective order (involves battery or crime of violence)
14:94	Illegal use of weapons or dangerous instrumentalities
40:966(A)	Distribution or possession with intent to distribute Schedule I drugs
40:967(A)	Same – Schedule II
40:968(A)	Same – Schedule III
40:969(A)	Same – Schedule IV
40:970(A)	Same – Schedule V
40:966(C)	Possession of Schedule I drugs
40:967(C)	Same – Schedule II
40:968(C)	Same – Schedule III
40:969(C)	Same – Schedule IV
40:970(C)	Same – Schedule V
40:966(E)	Possession of marijuana, or synthetic cannabinoids

Note: R.S. 40:963 establishes five schedules or listings of approximately 233 organic or chemical substances relative to the potential for abuse of the drug; consideration of accepted medical use in the U.S. and safety risk under medical supervision; and degree of physical and/or psychological dependence. Schedules I-V includes opiates and derivatives, hallucinogens, depressants and stimulants, narcotic drugs, and anabolic steroids and muscle building substances.

- Foster and/or adoptive caregivers, relatives and other caregivers with the charges listed below may be considered for placement of children in their home upon successful completion of any sentence, deferred adjudication, or period of probation or parole and after a thorough assessment related specifically to the criminal conviction(s).

<u>Revised Statutes (R.S.)</u>	<u>Description of Offense</u>
14:66	Extortion
14:78	Incest
14:80.1	Misdemeanor carnal knowledge of a juvenile
14:81.5	Unlawful possession of videotape of protected person under R.S.15:440.1 et seq
14:82	Prostitution
14:82.2(C)(4&5)	Purchase of commercial sexual activity
14:83	Soliciting for prostitutes
14:83.1	Inciting prostitution
14:83.2	Promoting prostitution
14:83.3	Prostitution by massage
14:83.4	Massage; sexual conduct prohibited
14:84	Pandering
14:85	Letting premises for prostitution

 Department of <b>Children &amp;          Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

14:85.1	Letting premises for obscenity (prior to 2008)
14:85.1	Repealed by Acts 2008, No. 220
14:86	Enticing persons into prostitution
14:89	Crime against nature
14:89.2	Crime against nature by solicitation
14:92	Misdemeanor Contributing to the delinquency of juveniles
14:93.3	Cruelty to the infirm
14:93.4	Exploitation of the infirmed
14:106	Obscenity
14:282	Operation of places of prostitution
14:283	Video voyeurism
14:283.1	Voyeurism; penalties
14:284	Peeping tom; penalty


The assessment is completed by the Foster Care and/or Home Development case worker and must consider the following factors in determining the person’s suitability for certification as a foster or adoptive caregiver or relative guardian:

- (a) The person’s age at the time of the offense
- (b) The nature and seriousness of the offense
- (c) The circumstances under which the offense was committed
- (d) The degree of participation of the person involved in the offense
- (e) The time elapsed since the person was fully discharged from imprisonment or probation
- (f) The likelihood that the circumstance leading to the offense will recur
- (g) Whether the person is a repeat offender
- (h) The person’s employment record
- (i) The person’s efforts at rehabilitation and results of those efforts (past and current)
- (j) Whether any criminal proceedings are pending against the person
- (k) Potential for safety risks because of the conviction
- (l) Age of child(ren) being considered for placement (if applicable)
- (m) Any other factors the agency considers relevant

The assessment and home study requires the review and approval of the DCFS Child Welfare Area Director.


4. The following is a listing of charges covered under the Child Protection Act, Louisiana R.S. 15:587, 15:587.1, 46:51.2(C) and P.L. 115-123 are for potential DCFS Child Welfare and Licensing as well as Child Care Institution staff only. If any of the below criminal convictions are identified the applicant is not eligible to provide care and should be deemed “ineligible”.

Revised Statutes (R.S.)/Description of Offense


 <p>Department of <b>Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i></p>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

14:28.1	Solicitation for murder
14:30	First degree murder
14:30.1	Second degree murder
14:31	Manslaughter
14:32.1	Vehicular homicide (BAC exceeds 0.20%)
14:32.6	First degree feticide
14:32.7	Second degree feticide
14:32.8	Third degree feticide
14:32.9	Criminal abortion
14:32.9.1	Aggravated criminal abortion by dismemberment
14:34	Aggravated battery
14:34.1	Second degree battery
14:34.2	Battery of a police officer
14:34.6	Disarming of a peace officer
14:34.7	Aggravated second degree battery
14:34.9	Battery on a dating partner
14:34.9.1	Aggravated assault upon a dating partner
14:35.3	Domestic abuse battery
14:37	Aggravated assault
14:37.1	Assault by drive-by shooting
14:37.2	Aggravated assault upon a peace officer
14:37.4	Aggravated assault with a firearm
14:37.7	Domestic abuse aggravated assault
14:40.2	Stalking
14:41	Rape; defined
14:41.1	Consent; victim in police custody
14:42	Aggravated or First Degree Rape
14:42.1	Forcible or Second Degree Rape
14:43	Simple or Third Degree Rape
14:43.1	Sexual battery
14.31.1.1	Misdemeanor Sexual Battery
14:43.2	Second degree sexual battery
14:43.3	Oral sexual battery
14:43.4	Female Genital Mutilation
14:43.5	Intentional exposure of HIV
14.43.6	Administration of medroxyprogesterone acetate (MPA) to certain sex offenders
14:44	Aggravated kidnapping
14:44.1	Second degree kidnapping
14:44.2	Aggravated kidnapping of a child
14:45	Simple kidnapping
14:46.1	False imprisonment, offender armed with dangerous weapon
14:46.2	Human trafficking



 <p>Department of <b>Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i></p>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

14:46.3	Trafficking of children for sexual purposes
14:46.4	Re-homing of a child
14:51	Aggravated arson
14:55	Aggravated criminal damage to property
14:60	Aggravated burglary
14:62.8	Home invasion
14:64	Armed robbery
14:64.1	First degree robbery
14:64.2	Carjacking
14:64.3	Armed robbery, attempted armed robbery, use of firearm; additional penalty
14:64.4	Second degree robbery
14:65	Simple robbery
14:65.1	Purse snatching
14:79	Violation of a protective order (involves battery or crime of violence)
14:79.1	Criminal abandonment
14:80	Felony carnal knowledge of a juvenile
14:80.1	Misdemeanor carnal knowledge of a juvenile
14:81	Indecent behavior with juveniles
14:81.1	Pornography involving juveniles
14:81.1.1	“Sexting” prohibited acts; penalties
14:81.2	Molestation of a juvenile or a person with a physical or mental disability
14:81.3	Computer-aided solicitation of a minor
14:81.4	Prohibited sexual conduct between educator/student
14:81.5	Unlawful possession of videotape of protected person under R.S. 5:440.1 et seq
14:82	Prostitution
14:82.1	Prostitution; persons under seventeen eighteen; Additional offenses
14:82.2(C)(4&5)	Purchase of commercial sexual activity; penalties
14:83	Soliciting for prostitutes
14:83.2	Promoting prostitution
14:83.3	Prostitution by massage
14:83.4	Massage; sexual conduct prohibited
14:84	Pandering
14:85	Letting premises for prostitution
14:86	Enticing persons into prostitution
14:89	Crime against nature
14:89.1	Aggravated crime against nature
14:89.2	Crime against nature by solicitation
14:92	Felony Contributing to the delinquency of juveniles

 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	1 – Administrative Policy
	<b>Part No./Name</b>	10 – Background Check Process
	<b>Section No./Name</b>	Background Check Process
	<b>Document No./Name</b>	1-1000 Criminal Record Clearance
	<b>Effective Date</b>	October 7, 2022

14:93	Cruelty to juveniles
14:93.2.1	Child desertion
14:93.2.3	Second degree cruelty to juveniles
14:93.3	Cruelty to persons with infirmities
14:106	Obscenity
14:108.1	Aggravated flight from an officer
14:128.1	Terrorism
14:282	Operation of places of prostitution; penalty
14:283	Video voyeurism
14:283.1	Voyeurism; penalties
14:284	Peeping tom; penalty
14:286	Sale of minor children
15:54	Sex Offense
40:966(A)	Distribution or possession with intent to distribute drugs Schedule I; penalties
40:967(A)	Prohibited Acts – Schedule II; penalties
40:968(A)	Prohibited Acts – Schedule III; penalties
40:969(A)	Prohibited Acts – Schedule IV; penalties
40:970(A)	Prohibited Acts– Schedule V; penalties

### III. FORMS AND INSTRUCTIONS

CW Fingerprint Log [Form](#) / [Instructions](#)

[PMF 108](#) Payment Request/Receiving Report

[DPSSP 6696](#) Authorization Form

[DCFS 35 Form](#) / [Instructions](#) Consent to Release Information Other than Protected Health Information

### IV. REFERENCES

[P.L. 115-123](#) Bipartisan Budget Act of 2018

[R.S. 15:587](#) Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

[R.S. 15:587.1](#) Provision of information to protect children (Child Protection Act)

[R.S. 40:963](#) Schedule of Controlled Dangerous Substances

[R.S. 46:51.2](#) Criminal history and central registry information

[R.S. 39:17.1](#) Definitions

[R.S. 39:17.2](#) Digitized credentials; authorization; implementation; validity

[R.S. 39:17.3](#) Fee

[R.S. 39:17.4](#) Privacy

[R.S. 39:17.5](#) Renewals

[Adam Walsh Child Protection and Safety Act of 2006](#)

[42 USC 671a\(20\)](#)