

14.22 Child Protective Services Background Checks	
Application: All Department of Children's Services Employees, Contract Providers and Volunteers	
Authority: TCA: 37-1-409; 37-1-414; 37-1-612; 37-5-105 (3); 37-5-106; 37-5-107; 37-5-511; Tennessee Compilation of Rules and Regulations 0250-07-09	Standards: COA: PA-CR 2.01, 2.02, 2.04; PA-RPM 6.01, 6.03, 6.05; PA-CFS 24.02, PA-CFS 24.0924.10, PA-CFS 24.10
Commissioner:	Date:
Original Effective Date: 12/01/23 Current Effective Date: 12/01/23	Supersedes: 14.24 07/18/22 Last Review Date: 12/01/23
Glossary: None	

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 of a child care agency, contract agency or child welfare agency in which any significant contact with children is likely.

Purpose:

To ensure the safety of children and youth by appropriately screening volunteers and employees of child care, contract or child welfare agencies. This operating procedure provides direction when child care, contract or child welfare agencies request a DCS records check on prospective volunteers or employees.

Procedures:

A. Request for a CPS Record Check

1. All childcare, contract or child welfare agencies must conduct background checks on prospective employees by submitting a child protective services records request to DCS.
2. The DCS employee completing the search records the information for the requesting party on form **CS-0741, Database Search Results**. This form is sent to the requesting agency.

B. Waiver of a Substantiated Case for Placement

1. If a person is found to be substantiated, the substantiation may be waived by the Executive Director of the Office of Child Safety/Designee.

Note: A waiver does not constitute full kinship/foster parent home study approval. In order to obtain approval, a review for reclassification (see Section C) must be completed.

2. If a search of TFACTS shows a person was reclassified as an unsubstantiated perpetrator but the allegation was substantiated, the Case Manager should do a thorough review of the case. The person's prior involvement with the Department can be considered when determining whether someone is an appropriate placement for a child.

The review may include:

- ◆ Closing summary
 - ◆ Form **CS-0740, CPS Investigation Summary and Classification**
 - ◆ Any legal action
 - ◆ Types of allegation(s)
 - ◆ TFACTS history of the person
 - ◆ Case Recordings
- a) Allegations reclassified as part of the establishment of the Child Abuse Registry are reviewed by the Regional Director/Designee RA/Designee or CPSD/Designee for safety issues that would impact the placement of a child.
 - b) Further review by the Due Process Procedures Division is not required prior to placement as the person is not a substantiated perpetrator.

C. Substantiation Review for Placement

1. If a person is found to be substantiated and is seeking to be approved as a placement resource, the substantiation must be reviewed by the Due Process Procedures Division to determine if reclassification of the substantiation is appropriate.
2. The review must be completed within three (3) business days.

D. Review for Release of CPS History

1. If a person is found to be substantiated in the TFACTS database, the substantiation can be overturned without formal file review, for the purpose of employment, if the following circumstances are present:
 - a) The substantiated allegation is for a non-severe abuse or neglect allegation;
 - b) The substantiation is ten (10) years or more from the date of the requested background check; and
 - c) The person has not been subsequently substantiated as a perpetrator.
2. A release of substantiation for employment purposes is made pursuant to Tennessee Compilation of Rules and Regulations 0250-07-09.

E. After Hours DCS Records Check Guidelines

The Child Abuse Hotline will be utilized for after hours, CODE X, for emergency placements.

F. Dependency & Neglect Findings

If a person was found to have a D&N finding in a Juvenile Court and DCS is wanting to use the placement, information of the matter, as obtained from Juvenile Court should be documented on the waiver ***CS-0921, Waiver of Criminal Convictions, Pre and In-service Training Requirements, Non-Safety Issues, CPS Substantiations and Education Requirement*** and fully assessed through the line of supervision, up to Executive Director, for employment, Kinship placement, or non-custodial placement.

Forms:

[*CS-0559, Authorization for Release of Information of HIPAA Protected Health Information TO and FROM the Department of Children's Services and Notification of Release*](#)

[*CS-0741, Database Search Results*](#)

[*CS-0921, Waiver of Criminal Convictions, Pre and In-Service Training Requirements, Non-Safety Issues, CPS Substantiations and Educational Requirements*](#)

[*CS-1221, Waiver Agreement and Statement for Criminal History Checks \(VECHS\)*](#)

Collateral Documents:

[*Waiver Tip Sheet for Employment, Volunteering, and Custodial Placements*](#)

[*14.16, Due Process Procedures and the Release of Information for Alleged Perpetrators of Child Abuse and Neglect*](#)

[4.1, Employee Background Checks](#)