OVERVIEW

All prospective adoptive families are required to undergo background checks, clearances, criminal history checks and fingerprinting. The clearances and background checks must be current within the last 12 months and be part of the assessment by the adoption worker for inclusion in the CWL-3130-CH, Initial Foster Home/Adoption Evaluation-Criminal History, and/or DHS-612-CH, Adoptive Family Assessment Addendum Criminal History. Adult members (age 18 or older) who reside in the adoptive household are required to complete criminal history background checks but are not required to submit fingerprints.

The following background checks and clearances must be completed to evaluate a prospective adoptive family for adoption:

- Review and summarize previous foster home licensing studies and/or adoptive assessments.
- Review and summarize all applicant's and any adult household member's history of previous licensing/children's protective services (CPS) complaints, investigations, and dispositions.
- Consultation with professionals who have worked with the family, if applicable.
- Criminal history checks for all applicants and adult household members.
- Local law enforcement clearances for all applicants and adult household members.
- Fingerprinting (updated every 12 months) of all applicants.
- Michigan Public Sex Offender Registry for all applicants and adult household members.

BACKGROUND CHECKS

Prior Home Study or Assessment

Previous foster home licensing studies and/or adoptive assessments, including those completed by other agencies, must be requested and reviewed by the adoption worker and summarized in

the current CWL-3130, Initial Foster Home/Adoption Evaluation, and/or DHS-612, Adoptive Family Assessment Addendum.

If a CWL-3130, Initial Foster Home/Adoption Evaluation, has not been completed, the previous foster home licensing study may be included as part of the adoption worker's family assessment, but must be clearly noted as the source of the information. The foster home licensing study must be supplemented with updated or additional information as required in the CWL-3130 and DHS-612, Adoptive Family Assessment Addendum.

If a previous study is referenced, the report must be available in the record for review and **included in the consent packet**. The current study must specifically state the circumstances that have changed and must cover any gaps in time between the referenced study and the current study. The updated or additional information may be provided in a DHS-612, Adoptive Family Assessment Addendum, when **all** of the following apply [MCL 710.46(3)]:

- The family has provided foster care for the child for 12 months or longer.
- The family's foster home licensing study was completed or updated not more than 12 months before the adoption petition is filed.
- The court waives the full investigation upon a motion of the petitioning adoptive family.

If the above three circumstances do not apply, the CWL-3130 must be used to complete the Adoptive Family Assessment.

Prior Complaint or Investigation

The adoption worker must review and summarize the applicant's and any adult household member's history of previous licensing/Children's Protective Services (CPS) complaints, investigations, and dispositions by contacting licensing and CPS staff. A licensing corrective action plan must be satisfactorily completed before recommending the applicant(s) for adoption (unless there is a documented exception).

Past or Current Service Providers

If applicable, the adoption worker must consult with professionals who have worked with the family to determine the family's level of cooperation and ability to benefit from identified services for the children in their care. The consultation with professionals must also focus on the level and extent of the extraordinary care required by other children already adopted by the family and/or biological children, including adult children in the home who have a need for continued care. The DHS-610, Professional Reference Letter, must be used to document the consultation with professionals. The consultation with professionals must be summarized in the CWL-3130, Initial Foster Home/Adoption Evaluation, completed by the adoption worker or the DHS-612, Adoptive Family Assessment Addendum.

CPS CENTRAL REGISTRY CLEARANCE

The following applies to all applicants and adult household members:

A CWL-1326, Record Clearance Request, must be sent to the Division of Child Welfare Licensing.

In addition to the CWL-1326, the adoption worker must check for confirmed and/or substantiated child abuse or neglect **in every state and/or county** where the applicant or any adult household member has lived in the five years preceding the application for adoption.

CRIMINAL HISTORY CHECKS

The following criminal clearance process applies to adoption applicants and all adult household members.

MDHHS Worker Required Clearance (LEIN)

Law Enforcement Information Network (LEIN) clearances must be completed by Michigan Department of Health & Human Services (MDHHS) adoption workers for MDHHS directly supervised cases. Submit the DHS-269, Criminal History Information Request, to the

local LEIN terminal operator. The DHS-269 must be retained in the case record.

The CJIS Policy Council Act, 1974 PA 163 (MCL 28.211 et seq.), grants MDHHS access to Michigan Criminal Justice Information Network (MICJIN). Accessing the MCJIN must only occur as authorized by MDHHS in the performance of official duties. LEIN use is specific to statutory authority, any breach in the use of LEIN is a violation; see SRM 701, LEIN Use, System & Security Policy. County directors are responsible for authorizing appropriate staff to access LEIN and for maintaining the security, confidentiality, and the appropriate use of LEIN information; see SRM 700, Law Enforcement Information Network for additional information.

LEIN Document Disposal

Workers must cross-cut shred or incinerate LEIN clearance result documents after review, verification of pertinent data, and incorporation of the verified information in narratives in the CWL-3130-CH or DHS-612-CH. See LEIN policy in SRM 700 for details on the use of and verification of LEIN information.

Contracted Adoption Agency Required Clearance (ICHAT)

Internet Criminal History Access Tool (ICHAT) clearances must be completed by all contracted adoption agency adoption workers. This is to be accessed through agency registration on ICHAT with the Michigan State Police Web site. ICHAT documents must be retained as outlined in SRM 200, Fingerprinting after summarizing in the CWL-3130-CH, Initial Foster Home/Adoption Evaluation-Criminal History, or DHS-612-CH, Family Adoption Assessment Addendum-Criminal History.

LEIN/ICHAT Time Frames

LEIN and ICHAT clearances **must be completed at the following times:**

- After application.
- Immediately prior to adoption approval by adoption agency (if the assessment is favorable).

- Immediately prior to adoption placement.

Each clearance **must be repeated:**

- Every three months after the court order of adoptive placement of a child in the home for adoption.
- Thirty calendar days prior to finalization.

If new information is obtained through the checks after approval for adoption, a DHS-612, Adoptive Family Assessment Addendum, must be completed and provided to the Michigan Children's Institute (MCI) office or the court; see ADM 0880, Notification of CPS, Licensing Complaints or Criminal Charges.

LOCAL LAW ENFORCEMENT CLEARANCE

A clearance for **all** adoptive applicant(s) and adult household members **must** be requested from the family's local law enforcement agency. This may be obtained either by a written or verbal request from the adoption worker to the law enforcement agency.

FINGERPRINTING

Fingerprinting must be completed for prospective adoptive parents for adoption purposes using AWA fingerprinting code.

A nationwide check for criminal charges and convictions through fingerprint submission must be completed via the National Crime Information Center (NCIC) for licensed foster care and adoption applicants only; see SRM 200, Fingerprinting.

Fingerprinting Time Frames

All prospective adoptive parents must have fingerprints for the purposes of adoption current within 12 months at the time of adoption approval by the adoption agency, adoptive placement and prior to adoption finalization.

Note: The adoption application must be signed and dated by the applicant(s) prior to fingerprinting.

MICHIGAN PUBLIC SEX OFFENDER REGISTRY CHECK

The adoption worker must check the prospective adoptive parent(s)' address and names, and the names of all adult household members on the public Michigan Public Sex Offender Registry to verify that a registered individual is not listed at the prospective adoptive parent(s)' home address.

DOCUMENTATION AND EVALUATION

Completion dates of all clearances and background checks must be documented in the CWL-3130-CH, Initial Foster Home/Adoption Evaluation, or DHS-612-CH, Adoptive Family Assessment Addendum-Criminal History.

When a criminal background check through LEIN, ICHAT or the fingerprinting process contains a criminal offense by any member of the adoptive family household and the adoption worker recommends the family for adoption, the following must be included in the CWL-3130-CH, Initial Foster Home/Adoption Evaluation, or DHS-612-CH, Adoptive Family Assessment Addendum- Criminal History:

- Nature of the criminal offense(s).
- Circumstances surrounding the occurrence of the offense(s).
- Length of time since the occurrence of the offense(s).
- Successful completion of requirements of probation or parole.
- Evidence of rehabilitation, and low risk to re-offend.

Note: Any documentation regarding criminal background results including information obtained through LEIN, ICHAT, local police clearance or fingerprinting **cannot** be placed in the CWL-3130, Initial Foster Home/Adoption Evaluation, or DHS-612, Adoptive Family Assessment Addendum.

LEIN information must be independently verified via a third party (example: court, law enforcement, ICHAT) and may only be included in the CWL-3130-CH or DHS 612-CH. See ADM 0510, Adoption Family assessments, Circumstances Requiring Additional Documentation/Review section, if any applicant listed on the Child Abuse and Neglect Central Registry is considered for adoption of a child. The worker must assess how the safety and welfare of the child will be ensured if the family is recommended for adoption.

There may be information that is gained through the clearances and/or background checks that would eliminate applicants from the assessment process. See ADM 0540, Exclusions From Adoptive Family Assessment, for further information.

LEGAL AUTHORITY

Federal

34 U.S.C. § 20911

Social Security Act, 42 U.S.C 671(a)(20)(A) & (B)

State

Child Care Organizations Act, MCL 722.11 et seq.

Executive Order 1990-10

POLICY CONTACT

Questions about this policy item may be directed to the Child Welfare Policy Mailbox.