

Nancy K. Keeling, OSPC Administrator

Authorized Signature
Number: CW-IM-05-009

Issue Date: 08/12/05

Topic: Foster Care

Subject: Criminal Background Checks for Foster Home Certification

Applies to (check all that apply):

- | | | | |
|-------------------------------------|-------------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | All DHS employees | <input type="checkbox"/> | County Mental Health Directors |
| <input type="checkbox"/> | Area Agencies on Aging | <input type="checkbox"/> | Health Services |
| <input checked="" type="checkbox"/> | Children, Adults and Families | <input type="checkbox"/> | Seniors and People with Disabilities |
| <input type="checkbox"/> | County DD Program Managers | <input type="checkbox"/> | Other (please specify): |

Message: This memo concerns the process for obtaining criminal history information from the DHS Criminal Records Unit (CRU) for purposes of emergency certification of foster homes. Recently the CRU made some changes to the way that criminal history information is provided in response to faxed 1011Fs (Consent for Criminal Records and Fingerprint Check) from Child Welfare field personnel. Due to concerns about the confidentiality of faxed information, the CRU began a practice of providing Law Enforcement Database System (LEDS) information by telephone, as opposed to faxing back copies of LEDS reports. In some instances Child Welfare personnel were not available to receive calls from the CRU, and this resulted in LEDS information not being received in time for children to be placed with identified relatives. Child Welfare personnel and CRU managers met this week, and it was agreed that the CRU will resume faxing LEDS reports back to the field when they receive 1011Fs submitted for purposes of emergency certification.

Survey of how faxed LEDS information is handled

Over the next 30 days CAF Field Services, in coordination with Business Integrity personnel in the SDAs, will conduct a survey of how faxed criminal history information is received at each branch location. The goal of the survey is to assess the level of information security at each location and to identify where technological upgrades may be needed to better ensure the confidentiality of faxed LEDS reports. After needed upgrades have been identified at individual branches, such as an additional fax machine, relocation of a fax machine to a more secure location, etc., CAF will move quickly to make the necessary changes. During this same 30-day period, CAF Field Services personnel will compile a statewide list of Child Welfare personnel who have been "cleared" to receive and view LEDS information. The list of LEDS-cleared

personnel will be used by the CRU to determine who is able to receive faxed LEDS reports.

We believe this course of action will meet both the DHS Criminal Records Unit's need to ensure information security and CAF Child Welfare's need to place children quickly in the event of an emergency. In the meantime, as we move forward with plans to improve the security of LEDS information, we ask that Child Welfare personnel continue to do whatever is necessary to protect the confidentiality of this information and to ensure that LEDS reports are only being handled and viewed by personnel who have been "cleared" to view LEDS information. By "LEDS-cleared" we mean that the employee has passed a fingerprint-based criminal records check. If an employee has not undergone a fingerprint-based check, he or she is not cleared to view LEDS.

When to fax 1011Fs to the CRU

Please keep in mind that 1011Fs should only be faxed to the CRU in emergency situations. Emergencies are defined as situations where waiting for criminal history information to be received through the mail will prevent placement of a child in an identified foster home or will require us to move a child from an existing home because certification cannot continue without an approved criminal history check. In all other situations, the 1011F should be sent by mail. Restricting the faxing of 1011Fs to those situations where it is truly warranted will help control the volume of emergency checks processed by the CRU and will allow the CRU to continue to process emergency checks quickly.

Original Signatures vs Faxed Signatures

One additional item with regard to the process for emergency criminal history checks: Up until now it has been common practice for CAF field personnel to send the original copy of the 1011F to the CRU by mail in addition to the faxed copy. This is not necessary. When it comes to documentation of criminal history checks, a faxed copy of the 1011F signed by the CRU is as good as the original. Apparently there is some belief that federal IV-E auditors require original signatures, as opposed to faxed signatures, on documents related to criminal history. Personnel in the CAF Federal Compliance Unit have assured us that this is not the case. It is acknowledged that in the past Child Welfare employees may have been trained to send original copies of the 1011F to the CRU in all circumstances. From this time forward, however, this is no longer necessary when a copy of the form is faxed. Please discontinue the practice of sending original copies as a follow-up to faxed copies of the 1011F. This will decrease workload and processing time for both the CRU and CAF field personnel. It is still advisable to keep the original copy of the 1011F signed by the applicant, and attach it to the faxed copy received back from the CRU.

Thanks for your patience as we work through these changes.

If you have any questions about this information, contact:

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