



North Carolina Department of Health and Human Services Division of Social Services

325 North Salisbury Street • 2407 Mail Service Center
Raleigh, North Carolina 27699-2407
Courier # 56-20-25

Michael F. Easley, Governor
Carmen Hooker Buell, Secretary

Pheon E. Beal, Director
(919) 733-3055

August 22, 2001

**Dear County Director of Social Services
County DSS Attorney
Private Child Placing Agency Director**

Attention: Child Welfare Supervisors

**Subject: Criminal Records Checks for Foster and Adoptive Parents
Recent and Forthcoming Changes**

The purpose of this letter is to describe recent and forthcoming changes to the criminal record check process for prospective foster and adoptive parents. The letter contains essential information on this subject and should be widely shared with child welfare staff in your agency. In particular, the letter requests your assistance in clearing up any criminal histories you have not received and your attention to an approaching date by which we will only issue foster home licenses after receipt of the criminal history results.

As we hope you have noticed, the turnaround time for the receipt of criminal history information from the SBI has improved considerably in recent months. The SBI now has the automated interface with the FBI in place and the typical processing time has been reduced to 3-4 weeks. Attached is a step by step description of the entire criminal record check process from beginning to end that will assist you in understanding the steps involved. Although this is not an extremely complicated process, it does entail a high volume of requests and a number of individuals who have some involvement with each request. We are encouraged by the improved processing time and have subsequently been able to improve our capacity for tracking requests with our Automated Criminal Records Check Tracking Program. There continue to be problems associated with unreadable prints and with a relatively small percentage (approximately 5%) of the checks that require more than the average processing time.

For all agencies sending requests for criminal records checks to the Division, we suggest that you identify a central contact person in your agency for communicating with us. Some agencies have individual social workers submit the requests, fingerprint cards and authorization forms to us and then call us separately to inquire about the status. Sometimes there is not a contact person identified at all on the material sent to us. A central contact person will ensure consistent communication to and from our office about your requests.

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In addition, we have recently begun sending out confirmation letters to agencies when we receive the requests, cards and authorization forms so that you will know the date that the information was received by our office. By having an identified contact person, you will be able to track the amount of time from our receipt of the request to the expected return of the results and be better prepared to follow up with us if there are delays. Attached to this letter is a form for you to send to us regarding the identified central contact person for your agency, along with their address, e-mail address, telephone and fax numbers. We ask that you complete this form and return it directly to Sara Anderson Mims at the address below.

Despite the recent improvements in processing time, we believe that there may still be some foster families and adoptive applicants for whom you have never received results from their fingerprint checks. We are asking that your central contact person compile and send to us a list of names of adoptive applicants, foster parents or adult members of active foster family homes for whom you requested the criminal records checks at any time prior to July 15, 2001, and for whom you have not received the results. In addition to the names, please give us the date that you submitted the request and the individual's social security number. We will research your list and get back to you promptly. Resolving some of these outstanding requests may require a new set of prints; however the SBI has agreed to an expedited process in such situations. **Please send your list to Sara Anderson Mims by September 15, 2001.**

You may be aware that the recent federal Child and Family Services review took exception with the fact that we have been issuing foster home licenses prior to receipt of criminal history checks. In addition, we anticipate that the federal Title IV-E Eligibility Review in the spring of 2002 will also look at this issue. With the recent improvements in processing time, we believe that we can now implement a procedure to obtain the checks prior to licensure. Consequently, effective **October 1, 2001**, we will not issue foster care licenses until the results of the fingerprint checks have come back.

This change should not be problematic if your staff obtain fingerprints and authorization cards early in the process of working with prospective foster and adoptive parents. The training and homestudy process typically exceeds the current turnaround time for the criminal checks. By obtaining the prints and cards early (e.g. by the second MAPP class), we will greatly increase the likelihood that the results will be received by the time of the completion of the licensing process. All fingerprint requests should be sent directly to Sheryl McNeill at the address listed below. **Do not send fingerprint requests to the Black Mountain Office.**

We are aware that some county Departments of Social Services have staff who are available to take fingerprints on site. It is important that these fingerprints are taken accurately in order to avoid having them returned by the SBI or FBI as unreadable, since this significantly slows down the process and irritates applicants. Having quality prints is imperative. The SBI has informed us that Sirchie Fingerprint Labs in Youngsville, NC, provides training on how to take good, quality fingerprints. If your

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agency has staff taking fingerprints for foster and adoptive applicants, we encourage you to contact this company at 1-800-356-7311 to arrange for training.

Please send the name of your agency's contact person and the information about outstanding criminal history checks to Ms. Sara Mims at the below address by **September 15, 2001**. You may also contact her with any questions or issues related to the criminal records check process.

Sara Anderson Mims, Program Review Team Leader
N.C. Division of Social Services
325 North Salisbury Street, Room 772
Mail Service Center # 2407
Raleigh, NC 27699-2407
Tel. # (919) 733-9461
Fax # (919) 715-0024
E-mail: sara.mims@ncmail.net

To contact Sheryl McNeill regarding submission of fingerprints, status of requests in progress, or requests for fingerprint cards, etc., please contact her at the following:

Sheryl McNeill
N.C. Division of Social Services
325 North Salisbury Street, Room 715
Mail Service Center # 2409
Raleigh, NC 27699-2409
Tel. # (919) 733-9464
Fax # (919) 733-3052
E-mail: sheryl.mcneill@ncmail.net

We trust that this process will continue to improve so that we can ensure that children in our foster care system have safe foster care placements and safe, permanent adoptive homes as soon as possible. We appreciate your assistance in making these continued improvements.

Sincerely,



Charles C. Harris, Chief
Children's Services Section

cc: Pheon Beal
Paul LeSieur
Local Support Managers
Children's Services Team Leaders
Children's Services Programs Representatives
Attachments

PROCESSING CRIMINAL RECORDS CHECKS FOR FOSTER AND ADOPTIVE APPLICANTS

1. Suitable foster and adoptive parent applicants are required to complete an Authority for Release of Information form (DSS-5160A). Two fingerprint cards pre-printed with the appropriate foster or adoptive criminal history check statute and completed with the name of the county Department of Social Services or private agency are given to the applicant by that agency. In most cases, the applicant is sent to a law enforcement office to have their prints taken. A few county DSS agencies have staff who provide this function.
2. Once the applicant is fingerprinted, the two fingerprint cards are returned to the applicant who mails or takes the completed prints to the DSS or private agency.
3. The DSS or private agency social worker (or other staff) assembles the prints in batches, along with the DSS-5160A (Authority for Release of Information). A cover letter is prepared and the cards and DSS-5160A are forwarded to the state Division of Social Services in Raleigh. The time frame for obtaining the fingerprints and forwarding them to Raleigh varies from a couple of days to weeks, and in some cases, months. The workload of the social worker and number of applicants seem to be factors involved.
4. The Division of Social Services clerk screens and edits the submissions, checking to ensure that the information is complete, authorizations are attached, date is filled in, etc. Incomplete records are returned. Otherwise, the clerk prepares and sends a notification letter to the requesting agency to confirm that the prints were received. Approved prints are keyed into the Division's Automated Criminal Records Check Tracking System (SS#, first name, MI, last name, type of parent, gender, date received, date forwarded to SBI, etc.). Once keyed, the prints are separated by adoptive and foster parent applicants, put into envelopes to be hand delivered to the SBI. The state office process takes about 2 days and prints are delivered to the SBI two to three times a week.
5. The SBI enters information from the prints into their billing system as being received with the specific date of receipt. The names are searched for any outstanding warrants in this state. The prints are then scanned electronically for quality control and matching to any existing records in the state's system. They are then formatted to be electronically sent to the FBI. If the prints are not of sufficient quality, they may be rejected by either the SBI or FBI and returned with a request for a second set of prints. Once the formatted prints are sent electronically to the FBI, the SBI places the fingerprint cards in a "Pending" file to await the results from the FBI. According to the SBI, their internal process takes approximately 6 workdays depending on volume.
6. The FBI conducts their search for criminal records in the national database and forwards the results electronically back to the SBI. With this process now automated, the turnaround time is approximately 24 to 48 hours, longer if volume is high or if records are found.
7. When the SBI receives the results from the FBI, the fingerprint card is pulled from the "Pending" file and the results are attached, along with the standard disclaimer form. The fingerprint cards and attached results are batched and placed in a DSS bin at the SBI ready for pickup by Division staff. This process may take two to four workdays depending on volume.
8. The Division of Social Services clerk picks up processed prints two to three times a week from the SBI office.

9. The Division clerk matches the DSS-5160A (Authority for Release of Information) to the processed fingerprint card. Information is entered into the Automated Criminal Record Check Tracking System (date returned from SBI, results, findings, etc.) and a letter is automatically generated for the appropriate agency. The Division clerk sorts the letters by agencies, attaches cover letters, and mails them to the respective agencies. This part of the process takes 1 to 2 workdays. For processed fingerprints of foster parents with questionable criminal histories, information is reviewed by the Division's foster care licensing staff and approved or disapproved for licensure. The foster care licensing staff then contacts the appropriate agency about the findings. In the case of prospective adoptive applicants, the results of the criminal records check are sent directly to the appropriate agency for review and decision about approval for adoption.

SUMMARY

The delays experienced in the past in processing criminal records checks for foster and adoptive applicants have been unacceptable. New developments should shorten the process considerably and provide for better tracking of individual requests. The SBI's current automated interface with the FBI is expected to shorten the processing time from 6-8 weeks or more to about three to four weeks. All prints, whether for foster or adoptive applicants, are now sent to one central location in Raleigh, which reduces the risk of loss of prints. When DSS or private agencies forward the fingerprints and authorization forms to the Division, a confirmation letter is sent back to the sending agency to verify that the prints were received and the date they are being sent to the SBI.

Once the sending agency is aware of the date the prints were sent to the SBI, they can start the clock ticking and determine a reasonable period of time to expect the results to be returned. If more than four weeks pass from the time that the DSS or private agency received notice from the Division that their prints had been forwarded to the SBI, the central contact person with the agency may contact the Division to request a status report.

Please note that the time frames outlined in this document are subject to volume being experienced at any given time. The SBI and FBI are mandated to prioritize criminal record checks for criminal investigations, and non-criminal requests come after that priority is met.

As a special note to all private adoption agencies, we need to clarify that the statute (G.S. 43-3-309) only authorizes the SBI to release information from criminal records checks to the Division on behalf of prospective adoptive applicants seeking to adopt a minor who is in the custody or placement responsibility of a county Department of Social Services. The Division is **not** authorized by law to conduct criminal record checks for adoptive applicants who are seeking to adopt children who are not in the custody or placement responsibility of a county Department of Social Services. This issue has come up several times recently, and we need to clarify that at this time there is no statutory authority for criminal records checks for these families. We have suggested to several private agencies that they may want to seek such legislative authority, and we would encourage all private agencies that may be working with families who are wanting to adopt children who are not in our foster care system to work together to get this authority.

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AGENCY CONTACT FOR CRIMINAL RECORDS CHECKS

Please identify the central contact person for your agency for communication to and from the Division of Social Services regarding Criminal Records Checks for foster and adoptive applicants.

AGENCY NAME: _____

NAME OF CENTRAL CONTACT PERSON: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

E-MAIL ADDRESS: _____

Please send this information by **September 15, 2001**, along with a list of any names of adoptive applicants for whom your agency requested criminal records checks at any time prior to July 15, 2001, and for whom you have not received the results. Also include a list of any foster parent or adult member of active foster family homes or applicants for whom you do not have documentation of the results of their criminal history check from their fingerprints in the file. Please include whether the individuals are foster family members or adoptive applicants, their Social Security number, and the date you submitted your request. Send this information to:

Sara Anderson Mims, Program Review Team Leader
N.C. Division of Social Services
325 North Salisbury Street, Room 772
Mail Service Center 2407
Raleigh, NC 27699-2407

Or

Fax # (919) 715-0024

Or

E-mail address: sara.mims@ncmail.net