

Background Check Information

Alaska statutes and regulations require individuals age 16 and older who work, volunteer, or reside at a foster care home or who are associated with the entity to be free from serious problems that pose a risk to children. Background checks are required in order to ensure the safety of children placed in licensed foster homes, adoptive homes, and in the homes of unlicensed relative caregivers. Federal law requires background checks on all prospective foster and adoptive parents. This form summarizes information that is required for three different background checks: criminal justice information, protective services involvement, and licensing history.

Foster Homes, Foster Group Homes and Child Placement Agencies

Per 7 AAC 10.910, an applicant for a foster home, foster group home, or child placement agency license, ("entity") or any individual age 16 or older wishes to be associated with the entity must request and complete a criminal history check before working with children (unless a provisional history check is obtained by the department in expedited situations described in 7 AAC 10.920). The applicant must sign a release form authorizing the department representative to review criminal justice information and protective service records.

Per 7 AAC 10.910(b) the entity is required to submit fingerprints to the department for all individuals age 16 and older who works, volunteers, or is associated with the entity in any way. The department representative will use the fingerprints to obtain the results of a criminal justice information search on the individual from the Department of Public Safety and Federal Bureau of Investigation. An application for a license is not complete unless it provides all of the information required by 7 AAC 50.030, (unless it is an application for biennial renewal of a license.)

Child abuse or neglect records and criminal justice records are confidential with the exception of the State divisions which are assigned public health and public assistance functions to assist in administering programs. These records may also be used in an administrative or court hearing. The clearance form is treated as a confidential part of the licensing file.

Definitions:

1. "child abuse or neglect" means physical injury, neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances showing the child is harmed by the action; "mental injury" means an injury to the emotional well-being, or intellectual or psychological capacity of a child which impairs the child's ability to function (AS 47.17.290);
2. "entity" includes foster homes, and child placement agencies or an owner, officer, director, member, or partner of the entity;
3. "individuals having regular contact with children in a foster home" means a caregiver, any household members residing in any part the foster home or on the premises, and any individuals with regular unsupervised contact with children placed in the foster home.
4. APSIN means the Alaska Public Safety Information Network, maintained through the Department of Public Safety.

Alaska Regulation 7 AAC 10.955 and Alaska Statute 47.05.310:

- prohibit an individual who has been charged, convicted, found guilty by reason of insanity, or adjudicated as a delinquent, for any crime that is listed as a barrier crime, or any similar crime, from owning an entity or being an officer, director, partner, member, or principal of the business organization that owns the entity. Having any of these in your background is inconsistent with the standards for licensure established by the department.
- prohibit an entity from allowing any individual to operate the entity, or be hired or retained as an employee, independent contractor, or unsupervised volunteer, or to reside or be present in the entity (unless the individual is a recipient of services), without first having a valid criminal history check completed. Any individual having regular contact with individuals who receive services from the entity, must first receive a background clearance letter, unless that individual is a family member or a visitor of an individual who receives services from the entity, and
- prohibit the Department from issuing or renewing a license for an entity that is in violation of this section; and
- prohibit the Department from issuing or renewing a license for an entity if an individual who is applying for a license or license renewal has been found by a court or an agency of this or another jurisdiction to have neglected, abused, or exploited a child or vulnerable adult under AS 47.10, AS 47.24, AS 47.62 or a substantially similar provision in another jurisdiction, or the individual's name appears on the centralized registry established under AS 47.05.330 or a similar registry of this state or another jurisdiction.

Alaska Regulation 7 AAC 10.955 and Alaska Statute 47.05.330: The centralized registry consists of the following information for an entity or individual service provider, an applicant on behalf of an entity or individual service provider, or an employee or unsupervised volunteer of an entity or individual service provider:

- decisions, orders, judgments, and adjudications finding that the applicant, employee, or unsupervised volunteer committed abuse, neglect, or exploitation under AS 47.10, AS 47.24, AS 47.62, or a substantially similar provision, in another jurisdiction; or
- orders under a state statute or a substantially similar provision in another jurisdiction that a license of the entity or individual service provider of services related to health, safety, and welfare was denied, suspended, revoked, or conditioned.

Unlicensed Relative Caregivers: When an adult family member requests that a child in state custody be placed in their home under Alaska Statute 47.14.100(e) or for adoptive purposes under Alaska Statute 47.10.088(i), state and federal criminal background checks are required for the purpose of determining whether the home of the relative meets the requirements for placement. The department must conduct a fingerprint background check for all household members who are 16 years of age or older.

Federal law 42 U.S.C. 671(a)(20)(A) (the Adoption and Safe Families Act of 1997) requires that a criminal record check be done on all prospective foster and adoptive and guardianship parents, and child placement agencies. A home study for an adoptive home will not be approved without a criminal record check.

Federal Law 42 U.S.C. 671(a)(20)(C) (the Adam Walsh Child Protection and Safety Act of 2006) requires the Department to request child abuse and neglect registry information in each state where the prospective foster or adoptive parents have lived in the past 5 years before the prospective foster or adoptive parent may be approved for placement of a child. In addition, it requires the Department to respond to requests from other states for child abuse and neglect registry checks.

On-Going Safety Checks of Licensed Foster Families: Licensed foster families are required to notify OCS if a member of the household is convicted, charged by information or complaint with, or is under indictment or presentment for certain offenses. In addition, OCS obtains current information about criminal activities conducted by foster family household members through the APSIN Flag Project.

Federal law 42 U.S.C. 671(a)(20)(A) (the Adoption and Safe Families Act of 1997) prohibits Title IV-E reimbursement for foster care and adoption assistance costs for a child who is placed in a foster or adoptive home where a prospective foster or adoptive parent has any of the following crimes: (Public Law 105-89, Section 106):

1. A felony conviction at any time of the prospective foster or adoptive parent(s) for
 - a. child abuse or neglect;
 - b. spousal abuse;
 - c. a crime against children (including child pornography);
 - d. a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery; or
2. A felony conviction within the past 5 years, for physical assault, battery, or a drug-related offense.

CONFIDENTIAL - CLEARANCE FORM

Instructions: See page 3 and 4 for information, statutes, regulations and definitions. Complete a separate form for *EACH* foster care applicant, unlicensed relative caregiver, adoptive applicant, household member age 16 years and older, and adult with regular contact to children in the home.

Last Name		First Name		Middle Name		Household Name	
Aliases, Maiden Name, Previous Married Name(s)				Social Security #		<input type="checkbox"/> Male <input type="checkbox"/> Female	
Date of Birth		Place of Birth: City/State		Place of Birth Country		E-Mail Address	
Driver License Number		State of Issuance		Home Phone Number		Cell Phone Number	
Physical Address				City		State	Zip
Mailing Address				City		State	Zip

Residency: Alaska _____ Years _____ Months Physically here _____ Years _____ Months

U.S. Citizen Alien Registration #: _____

Please list your previous residences for the last ten (10) years. Attach additional page(s) if necessary.

From (MM/YY)	To (MM/YY)	City	State	Country

Are you currently or have you previously been licensed to care for children or adults?
NO YES If yes, indicate city, state, type of care, and dates of licensure.

Have you ever had a license to care for children or adults revoked or denied in Alaska or any other state?
NO YES If yes, attach an explanation.

Are you currently or have you or any household members ever been investigated for child abuse or neglect?
NO YES If yes, attach an explanation.

Do you now or have you ever had a physical, health, mental health or behavioral problem that might pose a risk to the health, safety, or well-being of children? If you are unsure how to answer this, discuss this with your licensing worker.
NO YES If yes, attach an explanation.

Do you now or have you ever been involved in a domestic violence relationship?
NO YES If yes, attach an explanation.

Have you ever been referred for a substance abuse screening or treatment program?
NO YES If yes, attach an explanation.

Have you ever been charged or convicted of a crime involving alcohol or drugs?
NO YES If yes, attach an explanation.

Have you been convicted of a crime or charged with a criminal offense?
NO YES If yes, attach an explanation.

I authorize the department representative to review criminal justice (CJ), including where applicable, juvenile criminal history, protective service, and licensing records and to share this information (except federal CJ records) with the applicant/licensee and if applicable, between the department and agency responsible for evaluating the facility. I agree and understand that I will be placed on the APSIN flag system. I certify that the contents of this form and information provided with it are true, accurate, and complete.

Household Member Signature

(If household member is under 18, parent's signature is required)

Date

(OCS/CPA Use Only)

Initial Background Check: This section completed by OCS staff. All items must be reviewed. If no history is found mark "No", if history is found mark "Yes" and attach additional information.

Child Protective Services (ORCA/Prober)

No Yes (Information Attached)

Court View

No Yes (Printout Attached)

Sex Offender Registry

No Yes

Previous Licensing History

No Yes (Information Attached)

Criminal Justice JOMIS Check

No Yes (Information Attached)

Comments:

I have completed the above listed background checks:

Worker Name

Title

Date

Worker Signature