

## Background Check Information

Alaska statutes and regulations require individual's age 16 and older who works, volunteers, or resides at a foster care home or is associated with the entity to be free from serious problems that pose a risk to children, and require background checks to ensure the safety of children placed in 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 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 must submit release forms completed by the administrator, foster parent(s), and all individuals age 16 or older who works, volunteers or resides in the home of the applicant or is associated with the entity. The release form authorizes the department representative to review criminal justice information and protective service records. Per 7 AAC 10.910(b) requires the entity to submit fingerprints for all individuals age 16 and older who works, volunteers, or is associated with the entity to the department representative. 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 Investigations. An application 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.

Foster parents have responsibility for ensuring that individuals in their home are free from problems that may be a threat to children. This is accomplished in part by screening volunteers, household members and employees carefully through the application process. Contact Public Safety, Records and Identification Section (907) 269-5579 in Anchorage for more information.

Under state and federal laws and regulations, child abuse or neglect and criminal justice records are confidential with the exception of the divisions of the department 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" has the same meaning as in AS 47.17.290;
2. "entity" includes foster homes, and child placement agencies and an owner, officer, director, member, or partner of the entity;
3. "indictment" includes presentment or charging by information; and
4. "individual having regular contact with children in a foster home" means a caregiver, and any member of the licensee's household residing in any part of the foster home.

### Alaska Regulation 7 AAC 10.955 and Statute 47.05.310:

- prohibits an individual who has been charged with, convicted of, found guilty by reason of insanity for, or adjudicated as a delinquent for, a crime that is inconsistent with the standards for licensure established by the department by regulation, from owning an entity or being an officer, director, partner, member, or principal of the business organization that owns the entity; and
- prohibits an entity from allowing that individual to operate the entity, hire or retain that individual at the entity as an employee, independent contractor, or unsupervised volunteer, allowing that individual to reside in the entity unless the individual is a recipient of services, or allowing that individual to be present in the entity if the individual would have regular contact with individuals who receive services from the entity, unless that individual is a family member of or a visitor of an individual who receives services from the entity; and
- prohibits the Department from issuing or renewing a license for an entity that is in violation of this section; and
- prohibits 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 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 to provide services related to the health, safety, and welfare of persons 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 may conduct a fingerprint background check on any member of the relative's household who is 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:** By law, 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.