

<b>Policy Subject:</b>	<b>Criminal Record and Child Protective Services Clearances for Residential Child Care Programs</b>
<b>Effective Date:</b>	December 13, 2019
<b>Approved By:</b>	Michelle L. Farr, LCSW-C, LICSW <i>M. Farr</i> Executive Director Social Services Administration (SSA)
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<b>Originating Office:</b>	Placement and Permanency
<b>Supersedes:</b>	None
<b>Program Affected:</b>	Residential Child Care Programs (RCCPs), Office of Licensing and Monitoring (OLM), Contracts and Monitoring Unit



## **Legal Information & Purpose**

The purpose of this policy directive is to provide guidance to Residential Child Care Programs regarding the safety background requirement changes outlined in the Bipartisan Budget Act of 2018, Public Law 115-123, which became law on February 9, 2018. P.L. 115-123 includes the Family First Prevention Services Act (FFPSA). FFPSA made a number of changes to titles IV-B and IV-E of the Social Security Act.

FFPSA changes to the title IV-E requirements at section 471(a)(20)(D) of the Act (criminal record and child abuse and neglect registry checks) became effective October 1, 2018. Under FFPSA, effective October 1, 2018, all employees of a RCCP must submit to criminal background checks and Child Protective Services (CPS) clearances. The RCCP must receive and review the results of the checks and clearances before employment can begin at the RCCP.

## **Policy**

To ensure the safety of children placed in RCCPs, all adults working in a RCCP shall undergo criminal background checks and CPS clearances prior to employment. The RCCP shall ensure that requests for a criminal background check in accordance with COMAR 12.15.02 and Child Protective Services clearances have been submitted for each prospective employee. The criminal records background check and CPS clearances shall be reviewed by the RCCP to exclude from employment any individual who has an indicated child abuse or neglect finding or has a conviction for any crime enumerated in COMAR 14.31.06.05.

All adults, including adults who do not work directly with children, are subject to the criminal background check and CPS clearances requirements when working in a residential child care program.

## **Definitions**

FFPSA requires that title IV-E agencies apply these same procedures for fingerprint- based criminal record checks of national crime information databases and child abuse and neglect registry checks to any adult working in a child care institution (CCI) which includes RCCPs in Maryland. CCIs in the State of Maryland are defined below.

- A. Residential Child Care Programs means an organization which provides services on a recurring basis pursuant to a contractual agreement with the Department of Human Services and is licensed by the Department of Human Services, Maryland Department of Health, or Department of Juvenile Services for residential treatment of youth including the following:
  - (1) Alternative living units;
  - (2) Group homes;
  - (3) Nonpublic residential educational facilities;
  - (4) MDH/Community Mental Health Programs/Residential Crisis Services;
  - (5) State-operated residential educational facilities; and
  - (6) Therapeutic group homes.

B. Group home” means a residential child care program, including:

- (1) Shelter care, including:
  - (i) Emergency; or
  - (ii) Structured;
- (2) Mother-baby programs;
- (3) Psychiatric respite care;
- (4) Programs for children who are medically fragile;
- (5) Programs for children with developmental disabilities;
- (6) Residential crisis services;
- (7) Residential respite care services; and
- (8) Diagnostic evaluation treatment programs

### **Procedural Guidance**

The RCCP must have a personnel record for each employee. The employee record as required by COMAR 14.31.06.05 (E) (1) (e and f) must contain the documentation of the criminal background checks and CPS clearances and results. The information should contain the request date and results date. The request date and results date must be prior to the employment start date.

RCCP staff shall obtain new criminal background checks every two years following the date of hire.

### **Forms**

- [Background Clearance Form](#)
- Maryland State CJIS Clearance (This form institutes a state clearance and a national clearance)

### **Related Information**

This policy is to be used to support the Department of Human Services with its compliance of the following:

- COMAR 12.15.02
- COMAR 14.31.06.05
- Family Law Article, Md. Ann. Code, §§ 5-550 through 5-559
- 42 U.S.C. § 671(a)(20)(D)