



State of South Carolina Department of Social Services

Policies and Procedures: Child Welfare Manual

Subject:	740. Intake & Background Checks
Chapter:	Foster Family Licensing & Support
Effective Date:	07/21/2016
Standards:	Guiding Principles and Standards (GPS) Practice Model
Application:	Child Welfare Services Staff

PURPOSE STATEMENT:

The agency is committed to providing a thorough but efficient licensing process that promotes both the wellbeing of foster children and the retention of prospective foster families. This section lays out the policies and procedures by which the South Carolina Foster Parent Association/Heartfelt Calling and the State Office Initial Licensing Unit begin this process with preliminary assessments and background checks.

POLICY:

1. No individual shall be denied the opportunity to become a foster or adoptive parent on the basis of race, color, national origin, religion, state of residence, age, disability, political belief, sex, or sexual orientation. Neither of these opportunities shall be delayed on the above bases. All recruitment materials must inform potential foster or adoptive applicants that DSS is prohibited from delaying or denying such opportunities on the above bases.
2. All prospective foster parents with disabilities shall be given full and equal opportunities to become foster parents and shall be entitled to individualized treatment. If necessary to facilitate a full and equal opportunity, foster parents with disabilities shall be entitled to auxiliary aids and services.
3. Applicants may choose to be licensed for regular foster care, Level 1 therapeutic foster care, or to be approved as an adoptive resource. Regular foster home initial license assessments are completed by DSS Regional Initial Licensing Coordinators. If the prospective family is interested in being approved to adopt or to foster and adopt, a DSS Regional Adoptions Specialist will conduct the process (see Chapter 6: Adoption & Birth Parent Services). Third-party providers contracted by DSS shall recruit, assess, train, and manage licensed homes to provide Level 1 therapeutic foster care.
4. Dual licensing (i.e., a home is licensed by more than one agency) for the placement of children from more than one agency or the placement of adults in addition to children is dependent upon state level approval based on the circumstances.

5. Criminal history checks through fingerprinting and law enforcement records (both FBI and SLED) are required for applicants and all household members age 18 or older.
6. The Department will check SC Central Registry of Abuse and Neglect and any child abuse and neglect registry maintained by a state or tribe for information on any applicant and on any other adult living in the prospective foster family home.
7. The Department is to request a check of any other child abuse or neglect registry in a state or tribe in which any such applicant or other household adult has resided in the preceding five years. Persons found listed on such a registry are not eligible for licensure or to share a residence with a foster child. (Inquiries by other states regarding SC Central Registry checks should be referred to the DSS State Office for fulfillment.)
8. SC Central Registry checks are required for non-licensed childcare providers and babysitters who provide regular and/or full-time care for foster children. Persons found listed on the Central Registry may not provide care for a foster child.
9. Each foster parent applicant and household member age 12 and older shall require a search of the National Sex Offender Registry. Inclusion on the registry of anyone in the home prohibits licensure.
10. Individuals who provide informal routine care or unlicensed childcare must be screened against the National Sex Offender Registry. Childcare cannot be provided by an individual listed on the registry.

PROCEDURES:

1. Families or individuals interested in fostering shall contact South Carolina Foster Parent Association/Heartfelt Calling (SCFPA/HC) to begin the application process.
2. The SCFPA/HC staff shall begin assessing the family during this phone call. At a minimum, the following information will be collected:
 - a. Names, address, employment of applicants;
 - b. Contact phone number of applicants;
 - c. Basic demographics of applicants to include:
 - i. Age;
 - ii. Gender;
 - iii. Marital status;
 - iv. Birthplace;
 - v. Education; and
 - vi. Race (to be used only for internal recordkeeping and does not become part of the applicant's file)
3. SCFPA/HC shall schedule fingerprinting with an FBI-approved agency convenient to the applicant's address as well as a SLED check. If an applicant refuses to provide information needed to schedule fingerprinting (e.g., social security numbers),

SCFPA/HC will advise the applicant of the contact information to schedule fingerprinting on their own. Within 24 hours of the phone call, applicants are to schedule an appointment and notify SCFPA/HC of the date and time for fingerprinting. Applicants are advised that their intake application will be held open for 24 hours. If the fingerprinting appointment is not scheduled, the intake will close, and the licensing process will stop. SCFPA/HC shall arrange for rolled fingerprints to be completed for any adult in the household who may be medically unable to have digital fingerprinting done.

4. SCFPA/HC shall schedule orientation or pre-service training with the applicants at a date and time convenient for their schedule and location. Training should be scheduled to begin at least 30 days from the date of application.
5. The FPA/HC staff shall share the following information with the applicant:
 - a. Licensing process and timeline;
 - b. Intent of foster care (to temporarily protect children in a healthy and stable environment while children cannot remain safely in their family home) and adoption (to find lifelong permanency for children whose parents' rights have been terminated because of abuse and/or neglect);
 - c. Fingerprinting and criminal history checks for all household members age 18 and older, sex offender registry checks for all household members age 18 and older;
 - d. Training requirements; and
 - e. Automatic disqualifiers
6. Social security numbers of adult applicants (necessary for fingerprinting);
7. Names of all household members;
8. Children living outside the home;
9. Age/gender of children preferred for placement;
10. If application is for a specific child;
11. Pets in the home;
12. Names and addresses of three personal references and one relative reference;
13. States/counties of residence during previous five years; and
14. Criminal history checks, including all household members 18 and over.
15. SCFPA/HC shall mail (by postal service or electronically) the initial packet to the family for information and/or completion. The packet shall include:
 - a. Letters/templates to request three personal references;
 - b. Babysitter form;
 - c. Financial information form;
 - d. [DSS Form 1574: Medical Report for Prospective Foster/Adoptive Parents](#)
 - e. [DSS Form 30202: Medical Report for Child](#)

- f. [DSS Form 30102: Medical Report for Adult Household Members](#)
 - g. Fire Marshal regulations;
 - h. Preparing for your DHEC Inspection brochure; and
 - i. FPA Brochure and Welcome DVD (or video if mailed electronically)
- 16. SCPFA/HC shall electronically submit the application to the State Office Initial Licensing Unit for the family assessment and home study.
- 17. State Office Initial Licensing Unit staff shall create Provider and License records in CAPSS and shall shred the page of the application that contains race and ethnicity of the applicants.
- 18. State Office Initial Licensing Unit staff shall conduct a thorough search of the DSS Child and Adult Protective Services System (CAPSS) and the National Sex Offender Public Website Sex Offender Registry (NSOPW) for applicants and household members age 18 and older.
 - a. If an indicated case is found in CAPSS with an applicant as a perpetrator, the application must be denied.
 - b. If the indicated case closed at least seven years prior to the application, the case is considered purged and must not be considered as a condition for licensing or denial.
 - c. If an applicant is named on the Central Registry, the application is denied. There is no time limitation for a listing on the Central Registry. Once named to this list, persons can only be removed via court ordered expunction.
 - d. The Initial Licensing staff who searches CAPSS shall indicate on the bottom of DSS Form 3072 whether or not the applicant was found to be included on the Central Registry and shall place the form in the applicant's file.
 - e. If an applicant appears on the NSOPW, the application must be denied.
 - f. The Initial Licensing staff who searches the NSOPW will print the results pages from the website and place them in the applicant's file.
 - g. The results from CAPSS and NSOPW searches are documented in the CAPSS using the action codes Paperwork and Collateral Contact.
- 19. If an applicant or household member age 18 or older resided outside of South Carolina during the five years preceding the application, each state, country, or territory of residence must be contacted for a search of their Central Registry. When a request is made for an out of state Central Registry check, the request is documented in the CAPSS License screen using the action codes Correspondence and Collateral Contact.
- 20. The State Office Initial Licensing Supervisor shall receive the criminal background report from Office of Investigations and shall include the results in the application file.
 - a. If an applicant has been convicted, pled guilty, or pled nolo contendere to an offense listed in S.C. Code Ann. § 63-7-2350 the application must be denied. The applicant will be provided an opportunity to withdraw the application before a denial letter is mailed.

- b. If criminal offenses other than those listed in S.C. Code Ann. § 63-7- 2350 are listed on background checks for an applicant or household member, the Initial Foster Home Licensing Program Manager for the applicant's county of residence must be consulted and give approval to continue the application process.
- 21. The Regional Director will consider on a case-by-case basis the suitability of the home for fostering. The decision will be made based in part on these situations:
 - a. The nature of the offense and what the offense suggests about whether or not the individual should be providing services/care to foster children;
 - b. The length of time that has elapsed since the conviction;
 - c. The individual's life experiences indicating reform or rehabilitation during the ensuing period of time; and
 - d. The potential impact which the behavior that resulted in the conviction might have on the individual's fitness and ability to serve as a foster parent.
- 22. The Initial Foster Home Licensing Program manager will provide the Initial Licensing Coordinator and Supervisor their decision in writing.
- 23. The State Office Initial Licensing Supervisor shall document the results in CAPSS.

DOCUMENTATION:

- Copy of initial application
- Contacts with applicants
- Results of background checks & registry searches
- Correspondence with out-of-state agencies regarding registry checks (if applicable)

COLLABORATION:

- SC Foster Parent Association/Heartfelt Calling
- Initial Licensing Coordinator/Supervisor
- Human Services Regional Director
- Office of General Counsel
- Office of Investigations
- FBI/SLED
- DSS Division of Human Services, Central Registry of Abuse and Neglect
- Fingerprinting Agency

LEGAL CITATIONS:

- Multi-Ethnic Placement Act & Interethnic Adoption Provisions
 - 42 U.S.C.A. § 671(a)(18): general mandates
 - 42 U.S.C.A. § 622(b)(7): diligent recruitment
 - 42 U.S.C.A. § 674 & 45 C.F.R. § 1355.38: enforcement
 - 42 U.S.C.A. § 1996b: Title VI violation

- 42 U.S.C.A. § 2000a et seq.: Title VI of the Civil Rights Act
- The Americans with Disabilities Act
 - 29 U.S.C.A. § 794: Section 504 of the Rehabilitation Act of 1973
 - 29 U.S.C.A. § 705(20)-(21): Section 504 definition of disability
 - 42 U.S.C.A. § 12102: ADA definition of disability
 - 42 U.S.C.A. § 12103: ADA definition of auxiliary aids and services
 - 42 U.S.C.A. §§ 12131-12134: ADA Title II, Public Services
 - 42 U.S.C.A. §§ 12181-12189: ADA Title III, Public Accommodations
 - 28 C.F.R. § 35.101 et seq.: ADA Title II regulations
 - 28 C.F.R. § 36.101 et seq.: ADA Title IV regulations
 - 28 C.F.R. § 42.501 et seq.: Section 504 DOJ regulations
 - 45 C.F.R. § 84.1 et seq.: Section 504 DHHS regulations
- 42 U.S.C.A. § 671(a)(20): background check requirements, databases, and registries
- 45 C.F.R. § 1356.30: background check requirements
- S.C. Code Ann. § 63-7-2340: fingerprinting
- S.C. Code Ann. § 63-7-2345: payment of FBI fingerprinting
- S.C. Code Ann. § 63-7-2350: restrictions (child abuse, certain crimes)
- S.C. Code Ann. § 63-7-2360: minor sex offenders in the home
- S.C. Code Ann. § 63-11-70: background checks, pardons

FORMS:

[DSS Form 1574: Medical Report for Prospective Foster/Adoptive Parents](#)

[DSS Form 3072: Consent to Release Information](#)

[DSS Form 30102: Medical Statement for Household Members](#)

[DSS Form 30202: Medical Statement for Child](#)

Preparing for your DHEC inspection