



# Criminal Background Checks for Prospective Foster and Adoptive Parents

All States, the District of Columbia, Guam, the Northern Mariana Islands, and Puerto Rico have statutes or regulations requiring background investigations of prospective foster and adoptive parents and all adults residing in their households. In most States, the background investigation includes a check of Federal and State criminal records.<sup>1</sup> Most States also require checks of child abuse and neglect registries. States may deny approval of a foster care license or adoption application if any adult in the household has been convicted of a

<sup>1</sup> A background investigation refers to information collected by the child-placing agency to determine the suitability of the prospective foster or adoptive family. A criminal record check refers specifically to a check of the individual's name in State, local, or Federal law enforcement records for any history of criminal convictions.

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## Federal Requirements

disqualifying crime or has a registry record of substantiated or founded child abuse or neglect.

State statutes requiring criminal background checks are supported by Federal legislation in title IV-E of the Social Security Act. The Adoption and Safe Families Act (ASFA) of 1997 amended title IV-E (42 U.S.C. 671(a)(20)) to require criminal record checks of any prospective foster or adoptive parent to whom foster care maintenance payments or adoption assistance payments are to be made under title IV-E. The Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) further amended title IV-E to require a fingerprint-based check of a national crime information database before any prospective foster or adoptive parent may be approved for placement of a child, whether or not foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.<sup>2</sup>

Under title IV-E, approval of the foster or adoptive home may not be granted if either of the following criminal records is found:

- The applicant has ever been convicted of felony child abuse or neglect; spousal abuse; a crime against children (including child pornography); or a crime involving violence, including rape, sexual assault, or homicide but not including other types of physical assault or battery.
- The applicant has been convicted of a felony for physical assault, battery, or a drug-related offense within the past 5 years.<sup>3</sup>

The Child Abuse Prevention and Treatment Act (CAPTA) extends the requirement for criminal background checks to all adults residing in prospective foster or adoptive family households.<sup>4</sup> The Adam Walsh Act (P.L. 109-248) also requires a check of State child abuse and neglect registry(s) for all adults living in

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<sup>2</sup> For more information on the provisions of these acts, see Information Gateway's *Major Federal Legislation Concerning Child Protection, Child Welfare, and Adoption* at <http://www.childwelfare.gov/pubs/otherpubs/majorfedlegis.cfm>

<sup>3</sup> See 42 U.S.C. 671(a)(20). The Adam Walsh Child Protection and Safety Act of 2006 requires all States to provide for criminal background checks as of October 1, 2008.

<sup>4</sup> See 42 U.S.C. 5106a(b)(2)(B)(xxii) (2010).

## State Requirements for Prospective Foster Parents

prospective foster and adoptive homes. These checks must be conducted in every State in which each individual lived during the previous 5 years.

All States require a criminal record check as part of the background investigation that is conducted when an individual applies for licensure as a foster parent. Requirements for the types of background checks and the individuals who are subject to the checks may be found in statute or regulation.<sup>5</sup> As of August 2011:

- State or local criminal record checks of a foster parent applicant are required in all States, the District of Columbia, and Puerto Rico.
- Federal criminal record checks also are required in approximately 38 States.<sup>6</sup>
- In addition to name-based checks, fingerprinting is required as part of a criminal record check in 39 States.<sup>7</sup>
- Child abuse and neglect record checks are required in 41 States, the District of Columbia, Guam, and Puerto Rico.<sup>8</sup>

<sup>5</sup> Regulations (administrative law, rules, or policy) are issued by State agencies. Statutes are laws enacted by State legislatures.

<sup>6</sup> The word *approximately* is used to stress the fact that States frequently amend their laws. This information is current through August 2011. Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio (if the applicant was a resident for less than 5 years), Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Washington, and West Virginia require national criminal record checks.

<sup>7</sup> Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, and West Virginia.

<sup>8</sup> Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Arkansas, California, Colorado, Georgia, Iowa, Kentucky, Minnesota, Montana, Nevada, New Hampshire, Utah, and Washington require checks of the central registries of any other State in which the applicant may have resided during the previous 5 years.

- Checks of State sex offender registries are required in Illinois, Iowa, Nebraska, Oklahoma, South Carolina, and Puerto Rico.
- Criminal record checks are required for all adult members of prospective foster parents' households in 45 States and the District of Columbia.<sup>9</sup>
- Criminal record checks are required for all adults and older children in prospective foster parents' households in 10 States.<sup>10</sup>
- Criminal record checks are required for all members of prospective foster parents' households regardless of age in six States.<sup>11</sup>

An application for foster parent licensure may be rejected when a check reveals that a prospective foster parent or other household member has been convicted of a crime that would raise concerns about the family's ability to provide a safe and stable home environment for the child.

## Disqualifying Crimes

Approximately 22 States and the District of Columbia will disqualify an applicant if he or she or any household member has ever been convicted of felony child abuse or neglect, spousal abuse, a crime against children including child pornography; a crime of violence including rape, sexual assault, or homicide; or has been convicted of physical assault, battery or a drug-related offense within the past 5 years.<sup>12</sup> In most States, other crimes—including any crime of violence, arson, kidnapping, illegal use of weapons or explosives, fraud, forgery—or property crimes such as burglary and robbery may lead to disqualification. In 32 States, an applicant may be

<sup>9</sup> Only foster care applicants (and not other adults) are required to be investigated in Delaware, Florida, Rhode Island, Wisconsin, and Wyoming.

<sup>10</sup> Missouri and New Hampshire require checks of all persons age 17 and older. Alaska, Connecticut, and Washington require checks of all persons age 16 and older. Indiana, Iowa, Massachusetts, and Texas require checks of all persons age 14 and older. Oklahoma requires a check of juvenile justice records for any child age 13 or older.

<sup>11</sup> California, Kansas, Maryland, Montana, North Dakota, and Vermont.

<sup>12</sup> Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Iowa, Kentucky, Maine, Maryland, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Washington, and Wyoming.

## State Requirements for Prospective Adoptive Parents

disqualified if he or she has a registry record of substantiated or founded child abuse or neglect.<sup>13</sup>

Nearly all States require a criminal record check as part of a background investigation for approving an adoptive placement. In most States, requirements for adoptive parents are similar to those for foster parents, although specifics may vary. An example of this is the requirement to check the State's sex offender registry: Alaska requires checks for adoptive parents but not foster parents; Iowa and Nebraska require checks for foster parents but not adoptive parents. All three States examine conviction records for sex offenses for both foster and adoptive parents.

Requirements for the types of background checks and the individuals who must be included in the checks may be found in statute or regulation. These include the following:

- State or local criminal record checks of an adoptive parent applicant are required in approximately 48 States, the District of Columbia, Guam, and Puerto Rico.<sup>14</sup>
- Federal criminal record checks also are required in 31 States.<sup>15</sup>
- Fingerprinting and name-based checks are required as part of the criminal record check in 31 States.<sup>16</sup>

<sup>13</sup> Alaska, Arkansas, California, Colorado, Connecticut, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>14</sup> Tennessee does not currently require a criminal background check as part of an adoption home study. In Wyoming, a criminal background check is performed only when ordered by the court.

<sup>15</sup> Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio (if the applicant was a resident for less than 5 years), Oklahoma, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Washington, and Wisconsin.

<sup>16</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.

- Child abuse and neglect record checks are required in 39 States, the District of Columbia, Guam, and Puerto Rico.<sup>17</sup>
- Checks of State sex offender registries are required in Alaska, Illinois, Oklahoma, South Carolina, and Puerto Rico.
- Criminal record checks are required for all adult members of prospective adoptive parents' households in approximately 32 States and the District of Columbia.<sup>18</sup>
- Criminal record checks are required for all adults and older children in prospective adoptive parents' households in six States.<sup>19</sup>
- Criminal record checks are required for all household members, regardless of age, in Idaho and Montana.

Information in criminal background histories and child abuse reports is incorporated into the adoption home study that is used to help determine whether an adoptive parent's home will be safe and appropriate for placement of a child. An unfavorable home study may be issued and the adoption petition may be denied when a check reveals that the prospective adoptive parent or another household member has been convicted of a crime that would raise concerns about that family's ability to provide a safe home for a child.

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<sup>17</sup> Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. In Wyoming, the court may order a central registry check as part of a home study. Arkansas, Colorado, Florida, Georgia, Indiana, Kentucky, Louisiana, Minnesota, New Hampshire, Oklahoma, Utah, Washington, and Wisconsin require a check of the central registry of any State in which an applicant has resided during the previous 5 years.

<sup>18</sup> Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington, and West Virginia.

<sup>19</sup> Connecticut requires checks of all persons age 16 and older. Indiana, Massachusetts, and Texas require checks of all persons age 14 and older. Minnesota requires checks for all persons age 13 and older. Florida requires checks for all persons age 12 and older.

## Disqualifying Crimes

Approximately 18 States and the District of Columbia will disqualify a prospective adoptive parent if he or she or any household member has ever been convicted of felony child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime of violence, including rape, sexual assault, or homicide; or has been convicted of physical assault or battery or a drug-related offense within the past 5 years.<sup>20</sup> In some States, other crimes, including any crime of violence, arson, kidnapping, illegal use of weapons or explosives, fraud, forgery, or property crimes such as burglary and robbery may lead to disqualification. In approximately 25 States and Puerto Rico, a prospective adoptive parent may not be approved if he or she has a registry record of substantiated or founded child abuse or neglect.<sup>21</sup>

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

### Suggested Citation:

Child Welfare Information Gateway. (2011). *Criminal background checks for prospective foster and adoptive parents*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

<sup>20</sup> Arkansas, California, Colorado, Delaware, Florida, Iowa, Kansas, Kentucky, Maryland, Minnesota, Nevada, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Utah, and Washington.

<sup>21</sup> Alaska, Colorado, Connecticut, Delaware, Georgia, Hawaii, Indiana, Iowa, Kentucky, Louisiana, Maryland, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Texas, Utah, Vermont, Virginia, and Wisconsin.

## Alabama

### Requirements for Foster Parents

#### Ala. Code §§ 38-13-3(2) & (5); 38-13-2(30)

A fingerprint-based criminal history background information check is required for current and prospective foster parents and all adult household members.

A criminal history background information check will not be conducted on a current foster parent or household member of a foster family if an FBI and State criminal history background information check has already been conducted under other law.

Convictions for any of the following crimes shall make an individual unsuitable for licensure:

- Murder, manslaughter, or criminally negligent homicide
- A sex crime
- A crime that involves the physical or mental injury or maltreatment of a child, the elderly, or an individual with disabilities
- A crime committed against a child
- A crime involving the sale or distribution of a controlled substance
- Robbery
- A crime or offense committed in another State or under Federal law that would constitute any of the above crimes in this State

Conviction for any crime listed in the Adoption and Safe Families Act, (42 U.S.C. 671(a)(20)) shall disqualify a person from being approved or continuing to be approved as a foster parent or adoptive parent, and a convicted person shall be deemed unsuitable for employment, volunteer work, approval, or licensure as a foster parent or adoptive parent.

### Requirements for Adoptive Parents

#### Ala. Code §§ 26-10A-19; 38-13-3(5); Ala. Admin. Code r. 660-5-22-.03

A fingerprint-based criminal history background check is required for applicants and members of their household age 19 and older as part of the adoption investigation.

A criminal history background information check will not be conducted for a current adoptive parent or household member if an FBI and State criminal history background information check has already been conducted under other law.

No home can be approved where any adult member has been convicted of a crime at any time involving:

- A sex-related crime, including sexual abuse, exploitation, rape, child pornography, or incest
- Serious intentional physical injury or death of any person, including murder, manslaughter, assault, reckless endangerment, or kidnapping
- A crime against a child, including abandonment or endangerment
- A property crime, such as burglary or robbery
- Arson
- Manufacture, sale, distribution, use, or possession of controlled substances

An exception is allowed when a household member has a criminal conviction involving robbery, burglary, or arson when there is evidence of rehabilitation.

When a household member has a criminal conviction for a sex-related crime; serious intentional or negligent physical injury or death of any person; a crime against a child; or the manufacture, sale, distribution, use, or possession of controlled substances, an exception is made if there is evidence of rehabilitation and the following conditions exist:

- For a felony, 10 years have elapsed since the sentence was served.
- For a misdemeanor, 5 years have elapsed since the sentence was served.

No exception is allowed when there is a criminal conviction involving a sex-related crime against a child, serious intentional reckless or negligent physical injury, or death of a child.



## Alaska

### Requirements for Foster Parents

#### Alaska Stat. § 47.14.100(j); Admin. Code Tit. 7, §§ 56.070; 56.210

The applicant must request a criminal history check, or provide proof of a valid fingerprint-based criminal history check, for each individual to be associated with the applicant. This requirement applies to all individuals age 16 or older who are not recipients of services and who wish to reside with the applicant. This requirement applies to each individual who, on or before April 10, 2007:

- Does not have a valid criminal history check
- Passed a criminal history check conducted before February 9, 2007, that was not fingerprint-based or was fingerprint-based and conducted more than 6 years before February 9, 2007

An application for licensure will not be approved if:

- The applicant's name appears on the centralized registry.
- The applicant has a physical health problem or behavioral health problem that poses a significant risk to the health, safety, or well-being of children.
- The applicant was the subject of prior adverse licensing action.
- The individual has been convicted of any of the barrier crimes listed in 7 AAC 10.905.

In addition to the criminal history check, the department will review its child protection records and previous licensing records with respect to the applicant.

For the purpose of determining whether the home of a relative meets the requirements for placement of a child, the department shall conduct a criminal background check from State and national criminal justice information available under ch. 12.62. The department may conduct a fingerprint background check on any member of the relative's household who is age 16 or older when the relative requests placement of the child.

### Requirements for Adoptive Parents

#### Admin. Code Tit. 7, §§ 56.660; 56.210(b)

*This issue is not addressed in statute. The following information is from the Alaska Administrative Code.*

An agency shall conduct a home study for all applicants in the family being considered as an adoptive or guardianship home by the agency. The agency shall obtain the results of a check for a history of abuse, violence, or criminal background for all adults living in the home, and an evaluation shall be made of the suitability of the home in light of any finding of such history.

Except when placing a child under emergency conditions, an adoption or guardianship home may not be approved if a person in the prospective adoption or guardianship home has a disqualification described in 7 AAC 56.210(b). An individual may be disqualified if:

- The individual's name appears on the centralized registry of child abuse and neglect.
- The individual has a physical health problem or behavioral health problem that poses a significant risk to the health, safety, or well-being of children.
- The individual was the subject of prior adverse licensing action.

The agency shall review the Alaska Sexual Offender Registry before placement of a child and shall make a check of local court records before placement or on the first day that the court is open following the placement of a child.

An agency shall request a State and Federal report of criminal history record information for each adult member of an applicant's household. The individual may be disqualified if he or she has been convicted of a barrier crime, as described in 7 AAC 10.905.

**American Samoa****Requirements for Foster Parents**

Criminal background and registry checks are not addressed in statute or in regulation.

**Requirements for Adoptive Parents**

Criminal background and registry checks are not addressed in statute or in regulation.

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**Arizona****Requirements for Foster Parents****Rev. Stat. §§ 8-509; 41-1758.07**

The division shall not issue a license unless each foster parent and each other adult member of the household has a valid fingerprint clearance card issued pursuant to § 41-1758.07. The foster parent and each adult member of the household must certify on forms provided by the division and notarized whether the foster parent or other adult members of the household are awaiting trial or have ever been convicted of any of the criminal offenses listed in § 41-1758.07(B)-(C) in this State or similar offenses in another State or jurisdiction, including:

- Sexual abuse, exploitation, or molestation of a child or vulnerable adult
- Incest
- Homicide, including murder, manslaughter, and negligent homicide
- Sexual assault
- Child prostitution
- Child abuse or felony child neglect
- Sexual conduct with a minor
- Dangerous crimes against children
- Exploitation of minors involving drug offenses
- Taking a child for the purpose of prostitution
- Abuse or neglect of a vulnerable adult
- Production, publication, sale, possession, and presentation of obscene items
- Furnishing harmful items to minors
- Furnishing harmful items to minors by Internet activity
- Obscene or indecent telephone communications to minors for commercial purposes
- Pandering
- Transporting persons for the purpose of prostitution, polygamy, and concubinage
- Any felony offense involving contributing to the delinquency of a minor
- Unlawful sale or purchase of children
- Child bigamy
- Any felony offense involving domestic violence
- Felony drug- or alcohol-related offenses if committed within the past 5 years
- Felony indecent exposure
- Terrorism

**Requirements for Adoptive Parents****Rev. Stat. §§ 8-105(D) & (E); 8-112(B)(6) & (7)**

A fingerprint-based Federal and State criminal records check is required for a prospective adoptive parent and any adult household members, except a birth or legal parent with custody of the child, as part of the investigation for preadoption certification.

The prospective adoptive parent must certify on forms that are provided by the division and notarized whether the prospective adoptive parent is awaiting trial on or has ever been convicted of any of the criminal offenses listed in § 41-1758.07(B)-(C) [see above] in this State or similar offenses in another State or jurisdiction.

A central registry records check, including any history of child welfare referrals, is required for a prospective adoptive parent and each adult who is living permanently with the prospective adoptive parent as part of the court's social study.

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**Arkansas****Requirements for Foster Parents****Ann. Code §§ 9-28-116; 9-28-409**

A foster parent and all household members age 10 and older, excluding children in foster care, shall be checked with the child maltreatment central registry in his or her State of residence and any State of residence in which the person has lived for the past 6 years.

A child in the custody of the Department of Human Services shall not be placed in the home of any foster parent unless all household members age 18 and older, excluding children in foster care, have been checked with the Identification Bureau of the Department of Arkansas State Police for convictions of the offenses listed below. In addition, a fingerprint-based criminal background check performed by the FBI in compliance with Federal law and regulation is required.

A foster child in the custody of the department shall not be placed in the home of any foster parent if the criminal records check reveals a felony conviction for:

- Child abuse or neglect
- Spousal abuse or domestic battery
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery
- Aggravated assault on a family or household member
- Physical assault, battery, or a drug-related offense if the offense was committed within the past 5 years

Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification:

- Capital murder or first- and second-degree murder
- Kidnapping
- Rape
- First- or second-degree sexual assault
- Endangering the welfare of a minor in the first degree or second degree
- Incest
- Arson
- Endangering the welfare of an incompetent person
- Felony adult abuse

**Requirements for Adoptive Parents****Ann. Code §§ 9-9-212(b)(5)-(8); 9-28-116**

The adoption home study shall include a State-of-residence criminal background check, if available, and national fingerprint-based criminal background check performed by the FBI on the adoptive parents and all household members age 18 and older, excluding children in foster care.

If a prospective adoptive parent has lived in a State for at least 6 years immediately prior to adoption, then only a State-of-residence background check shall be required.

If the Department of Human Services has responsibility for the child to be adopted, the home study shall include a national fingerprint-based criminal background check performed by the FBI on the prospective adoptive parents and all household members age 18 or older, excluding children in foster care.

A child maltreatment central registry check shall be required for all household members age 10 and older, excluding children in foster care, as a part of the home study, if such a registry is available in their State of residence.

Additional national fingerprint-based criminal background checks performed by the FBI are not required for international adoptions as they are already a part of the requirements for adoption of the U.S. Department of Homeland Security Citizenship and Immigration Services.

A foster child in the custody of the department shall not be placed in the home of any adoptive parent if the criminal records check reveals a felony conviction for:

- Child abuse or neglect
- Spousal abuse or domestic battery
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery
- Aggravated assault on a family or household member
- Physical assault, battery, or a drug-related offense if the offense was committed within the past 5 years

Any person who is found guilty of a criminal offense listed in § 9-28-409(h)(2) shall be excluded as an adoptive parent.

## California

### Requirements for Foster Parents

#### Health & Safety Code §§ 1522; 1522.1

Fingerprint identifications and FBI and State criminal records checks are required for a prospective foster parent and any person, other than a client, residing in the residence.

The department shall determine whether the applicant or any adult member of the applicant's household has ever been convicted of a crime other than a minor traffic violation or arrested for any crime specified in § 290 of the Penal Code, for violating §§ 245, 273.5, 273a(b), or 273a(2) of the Penal Code, or for any crime for which the department cannot grant an exemption if the person was convicted and has not been exonerated. These offenses include:

- Offenses for which a person must register with the sex offender registry, including kidnapping, rape, sodomy, sexual battery, child pornography, and child sexual exploitation
- Assault with a deadly weapon
- Infliction of injury on a present or former spouse or cohabitant or parent of a child
- Endangering a child or causing or permitting a child to suffer physical pain, mental suffering, or injury

Prior to granting a license to any individual to care for children, the department shall check the Child Abuse Central Index. The department shall not deny a license based upon a report from the Child Abuse Central Index unless child abuse or severe neglect is substantiated.

For any application received on or after January 1, 2008, if any prospective licensed or certified foster parent or any person age 18 or older residing in their household has lived in another State in the preceding 5 years, the licensing agency shall check that State's child abuse and neglect registry.

If any person in the household is age 18 or older and has lived in another State in the preceding 5 years, the department shall check the other State's child abuse and neglect registry to the extent required by Federal law prior to granting a license to, or otherwise approving, any foster family home.

### Requirements for Adoptive Parents

#### Fam. Code §§ 8712; 8730; 8811; 8908

Fingerprinting and a criminal records check of a prospective adoptive parent are required as part of the investigation for agency adoptions, independent adoptions, and intercountry adoptions.

The department or licensed adoption agency shall require each person filing an application for adoption to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. The department or licensed adoption agency also may secure the person's full criminal record, if any.

The department or licensed adoption agency shall submit fingerprints and related information with any Federal-level criminal offender record requests to the Department of Justice. The Department of Justice shall forward the request to the FBI to obtain information as to the existence of a record of an out-of-State or Federal conviction or arrest or Federal crimes or arrests for which the person is free on bail pending trial or appeal.

The criminal record, if any, shall be taken into consideration when evaluating the prospective adoptive parent, and an assessment of the effects of any criminal history on the ability of the adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court.

Under no circumstance shall an adoptive placement be approved when the prospective adoptive parent or any adult living in the home has either of the following:

- Any felony conviction for child abuse or neglect; spousal abuse; crimes against a child, including child pornography; or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery
- A felony conviction that occurred within the past 5 years for physical assault, battery, or a drug- or alcohol-related offense

## Colorado

### Requirements for Foster Parents

**Rev. Stat. §§ 26-6-107(1)(a.7); 26-6-104(7)(a)(I)**

For all family foster care or kinship care applicants, the county department or child-placing agency shall require each adult who is age 18 or older who resides in the home to obtain a fingerprint-based criminal history records check through the Colorado Bureau of Investigation and the FBI.

In addition, the department shall contact the appropriate entity in each State in which the applicant or any adult residing in the home has resided within the preceding 5 years to determine whether the adult has been found to be responsible in a confirmed report of child abuse or neglect. An investigation shall be conducted for any new resident adult added to the foster care home.

The department shall not issue a license or certificate to operate a foster care home if the applicant or a person who resides with the applicant has been convicted of:

- Child abuse
- A crime of violence
- Any felony offenses involving unlawful sexual behavior
- Any felony act of domestic violence
- Any felony involving physical assault, battery, or a drug-related offense within the preceding 5 years
- A pattern of misdemeanor convictions within the preceding 10 years

### Requirements for Adoptive Parents

**Rev. Stat. §§ 19-5-207(2.5)(a); 19-5-208(5)**

In all petitions for adoption, a fingerprint-based criminal history records check is required for any prospective adoptive parent or any adult residing in the home.

The department or the child-placing agency, as may be appropriate, shall report to the court any case in which a fingerprint-based criminal history record check reveals that the prospective adoptive parent or any adult residing in the home was convicted at any time of a felony or misdemeanor in one of the following areas:

- Child abuse or neglect
- Spousal abuse
- Any crime against a child, including, but not limited to, child pornography
- Any crime of domestic violence
- Violation of a protection order
- Any crime involving violence, rape, sexual assault, or homicide
- Any felony physical assault or battery conviction or felony drug-related conviction within the past 5 years

No person convicted of a felony offense specified above shall be allowed to adopt a child.

In addition to the fingerprint-based criminal history records check, the county department shall contact the State Department of Human Services and the appropriate entity in each State in which the prospective adoptive parent or any adult in the home has resided in the preceding 5 years to determine whether the prospective adoptive parent or any adult residing in the home has been found to be responsible in a confirmed report of child abuse or neglect.

In all stepparent, second parent, custodial, and kinship adoptions, the petition shall contain a statement informing the court of whether the prospective adoptive parent was convicted at any time by a court of competent jurisdiction of a felony or misdemeanor in one of the areas listed above. In addition, the petitioner shall submit a current criminal history records check paid for by the petitioner.

## Connecticut

### Requirements for Foster Parents

#### Gen. Stat. § 17a-114(b); Regs., Ct. Agencies § 17a-150-110

A State and national criminal history records check and a State child abuse registry check are required for a prospective foster parent and any household members age 16 or older.

When a criminal history records check is required, such check shall be requested from the State Police Bureau of Identification. The requesting party shall arrange for the fingerprinting of the individual or for conducting any other method of positive identification required by the State Police Bureau of Identification and, if a national criminal history records check is requested, by the FBI.

*In regulation:* The granting of a license or approval shall be denied if any member of the household of a foster family or prospective adoptive family:

- Has been convicted of injury or risk of injury to a minor or other similar offenses against a minor
- Has been convicted of impairing the morals of a minor or other similar offenses against a minor
- Has been convicted of violent crime against a person or other similar offenses
- Has been convicted of the possession, use, or sale of controlled substances within the past 5 years
- Has been convicted of illegal use of a firearm or other similar offenses
- Has ever had an allegation of child abuse or neglect substantiated
- Has had a minor removed from his or her care because of child abuse or neglect

### Requirements for Adoptive Parents

#### Gen. Stat. § 17a-114(b)(2); Regs. Ct. Agencies § 17a-150-110

A prospective adoptive parent, and any person age 16 or older living in the household, is required to undergo State and national criminal history records checks prior to placement of a child. Such criminal history records checks shall be conducted in accordance with § 29-17a.

When a criminal history records check is required, such check shall be requested from the State Police Bureau of Identification. The requesting party shall arrange for the fingerprinting of the individual or for conducting any other method of positive identification required by the State Police Bureau of Identification and, if a national criminal history records check is requested, by the FBI.

The commissioner also shall check the State child abuse registry for the name of the applicant and for the name of any person age 16 or older living in the household of the applicant.

The granting of a license or approval shall be denied if the conditions listed above apply to any member of the prospective adoptive parent's household.

**Delaware****Requirements for Foster Parents****Ann. Code Tit. 31, § 309; Admin. Code § 9-300-301, Rule 26 & 27**

All prospective foster parents are required to submit fingerprints and other necessary information in order to obtain:

- The person's entire criminal history record from the Delaware State Police or a statement that the State Police Central Repository contains no information relating to that person
- The person's entire Federal criminal history record
- A certification from the department as to whether the individual is named in the Central Register as the perpetrator of reported child abuse

Costs associated with obtaining the above information shall be borne by the State.

All information required above shall be forwarded to the Department of Services for Children, Youth and Their Families (DSCYF), which will assess the information and make a determination of suitability based upon the types of offenses, recency, record since the offenses, and responsibilities of the position that the individual is seeking to obtain. DSCYF must exercise case-by-case judgment on the results.

Persons convicted of a sexually related offense or other offenses against children shall be prohibited from foster care without consideration of other criteria. The prohibited offenses include:

- Incest, unlawful sexual contact, or rape
- Continuous sexual abuse, solicitation, or exploitation of a child
- Abandonment of a child
- Unlawfully dealing in material depicting a child engaging in a prohibited sexual act
- Murder of a child
- Endangering the welfare of a child

The Adoption and Safe Families Act of 1997 prohibits individuals from becoming foster parents if they have the following felony convictions:

- Child abuse or neglect; spousal abuse; crimes against children, including child pornography; and crimes involving violence, including rape, sexual assault, and homicide committed at any time
- Physical assault, battery, and drug-related offenses committed within the past 5 years



**Requirements for Adoptive Parents****Ann. Code Tit. 31, § 309; Admin. Code § 9-300-301, Rule 26 & 27**

All prospective adoptive parents are required to submit fingerprints and other necessary information in order to obtain:

- The person's entire criminal history record from the Delaware State Police or a statement that the State Police Central Repository contains no information relating to that person
- The person's entire Federal criminal history record
- A certification from the department as to whether the individual is named in the Central Register as the perpetrator of reported child abuse

Costs associated with obtaining the above information shall be borne by the State.

All information required above shall be forwarded to DSCYF, which will assess the information and make a determination suitability based upon the types of offenses, recency, record since the offenses, and responsibilities of the position that the individual is seeking to obtain. DSCYF must exercise case-by-case judgment on the results.

Persons convicted of a sexually related offense or other offenses against children shall be prohibited from adopting without consideration of other criteria. The prohibited offenses include:

- Incest, unlawful sexual contact, or rape
- Continuous sexual abuse, solicitation, or exploitation of a child
- Abandonment of a child
- Unlawfully dealing in material depicting a child engaging in a prohibited sexual act
- Murder of a child
- Endangering the welfare of a child

The Adoption and Safe Families Act of 1997 prohibits individuals from becoming adoptive parents if they have the following felony convictions:

- Child abuse or neglect; spousal abuse; crimes against children, including child pornography; and crimes involving violence, including rape, sexual assault, and homicide committed at any time
- Physical assault, battery, and drug-related offenses committed within the past 5 years

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**District of Columbia****Requirements for Foster Parents****Ann. Code §§ 4-1305.02; 4-1305.06; Code of D.C. Regs. § 29-6001(7)**

A criminal records check is required for a person to be approved as a foster parent or kinship caregiver. A person will not be licensed as a foster parent if he or she or an adult residing in the foster parent's home has a felony conviction for any of the following offenses or their equivalents:

- Child abuse, child neglect, or an intrafamily offense
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including physical assault or battery
- Physical assault, battery, or a drug-related offense, if committed within the past 5 years

*In regulation:* A criminal records check and a child protection registry check are required for a prospective foster parent.

**Requirements for Adoptive Parents****Ann. Code §§ 4-1305.02; 4-1305.06; Code of D.C. Regs. § 29-1620(5)(q)**

A criminal records check is required for a prospective adoptive parent. A person will not be approved as an adoptive parent if he or she or an adult residing in the adoptive parent's home has a felony conviction for any of the following offenses or their equivalents:

- Child abuse, child neglect, or an intrafamily offense
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including physical assault or battery
- Physical assault, battery, or a drug-related offense, if committed within the past 5 years

*In regulation:* A criminal background check and child abuse registry check are required for a prospective adoptive parent as part of the home study.

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**Florida****Requirements for Foster Parents****Ann. Stat. § 39.0138**

The department shall conduct a criminal history records check on all persons being considered by the department for placement of a child, including all nonrelative placements. All members of the household of the person being considered and frequent visitors to the household also must be checked.

A criminal history records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the FBI for State and national criminal history information, and local criminal records checks through local law enforcement agencies. A criminal history records check also must include a search of the department's automated abuse information system.

The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

- Child abuse, abandonment, or neglect
- Domestic violence
- Child pornography or other felony in which a child was a victim of the offense
- Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim

The department may not place a child with a person other than a parent if the criminal history records check reveals that the person, within the previous 5 years, has been convicted of a felony that falls within any of the following categories:

- Assault
- Battery
- A drug-related offense

**Requirements for Adoptive Parents****Ann. Stat. §§ 63.092; 63.089(4)(b)(2); Admin. Code § 65C-16.007**

The preliminary home study must include a records check of the central abuse registry and a criminal records check on the intended adoptive parents.

No minor may be placed in a home in which there resides any person determined by the court to be a sexual predator or to have been convicted of any of the following offenses:

- Child abuse
- First-degree or second-degree murder
- Sexual battery that constitutes a capital, life, or first-degree felony

*In regulation:* Abuse hotline checks must be conducted on all adoptive applicants. For applicants who previously have been foster parents or have adopted in other States, abuse hotline checks must be completed in the previous State. Abuse hotline checks must be current within 30 days of placement of an adoptive child in the home. Abuse hotline checks also must be conducted on all other household members who are age 12 or older.

Criminal background checks through local, State, and Federal law enforcement agencies will be conducted on all persons age 12 or older residing in the prospective adoptive home. For applicants who have been foster parents or who have adopted in other States, local and State checks must be completed in the State of previous residence.

Juvenile delinquency checks must be conducted on all household members age 12 or older as a public record search. If this check reveals a juvenile justice record, this information must be addressed in the home study, and a determination must be made regarding possible impact on the adopted child.

Applicants who have been convicted of a crime specified under § 39.0138 within the past 5 years cannot be approved until 5 years have elapsed. At that time, the applicants also must be referred to the adoption review committee.

Applicants who have been found guilty or pled guilty or *nolo contendere* for crimes not listed in § 39.0138 shall be carefully evaluated as to the extent of their rehabilitation.

## Georgia

### Requirements for Foster Parents

#### Ann. Code §§ 49-5-69.1; 49-5-60; Rules & Regs. § 290-9-2-.07

No licensed child welfare agency shall place a child in a foster care home unless the foster parent or parents and other adult persons that reside in the home or provide care to children placed in the home have received a satisfactory preliminary records check determination.

After obtaining the fingerprint records, the department shall notify in writing the agency or license applicant regarding whether the department's determinations were satisfactory or unsatisfactory for each person for whom an application was received. If any such determinations were unsatisfactory, such homes shall not be used by the child welfare agency as foster care homes.

In addition to any other requirement established by law, the submission of fingerprints shall be a prerequisite to the issuance of a license or authorization for the operation of a foster home or to serve as foster parents as provided in this article. Such fingerprints shall be used for the purposes of fingerprint checks by the Georgia Crime Information Center and the FBI.

Evidence of a record of conviction of certain crimes shall result in an unsatisfactory determination. The crimes included are:

- Battery, when the victim is a minor
- Contributing to the delinquency of a minor
- Sexual offenses
- Criminal attempt of any of the crimes specified above

*In regulation:* A home study shall include the results of a criminal records check, as required by law, for each prospective foster parent and any adult residing in the home. When the individuals in the home have not resided in this State for the 5 years preceding their application to foster, the agency shall require additional documentation available through the State child welfare agency in the State in which the applicant resided that the individuals are not listed on the child abuse and neglect registry.

### Requirements for Adoptive Parents

#### Ann. Code § 19-8-16; Rules & Regs. § 290-9-2-.06

The court shall require the petitioner submit to a criminal history records check. The petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with the appropriate fee. The center shall promptly transmit the fingerprints to the FBI for a search of bureau records and shall obtain an appropriate report.

The Georgia Crime Information Center also shall promptly conduct a search of its records and any records to which it has access. The center shall notify the court in writing of the presence or absence of any derogatory finding, including, but not limited to, any conviction data regarding the fingerprint records check.

*In regulation:* The adoption home study shall include the results of a criminal records check, as required by law, for each prospective adoptive parent. When the individuals in the home have not resided in this State for the 5 years preceding their application to adopt, the agency shall require additional documentation available through the State child welfare agency in the State in which the applicant resided that the individuals are not listed on the child abuse and neglect registry.

## Guam

### Requirements for Foster Parents

#### Ann. Code Tit. 19, § 4221(c)(5)

An investigation into whether the prospective foster parent was a defendant in any proceeding concerning allegedly neglected, abandoned, or delinquent children is required for licensure for foster care.

### Requirements for Adoptive Parents

#### Ann. Code Tit. 19, § 4221(c)(5); Admin. Rules Tit. 26, § 1312

The investigation of the application for adoption shall include information on whether either parent has ever been a respondent in any proceeding concerning allegedly neglected, abandoned, or delinquent children.

*In regulation:* The adoption home study conducted by the department shall include a police clearance from the place of current or previous residence.

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## Hawaii

### Requirements for Foster Parents

#### Rev. Stat. § 346-17(j)-(l)

The department shall request:

- A criminal history record check through the Hawaii Criminal Justice Data Center on all operators, employees, and new employees of child care institutions, child-placing organizations, and foster boarding homes, including all adults residing in the foster boarding homes, subject to licensure
- A child abuse and neglect registry check on all operators, employees, and new employees of child care institutions, child-placing organizations, and adults residing in a foster boarding home subject to licensure

The department may deny a certificate of approval if an operator, employee, or new employee of a child care institution or child-placing organization's facility, or any adult residing in a foster boarding home, was convicted of a crime other than a minor traffic violation involving a fine of \$50 or less and if the department finds that the criminal history record or child abuse registry history of an operator, employee, new employee, or adult residing in a foster boarding home poses a risk to the health, safety, or well-being of the children in care.

The department shall make a name inquiry into the criminal history records for the first 2 years of certification of a foster boarding home and annually or biennially thereafter and into the child abuse and neglect registry in accordance with departmental procedures, depending on the certification status of the home.

### Requirements for Adoptive Parents

#### Rev. Stat. § 346-19.7(c)-(e)

Any person who seeks to become an adoptive parent, including all adults residing in the prospective adoptive home, shall be subject to criminal history record checks and child abuse and neglect registry checks.

The department may deny a person's application to adopt a child if either of the prospective adoptive parents or any adult residing in the prospective adoptive home has been convicted of an offense for which incarceration is a sentencing option, and if the department finds by reason of the nature and circumstances of the crime that either of the prospective adoptive parents, or any adult residing in the prospective adoptive home, poses a risk to the health, safety, or well-being of the child.

The department may deny a person's application to adopt a child if either of the prospective adoptive parents or any adult residing in the prospective adoptive home has a history of confirmed child abuse or neglect, or both, revealed by the child abuse and neglect registry check, and if the department finds by reason of the nature and circumstances of the abuse or neglect, or both, that either of the prospective adoptive parents or any adult residing in the prospective adoptive home poses a risk to the health, safety, or well-being of the child.

## Idaho

### Requirements for Foster Parents

#### Idaho Code § 39-1210; Admin. Code §§ 16.05.06.100; 16.05.06.210

The department shall obtain a criminal history check on the owners, operators, and employees of all children's residential care facilities. The criminal history check shall include information from the following:

- Statewide criminal identification bureau
- FBI criminal history
- National Crime Information Center
- Statewide child abuse register

*In regulation:* All foster care applicants and other adult members of the household are required to complete a fingerprint-based criminal history and background check. An unconditional denial will be issued when the background reveals a conviction for a disqualifying crime:

- Abuse, neglect, or exploitation of a vulnerable adult
- Aggravated, first-degree, and second-degree arson
- Crimes against nature
- Forcible sexual penetration by use of a foreign object
- Incest
- Injury to a child
- Kidnapping
- Lewd conduct with a minor
- Mayhem
- Murder, voluntary manslaughter, assault, or battery with intent to commit a serious felony
- Poisoning
- Possession of sexually exploitative material
- Rape
- Robbery
- Felony stalking
- Sale or barter of a child
- Sexual abuse or exploitation of a child
- Video voyeurism
- Enticing of children
- Inducing individuals under age 18 into prostitution or patronizing a prostitute
- Any felony punishable by death or life imprisonment
- Attempt or conspiracy to commit any of the above

The department will issue an unconditional denial for conviction of the following crimes within the previous 5 years:

- Aggravated assault
- Aggravated battery
- Arson in the third degree
- Burglary
- A felony involving a controlled substance
- Felony or grand theft
- Forgery, counterfeiting, or fraudulent use of a financial transaction card
- Insurance or public assistance fraud
- Attempt, conspiracy, or aiding and abetting to commit any of the above

**Requirements for Adoptive Parents****Idaho Code § 16-1506(3); Admin. Code §§ 16.05.06.100; 16.05.06.210**

A social investigation is required for the prospective adoptive family and all of its members.

*In regulation:* All persons applying to the department or petitioning the court to be an adoptive parent and all adults in the home, except stepparents applying for adoption of a stepchild, are required to complete a fingerprint-based criminal history and background check. An unconditional denial shall be issued for any of the crimes listed above.

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**Illinois****Requirements for Foster Parents****Comp. Stat. Ch. 225, §§ 10/4.1; 10/4.3; Admin. Code Tit 89, §§ 385.20; 402.13; 402 App. A**

A fingerprint-based FBI and State criminal background check is required for foster care licensure. A check of the Central Register is required to ascertain if the applicant has been determined to be a perpetrator in an indicated report of child abuse or neglect.

*In regulation:* A background check includes a check of the Illinois Sex Offender Registry and the National Sex Offenders Registry, as appropriate. Persons who have a conviction shall not be automatically rejected as foster parents unless the offense is one listed below.

If the applicant or any adult member of the household has been declared a sexually dangerous person or convicted of committing or attempting to commit one or more serious criminal offenses, this will serve as a bar to receiving a foster home license. The offenses may include:

- Murder or voluntary manslaughter
- Kidnapping
- Sex offenses, including sexual exploitation of a child, child pornography, or prostitution
- Offenses resulting in bodily harm

If the applicant or any adult member of the household has been convicted of a serious criminal offense, he or she will be barred from receiving a foster home license unless all of the following requirements are met:

- The relevant criminal offense occurred more than 10 years ago.
- The applicant had previously disclosed the conviction to the department.
- After the disclosure, the department either placed a child in the home or the foster family home license was issued.
- During the background check, the department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time.
- The applicant meets all other requirements and qualifications to be licensed as a foster family home.
- The applicant has a history of providing a safe, stable, home environment and appears able to continue to do so.

**Requirements for Adoptive Parents****Comp. Stat. Ch. 750, § 50/6; Admin. Code Tit. 89, § 402.28**

A fingerprint-based FBI and State criminal background check is required for a prospective adoptive parent as part of the adoption investigation.

The results of the criminal background check shall be provided to the court for its review. The court may, in its discretion, weigh the significance of the results of the criminal background check against the entirety of the background of the petitioners.

*In regulation:* An adoptive home shall be licensed as a foster family home before placement of an unrelated child for adoption.

## Indiana

### Requirements for Foster Parents

#### Ann. Code §§ 31-27-4-5; 31-9-2-22.5

The department or, at the discretion of the department, an applicant, shall conduct a criminal history check of:

- The applicant's employees and volunteers who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant
- All household members who are at least age 14

The department shall make a determination whether the subject of a national fingerprint-based criminal history check has a record of a conviction for a felony or a misdemeanor relating to the health and safety of a child. A criminal history check is required only at the time an application for a new license or the renewal of an existing license is submitted.

A fingerprint-based criminal history background check under § 31-9-2-22.5 (see above) for an employee or volunteer must be completed no later than the first 90 days of employment or assignment of a volunteer.

The term 'conduct a criminal history check' means to:

- Request the State police department to conduct:
  - » A fingerprint-based criminal history background check of both national and State records databases concerning a person who is at least age 18
  - » A national name-based criminal history record check of a person who is at least age 18 if that person is unable to provide a set of fingerprints
- Collect each substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker, or the Department of Child Services has reason to believe that a person who is age 14 or older or for whom a criminal history background check is required has resided within the previous 5 years
- Request information concerning any substantiated report of child abuse and neglect relating to a person described above that is contained in a national registry of substantiated cases that is maintained by the U.S. Department of Health and Human Services

### Requirements for Adoptive Parents

#### Ann. Code §§31-19-7-1; 31-9-2-22.5

A child may not be placed in a proposed adoptive home without the prior written approval of a licensed child-placing agency or the Department of Child Services. Before giving approval for placement of a child in a proposed adoptive home, a licensed child-placing agency or the department shall conduct a criminal history check (as defined below) concerning the proposed adoptive parent and any other person who is currently residing in the proposed adoptive home.

The term 'conduct a criminal history check' means to:

- Request the State police department to conduct:
  - » A fingerprint-based criminal history background check of both national and State records databases concerning a person who is at least age 18
  - » A national name-based criminal history record check of a person who is at least age 18 if that person is unable to provide a set of fingerprints
- Collect each substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker, or the Department of Child Services has reason to believe that a person who is age 14 or older or for whom a criminal history background check is required has resided within the previous 5 years
- Request information concerning any substantiated report of child abuse and neglect relating to a person described above that is contained in a national registry of substantiated cases that is maintained by the U.S. Department of Health and Human Services



**Iowa****Requirements for Foster Parents****Ann. Code § 237.8(2); Admin. Code § 441-113.13**

A records check for whether a prospective foster parent and foster care personnel were convicted of any crimes or child abuse is required as a part of the foster care licensure. In addition to the record checks, the individual's fingerprints shall be provided to the Department of Public Safety for submission to the FBI for a national criminal history check.

A prospective foster parent will not be licensed if he or she was convicted of any of the following felony offenses:

- A drug-related offense, if committed within the 5-year period preceding the application date
- Child endangerment or neglect or abandonment of a dependent person
- Domestic abuse
- A crime against a child, including, but not limited to, sexual exploitation of a minor
- A forcible felony

*In regulation:* Each foster parent applicant and anyone who is age 14 or older living in the home of the applicant shall be checked for records with:

- The Iowa Central Abuse Registry
- The Iowa Division of Criminal Investigation
- The Iowa Sex Offender Registry
- Other records

Each foster parent applicant and any other adult living in the household also shall be checked for records on the child abuse registry of any State where the person has lived during the past 5 years. Each foster parent applicant also shall be fingerprinted for a national criminal history check. Other adults living in the home may be fingerprinted if the department determines that a national criminal history check is warranted.

If the applicant or anyone living in the home has a record of founded child abuse, a criminal conviction, or placement on the sex offender registry, the department shall not license the applicant as a foster family unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of license.

**Requirements for Adoptive Parents****Ann. Code § 600.8; Admin. Code § 441-107.8**

A records check for whether a prospective adoptive parent was convicted of any crimes or child abuse is required as a part of the preadoptive investigation.

A prospective adoptive parent will not be approved if he or she was convicted of any of the following felony offenses:

- A drug-related offense, if committed within the 5-year period preceding the petition date
- Child endangerment or neglect or abandonment of a dependent person
- Domestic abuse
- A crime against a child, including, but not limited to, sexual exploitation of a minor
- A forcible felony

*In regulation:* The certified adoption investigator shall submit record checks for each applicant and for any other adults living in the home of the applicant to determine whether they have founded child abuse reports or criminal convictions.

If there is a record of founded child abuse or a criminal conviction for the applicant or any other adults living in the home of the applicant, the applicant shall not be approved as an adoptive family, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

**Kansas****Requirements for Foster Parents****Ann. Stat. § 65-516(a) & (e)**

No licensed child care facility, including a foster home, may have on the premises a person who has:

- A felony conviction for a crime against persons, including murder, manslaughter, assault, battery, or kidnapping
- A felony conviction under §§ 21-36a01 through 21-36a17, relating to controlled substances
- A conviction of any act described in chapter 21, article 35 [sex offenses, including rape, sexual battery, or sexual exploitation of a child]
- A conviction of any act described in chapter 21, article 36 [crimes affecting family relationships and children, including incest, or abuse, abandonment, or endangerment of a child]
- A conviction of an attempt to commit any such act
- A conviction for promoting obscenity or promoting obscenity to minors
- Been adjudicated a juvenile offender for any of the above acts
- Committed an act of physical, mental or emotional abuse, neglect, or sexual abuse and who is listed in the child abuse and neglect registry maintained by the department
- Had a child removed from home in this or any other State based on a finding of abuse or neglect or sexual abuse, and the child has not been returned home
- Had parental rights terminated

The secretary is authorized to conduct fingerprint-based national criminal history record checks to determine criminal history on persons residing, working, or regularly volunteering in a foster care home. The secretary shall submit the fingerprints to the Kansas Bureau of Investigation and the FBI.

**Requirements for Adoptive Parents****Ann. Stat. § 59-2132**

An adoption investigation report must include the results of a child abuse registry check and a criminal registry check that determines whether the prospective adoptive parent has any prior felony convictions.

In making the assessment, the social worker, child-placing agency, or the Department of Social and Rehabilitation Services shall determine whether the petitioner has been convicted of a felony for any act described in chapter 21, articles 34 [crimes against persons, such as murder, manslaughter, assault, battery, or kidnapping], 35 [sex offenses, such as rape, sexual battery, or sexual exploitation of a child], or 36 [crimes affecting family relationships or children, such as incest, or abuse, abandonment, or endangerment of a child] or, within the past 5 years has been convicted of a felony violation of §§ 21-36a01 through 21-36a17, relating to controlled substances, and, when appropriate, any similar conviction in another jurisdiction.

The costs of making the assessment and report may be assessed as court costs.

**Kentucky****Requirements for Foster Parents****Rev. Stat. § 199.462; 922 Ky. Admin. Reg. 1:490**

A fingerprint-based State and FBI criminal background investigation is required for a prospective foster parent and any adult household members.

*In regulation:* An applicant and each adult member of the household shall submit to:

- An in-State criminal records check
- A child abuse or neglect check for each State of residence during the past 5 years
- A criminal records check conducted by means of a fingerprint check of the National Crime Information Database

Prior to approval of an applicant, each adolescent member of the household shall submit to a child abuse or neglect check. A child abuse or neglect check shall identify the name of each applicant, adolescent member of the household, or adult member of the household who has been found to have:

- Committed sexual abuse or sexual exploitation of a child
- Been responsible for a child fatality related to abuse or neglect
- Abused or neglected a child within 7 years immediately prior to the application
- Had parental rights terminated

An applicant shall not be approved if a criminal records check reveals that the applicant or adult member of the household has a:

- Felony conviction involving a spouse, a child, sexual violence, or death; or physical abuse, battery, or drug or alcohol offense within 5 years prior to application
- Criminal conviction relating to child abuse or neglect
- Civil judicial determination related to child abuse or neglect

An application will be denied if a child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household has been found to have:

- Committed sexual abuse or sexual exploitation of a child
- Been responsible for a child fatality related to abuse or neglect
- Had parental rights terminated involuntarily

**Requirements for Adoptive Parents****Rev. Stat. § 199.462; 922 Ky. Admin. Reg. 1:490**

A fingerprint-based State and FBI criminal background investigation is required for a prospective foster parent and any adult household members.

*In regulation:* An applicant and each adult member of the household shall submit to:

- An in-State criminal records check
- A child abuse or neglect check for each State of residence during the past 5 years
- A criminal records check conducted by means of a fingerprint check of the National Crime Information Database

Prior to approval of an applicant, each adolescent member of the household shall submit to a child abuse or neglect check. A child abuse or neglect check shall identify the name of each applicant, adolescent member of the household, or adult member of the household who has been found to have:

- Committed sexual abuse or sexual exploitation of a child
- Been responsible for a child fatality related to abuse or neglect
- Abused or neglected a child within 7 years immediately prior to the application
- Had parental rights terminated

An applicant shall not be approved if a criminal records check reveals that the applicant or adult member of the household has a:

- Felony conviction involving a spouse, a child, sexual violence, or death; or physical abuse, battery, a drug or alcohol offense within 5 years prior to application
- Criminal conviction relating to child abuse or neglect
- Civil judicial determination related to child abuse or neglect

An application will be denied if a child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household has been found to have:

- Committed sexual abuse or sexual exploitation of a child
- Been responsible for a child fatality related to abuse or neglect
- Had parental rights terminated involuntarily

## Louisiana

### Requirements for Foster Parents

**Rev. Stat. §§ 46:51.2(C); 46:282; 46:286.1(E)(1)**

A Federal and State criminal records check is required for prospective foster parents, kinship foster parents, and any adult household members as a part of the investigation for licensing foster parents.

The Department of Social Services, Office of Community Services, shall investigate the background of each person who applies to be a foster parent. The investigation shall include, but shall not be limited to, a determination of whether the applicant or any adult member of the applicant's household has been charged with a crime and, if so, the disposition of those charges.

The office shall require each applicant and adult family member to provide fingerprints and such authorization as is necessary to conduct State and national criminal history record checks and to obtain any other information required to complete the investigation.

No child shall be newly placed in a foster home for temporary care, except for emergency placement, until it is determined that no adult living in such home has been convicted of or pled *nolo contendere* to a crime listed in Rev. Stat. § 15:587.1(C). The crimes listed include:

- Murder and manslaughter
- Rape and sexual battery
- Kidnapping
- Incest
- Criminal neglect of family
- Criminal abandonment
- Child pornography and molestation
- Cruelty to juveniles
- Sale of minor children
- Manufacture and distribution of controlled dangerous drugs

### Requirements for Adoptive Parents

**Children's Code art. 1131(E); Rev. Stat. §§ 46.282; 46.51.2(C)**

The sheriff or the State police, Louisiana Bureau of Criminal Identification and Information, shall conduct a records check for all Federal and State arrests and convictions in this and any other States in which either of the prospective adoptive parents has been domiciled. Each prospective adoptive parent shall submit a set of fingerprints to the State police.

The department shall conduct a records check for validated complaints of child abuse or neglect in this or any other State in which either of the prospective adoptive parents has been domiciled since becoming an adult, involving either prospective adoptive parent.

The investigation shall include, but shall not be limited to, a determination of whether the applicant or any adult member of the applicant's household has been charged with a crime and, if so, the disposition of those charges.

The office shall require each applicant and adult family member to provide fingerprints and such authorization as is necessary to conduct State and national criminal history record checks and to obtain any other information required to complete the investigation.

No child shall be newly placed for adoption until it is determined that no adult living in such home has been convicted of or pled *nolo contendere* to a crime listed in the section above.

## Maine

### Requirements for Foster Parents

#### Code of Maine Rules § 10-148-016(2)(H)-(I); (9)(A)

*This issue is not addressed in statute. The following information is from the Code of Maine Rules.*

At the time of initial application, the applicant shall undergo fingerprinting in order to allow the department to submit required fingerprint-based checks of national crime information databases.

At the time of initial or renewal application, the applicant shall submit releases signed by each adult member of the household and, at the discretion of the department, releases signed by any person who frequents the home who may have unsupervised access to the foster children. The releases will permit the department to request criminal history records from the Departments of Public Safety, State Police, Bureau of Identification, or other law enforcement agencies from any past or present residence, including out-of-State law enforcement agencies.

The department shall not grant a license to a person convicted of a felony involving:

- Child abuse or neglect
- Spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide

The department shall not grant a license to a person convicted within the past 5 years of a felony involving:

- Physical assault or battery
- A drug-related offense

An application may be denied if the applicant has an open child protective services case or a closed substantiated and/or indicated child protective services case. An open child protective services case includes a pending disposition of an open report, a case open for assessment, or a case open for services.

### Requirements for Adoptive Parents

#### Rev. Stat. Ann. Tit. 18-A, § 9-304

The court shall request a background check for each prospective adoptive parent who is not the biological parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the FBI.

Each prospective parent who is not the biological parent of the child shall submit to having fingerprints taken. The State Police, upon receipt of the fingerprint card, may charge the court for the expenses incurred in processing State and national criminal history record checks.

State and Federal criminal history record information may be used by the department for the purpose of screening prospective adoptive parents in determining whether the adoption is in the best interests of the child.

There is a rebuttable presumption that the petitioner would create a situation of jeopardy for the child if the adoption were granted, and the adoption is not in the best interests of the child if the court finds that the petitioner:

- Has been convicted of a child-related sexual offense listed in Title 19-A, § 1653(6-A)(A), in which the victim was a minor at the time of the offense, and the petitioner was at least 5 years older than the minor except that, if the offense was gross sexual assault under Title 17-A, §253(1), and the minor victim submitted as a result of compulsion; the presumption applies regardless of the ages of the petitioner and the minor victim at the time of the offense
- Has been adjudicated in an action under Title 22, chapter 1071 of sexually abusing a person who was a minor at the time of the abuse

## Maryland

### Requirements for Foster Parents

**Fam. Law §§ 5-561; 5-562; Code of Md. Regs. §§ 07.02.25.07; 07.05.02.13**

A criminal history records check shall be obtained by a foster care home applicant and any adult living in the prospective foster home. As part of the application for a criminal history records check, the applicant shall submit a complete set of legible fingerprints.

*In regulation:* The foster parent home study must include:

- A review of local department records to determine whether a member of the family has an indicated finding of abuse or neglect
- A review of the results of the State and Federal criminal background checks

As part of the certification process, the agency shall review charges, investigations, convictions, or findings related to a crime of any household member of the foster parent to determine:

- The possible effect on the applicant's ability to execute the responsibilities of a foster parent
- The applicant's ability to provide quality service to children in foster care

Foster parent certification may be denied if the applicant:

- Refuses to consent to the child protective services clearance and the criminal background check
- Has an indicated child abuse finding
- Has a felony conviction for child abuse or neglect, spousal abuse, a crime against children, rape, sexual assault, or homicide
- In the 5 years before the date of application for foster parent certification, has a felony conviction for physical assault, battery, or a drug-related offense
- Refuses to consent to the Motor Vehicle Administration clearance

### Requirements for Adoptive Parents

**Fam. Law §§ 5-561; 5-562; Code of Md. Regs. § 07.02.12.10**

A criminal history records check shall be obtained on:

- A person who is seeking to adopt a child through a child-placing agency
- An adult relative with whom a child is placed by the local department
- Any adult residing in the home where a child may be placed

As part of the application for a criminal history records check, the applicant shall submit a complete set of legible fingerprints.

*In regulation:* Before an adoptive home may be approved, an applicant and all household members age 18 or older shall apply for a criminal background investigation. After the home is approved, if other individuals who are age 18 or older come to live with the family, they shall apply for a criminal background investigation within 30 days of moving into the household.

The department may not approve or continue to approve as an adoptive home any home in which an adult in the household has been convicted of:

- A crime that the local department feels raises serious concern for a child's safety
- Any crime enumerated in 42 U.S.C. 671(a)(20)

Before an adoptive home may be approved, an applicant and all household members age 18 or older shall consent to a child protective services clearance to determine if there is a prior indicated or unsubstantiated finding of abuse or neglect for any family or household member.

The department may not approve or continue to approve as an adoptive home any home in which an individual:

- Refuses to consent to the child protective services clearance
- Has an indicated child abuse or neglect finding

## Massachusetts

### Requirements for Foster Parents

**Gen. Laws Ch. 15D, § 6(d); 110 Code of Mass. Reg. §§ 18.08; 18.10**

No child shall be placed in a foster home before the approval of the home by the department. This approval shall include criminal record information checks on all persons age 18 or older residing at the home. If the result of any of these checks shows that any occupant of the home has a criminal record involving violence, abuse, or exploitation against any person, which bears adversely upon the person's ability to assume and carry out the responsibilities of a foster parent or poses a serious threat of harm to a child, the home shall not be approved by the department.

*In regulation:* Whenever an individual contacts the department for the purpose of applying to be a foster parent, the department shall conduct a criminal offender record investigation as part of the initial screening process on the individual(s) applying and household members age 14 and older.

A candidate for foster parent certification shall be ineligible if he or she has been convicted of or has any pending charges involving crimes listed in 110 CMR 18.16: Table A. Crimes on this list include, but are not limited to:

- Assault and battery with a dangerous weapon of a victim over age 60
- Assault and battery of a child or a retarded person
- Armed assault with intent to murder or rob
- Armed robbery or carjacking
- Assault with intent to murder, maim, or rape
- Distribution of a controlled substance to a minor
- Sexual exploitation of a child
- Incest
- Indecent assault and battery of a child
- Inducing a minor to prostitution
- Kidnapping
- Negligent manslaughter of a minor
- Murder or manslaughter
- Perjury
- Aggravated or statutory rape
- Trafficking in cocaine, heroin, or marijuana
- Unnatural acts with a child under age 16
- Conspiracy to commit any of the above offenses
- Accessory before any crime in this category
- Attempts to commit any crime in this category



**Requirements for Adoptive Parents****Gen. Laws Ch. 210, § 3B; 110 Code of Mass. Reg. §§ 18.08; 18.10**

A review of any misdemeanor offense discovered through a criminal offender record information search is required for a prospective adoptive parent.

*In regulation:* Whenever an individual contacts the department for the purpose of applying to be a preadoptive parent, the department shall conduct a criminal offender record investigation as part of the initial screening process on the individual(s) applying and household members age 14 and older.

A candidate for preadoptive parent certification shall be ineligible if he or she has been convicted of or has any pending charges involving crimes listed in 110 CMR 18.16: Table A. Crimes on this list include, but are not limited to:

- Assault and battery with a dangerous weapon of a victim over age 60
- Assault and battery of a child or a retarded person
- Armed assault with intent to murder or rob
- Armed robbery or carjacking
- Assault with intent to murder, maim, or rape
- Murder or manslaughter
- Distribution of a controlled substance to a minor
- Sexual exploitation of a child
- Incest
- Indecent assault and battery of a child
- Inducing a minor to prostitution
- Kidnapping
- Negligent manslaughter of a minor
- Perjury
- Aggravated or statutory rape
- Trafficking in cocaine, heroin, or marijuana
- Unnatural acts with a child under age 16
- Conspiracy to commit any of the above offenses
- Accessory before any crime in this category
- Attempts to commit any crime in this category

## Michigan

### Requirements for Foster Parents

**Comp. Laws Ann. § 722.115f; Admin. Code §§ R 400.12206(b); R 400.12309**

When a person applies for a certificate to operate a family foster home, the department shall request the State police to conduct a criminal history check and a national criminal records check through the FBI on the person. The applicant shall be required to submit his or her fingerprints for the investigation.

A person to whom a license has been issued shall report to the department within 3 business days after he or she, or an employee or other person over age 18 residing in the home, has been arraigned for one or more of the following crimes:

- Any felony
- Criminal sexual conduct in the fourth degree
- Child abuse in the third or fourth degree
- A misdemeanor involving cruelty, torture, or indecent exposure involving a child
- Misdemeanor distribution of a controlled substance
- A violation of the Michigan penal code, sections 750.115 [breaking and entering], 750.141a [allowing a child to consume alcohol], 750.145a [child solicitation], 750.335a [indecent exposure], 750.81 [assault and battery], 750.81a [domestic violence], and 750.145d [Internet crimes against children]
- Selling or furnishing alcohol to a minor (436.1701)

*In regulation:* An agency shall have a written assessment of all criminal convictions of prospective staff before hiring or assigning a person to a position covered by these rules. The assessment shall take into account the nature of the convictions, when the convictions occurred, and evidence of rehabilitation.

An agency shall, upon receipt of an application, initiate a records check of each applicant and each adult member of the household. The check shall include previous licenses, criminal convictions, and substantiated child abuse and neglect records.

### Requirements for Adoptive Parents

**Comp. Laws Ann. § 710.23f**

An individual seeking to adopt must have a preplacement assessment prepared by a child-placing agency. The assessment shall indicate:

- Whether the individual has ever been the respondent in a domestic violence proceeding or a proceeding concerning a child who was allegedly abused, dependent, deprived, neglected, abandoned, or delinquent, and the outcome of the proceeding
- Whether the individual has ever been convicted of a crime

The individual seeking a preplacement assessment shall provide a document from the Michigan State Police and the FBI describing all of the individual's criminal convictions as shown by that agency's records or stating that the agency's records indicate that the individual has not been convicted of a crime.

Upon request of the individual and receipt of a signed authorization, the child-placing agency shall obtain the criminal record from the law enforcement agency on the individual's behalf.

## Minnesota

### Requirements for Foster Parents

**Ann. Stat. §§ 245C.08, subd. 1 & 2; 245C.15**

A background study shall review:

- Records of substantiated perpetrators of maltreatment of vulnerable adults
- Records relating to the maltreatment of minors in licensed programs
- Information from juvenile courts, the Bureau of Criminal Apprehension, and the National Crime Information Center

A background study for a child foster care application for licensure also shall review:

- The child abuse and neglect registry for any State in which the individual has resided during the past 5 years
- Information from national crime information databases for any individual age 18 or older

Applicants can be permanently disqualified if they have been convicted of murder, manslaughter, spousal abuse, child abuse or neglect, aggravated robbery, kidnapping, prostitution, criminal sexual conduct, arson, drive-by shooting, harassment, or stalking.

Applicants are disqualified if:

- Less than 15 years have passed since the termination of his or her parental rights.
- Less than 15 years have passed since they have committed a felony-level offense of wrongfully obtaining assistance, false representation, Federal food stamp program fraud, criminal vehicular homicide and injury, assault, criminal abuse or financial exploitation of a vulnerable adult, use of drugs to injure or facilitate crime, robbery, repeat offenses of criminal sexual conduct in the fifth degree, medical assistance fraud, theft, identity theft, insurance or financial fraud, check forgery, weapons charges, indecent exposure, or a conviction involving alcohol or drug use.
- Less than 10 years have passed since they committed a gross misdemeanor-level offense of any of the offenses listed above.
- Less than 7 years have passed since they committed a misdemeanor-level violation of any of the offenses listed above.

### Requirements for Adoptive Parents

**Ann. Stat. §§ 245C.08, subd. 1; 259.41, subd. 1 & 3**

An adoption background study shall include:

- A check of the child abuse and neglect registry for any State in which the individual has resided for the past 5 years
- Information from national crime information databases for any person age 18 or older

Each prospective adoptive parent must provide all addresses at which he or she and anyone in the household over age 13 has resided in the previous 5 years and disclose any names used previously.

The agency shall immediately initiate a background study on each person over age 13 living in the home. A home study used to consider placement of any child on whose behalf title IV-E adoption assistance payments are to be made must not be approved if a background study reveals a felony conviction at any time for:

- Child abuse or neglect
- Spousal abuse
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

A home study must not be approved if a background study reveals a felony conviction within the past 5 years for:

- Physical assault or battery
- A drug-related offense

## Mississippi

### Requirements for Foster Parents

#### Ann. Code § 43-15-6(2) & (3); Code of Miss. Rules § 11-111-001

A fingerprint-based FBI and State criminal background check and child abuse registry check are required for providers of foster care. A prospective foster parent will be denied licensure if he or she has a criminal history of conviction or pending indictment of a crime, whether a misdemeanor or a felony, that bears upon his or her fitness to have responsibility for the safety and well-being of children.

All fees incurred in compliance with this section shall be borne by the individual or entity to which this law applies. The Department of Human Services shall have the authority to set fees, to exclude a particular crime or crimes or a substantiated finding of child abuse and/or neglect as disqualifying individuals or entities from providing foster care or residential child care, and adopt such other rules and regulations as may be required to carry out the provisions of this section.

*In regulation:* Law enforcement and child abuse central registry clearances shall be obtained for all adult household members, age 18 and older. The applicant, foster parent, and adult household members shall be free of conviction or indictment for, or involvement in the criminal offenses included, but not limited to, those listed above.

### Requirements for Adoptive Parents

#### Ann. Code § 93-17-11; Code of Miss. Rules § 11-111-001

For adoptions, other than those in which the petitioner is a relative or stepparent of the child, the court shall require that a home study be performed by a licensed adoption agency or the Department of Human Services. The home study shall be considered by the court in determining whether the petitioner is a suitable parent for the child.

*In regulation:* A central child abuse registry check is required for a prospective adoptive parent.

Each prospective adoptive parent must disclose any criminal record or alleged criminal activity by signing a disclosure form. A routine check with the local law enforcement agencies (both city and county) in the current as well as the last place of residence will be a part of the adoption study.

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## Missouri

### Requirements for Foster Parents

#### Rev. Stat. § 210.487; Code of State Reg. Tit. 13, § 40-59.030

A fingerprint-based FBI and State criminal records check is required for any person over age 17 in the prospective foster parent's household and for any child younger than age 17 residing in the prospective foster parent's household who the Family Support Division has determined has been certified as an adult for the commission of a crime.

The investigation also shall determine whether any person over age 17 residing in the home is listed on the child abuse and neglect registry.

The total cost of fingerprinting required by this section may be paid by the State, including reimbursement of persons incurring fingerprinting costs under this section.

*In regulation:* All foster and relative care providers, prior to being granted licensure, approval, or certification status, shall submit to the division an application for background screening and investigation.

The division shall conduct the background screening and investigation. Information obtained regarding harmful acts to a child is provided to local division staff that are responsible for completing the home study. Findings of harmful acts do not automatically preclude approval. The relevance of the findings to child-caring responsibilities will be determined by division staff.

**Requirements for Adoptive Parents****Rev. Stat. § 453.070(3); Code of State Reg. Tit. 13, § 40-59.030**

A criminal background check is required for a prospective adoptive parent.

*In regulation:* All adoptive parents, prior to being granted approval status, shall submit to the division an application for background screening and investigation.

The division shall conduct the background screening and investigation. Information obtained regarding harmful acts to a child is provided to local division staff that are responsible for completing the home study. Findings of harmful acts do not automatically preclude approval. The relevance of the findings to child-caring responsibilities will be determined by division staff.

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**Montana****Requirements for Foster Parents****Ann. Code § 52-2-622; Admin. Rule 37.51.310**

A fingerprint-based FBI and State criminal and child protection background check, which must include information pertaining to criminal convictions, reports of domestic violence, and substantiated child abuse or neglect of children, is required for a prospective foster, kinship, or extended care provider.

*In regulation:* For licensure as a youth foster home, a satisfactory criminal background, motor vehicle, and child and adult protective services check is required for each person living in the household.

A new applicant must submit a completed fingerprint card so that a fingerprint-based criminal records check can be requested. If a new applicant who has lived only in Montana cannot be successfully fingerprinted, a name-based criminal records check will be used. If an applicant who has lived in States other than Montana cannot be successfully fingerprinted:

- A criminal history check will be requested from every State in which an applicant has lived in the past 15 years.
- A check will be made of the violent offender and criminal history registries if this information is available for States in which the applicant has lived.
- If, after 45 days, the department has been unable to obtain results of a criminal records check for an applicant who has lived in Montana for at least 5 years, he or she must sign an affidavit attesting to his or her lack of criminal history. The affidavit will be accepted in lieu of a criminal history check.

An annual name-based criminal records check and a motor vehicle check for licensed foster parents are required for relicensure. If an applicant has children, a child protective services check will be requested from all States in which he or she has lived since the birth date of his or her oldest child. If an applicant does not have children, a child protective services check will be requested from all States in which he or she has lived in the previous 15 years.

**Requirements for Adoptive Parents****Ann. Code § 42-3-203**

A check of criminal conviction data, data on substantiated abuse or neglect of a child, and data pertaining to any involvement in incidents of domestic violence is required for a prospective adoptive parent as part of the preplacement evaluation. The adoption study also may include a check of the youth court records of any person living in the prospective home.

If applicable, the study must include an evaluation of the effect of a conviction, adjudication, or finding of substantiated abuse or neglect on the ability to care for a child.

## Nebraska

### Requirements for Foster Parents

**Rev. Stat. § 71-1903; Admin. Code Tit. 474, §§ 6-003.14; 6-003.25B-25B3**

Before the foster care placement of any child in Nebraska by the department, the department shall require a national fingerprint-based criminal history record check of the prospective foster parent and each member of the prospective foster parent's household who is age 18 or older.

*In regulation:* Each household member, as appropriate, must be checked with the State central register of child protection cases, the Adult Protective Services central registry, the Sex Offenders Registry, and the FBI.

The department shall deny licensure to any applicant currently charged, indicted, or convicted for any of the following crimes:

- Aggravated or armed robbery
- Arson
- Assault
- Child abandonment, abuse, neglect, or molestation
- Commercial sexual exploitation of a minor
- Criminal nonsupport
- Domestic violence
- Exploitation of a minor involving drug offenses
- Felony controlled substances offenses
- Felony violation of custody
- Incest
- Kidnapping
- Murder
- Robbery
- Sexual abuse of a minor
- Sexual assault
- Sexual exploitation of a minor, including child pornography
- Voluntary manslaughter

The department shall deny licensure to any applicant convicted in the past 5 years of any of the following crimes:

- Burglary
- Driving under the influence
- Misdemeanor controlled substances offenses
- Misdemeanor contributing to the delinquency of a child

Each household member age 13 or older must be cleared against the central register. The department shall deny licensure if any household member is identified as a perpetrator on the central register.

Each household member age 18 or older must be cleared against the Adult Protective Services central registry. The department shall deny licensure if any household member is identified as a perpetrator on the Adult Protective Services central registry.

### Requirements for Adoptive Parents

#### Rev. Stat. § 43-107

An adoptive home study shall not be required when the petitioner is a stepparent of the adopted person unless required by the court, except that for petitions filed on or after January 1, 1994, the judge shall order the petitioner to request the Nebraska State Patrol to file a national criminal history record information check and to request the department to conduct a check of the central register for any history of the petitioner of behavior that may endanger the health or morals of a child. An adoption decree shall not be issued until such records are on file with the court. The petitioner shall pay the cost of the national criminal history record information check and the check of the central register.

Any adoptive home study required by this section shall be conducted by the department or a licensed child-placing agency at the expense of the petitioner or petitioners unless such expenses are waived by the department or licensed child-placing agency. The department or licensed agency shall determine the fee or rate for the adoptive home study.

The preplacement or postplacement adoptive home study shall be performed as prescribed in the rules and regulations of the department and shall include, at a minimum, an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption. Such rules and regulations shall require an adoptive home study to include a national criminal history record information check and a check of the central register for any history of the petitioner or petitioners of behavior injurious to or that may endanger the health or morals of a child.

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### Nevada

#### Requirements for Foster Parents

#### Rev. Stat. § 424.033; Admin. Code §§ 424.190; 424.195

Each applicant for a foster care license, licensee, employee of the applicant or licensee, or resident of a foster home who is age 18 or older, other than a resident who is under court jurisdiction, must submit to the licensing authority a complete set of fingerprints and written permission authorizing the licensing authority to:

- Forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the FBI for its report
- Conduct a child abuse and neglect screening

For each applicant, the licensing authority shall conduct a child abuse and neglect screening of the person in every State in which the person has resided during the immediately preceding 5 years.

*In regulation:* Any applicant who has been investigated by an agency that provides child welfare services and regarding whom a finding of substantiated abuse or neglect of a child has been made by that agency, or whose own children have been in foster care or otherwise placed outside of the home for the purpose of adoption or foster care, must be denied a license to operate a foster home. A license will be denied if the applicant:

- Has been convicted of a crime involving harm to a child
- Has charges pending against him or her for a crime involving harm to a child
- Has been arrested and is awaiting final disposition of the charges pending against him or her for a crime involving harm to a child
- Has a felony conviction, charges pending for a felony conviction, or has been arrested and is awaiting final disposition of the charges pending for a felony conviction for:
  - » Child abuse or neglect
  - » Spousal abuse
  - » Any crime against children, including child pornography
  - » Any crime involving violence, including rape, sexual assault, or homicide, but not including any other physical assault or battery
  - » Physical assault, battery, or a drug-related offense, if the offense was committed within the past 5 years

**Requirements for Adoptive Parents****Rev. Stat. § 127.281; Admin. Code §§ 127.235; 127.240**

Fingerprint-based FBI and State criminal history records checks are required for prospective adoptive parents as part of the adoption investigation.

*In regulation:* The agency shall evaluate applicants to determine their suitability for becoming adoptive parents. Such an evaluation must include:

- A review of any reports and investigations made regarding the abuse or neglect of a child by the applicant or any member of the applicant's household who is age 18 or older
- A review of any information concerning the applicant and any member of the applicant's household who is age 18 or older maintained by local agencies of law enforcement
- A review of any records of criminal history regarding the applicant and any member of the applicant's household who is age 18 or older

An application to adopt must be denied if, based upon a substantiated investigation, the applicant or a member of the applicant's household who is age 18 or older:

- Has been convicted of or has charges pending for a crime involving harm to a child
- Has been arrested and is awaiting final disposition of the charges pending for a crime involving harm to a child
- Has felony charges pending or has been arrested and is awaiting final disposition of possible or pending charges involving:
  - » Child abuse or neglect
  - » Spousal abuse
  - » Any crime against children, including child pornography
  - » Any crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery
  - » Physical assault, battery, or a drug-related offense, if the offense was committed within the past 5 years

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**New Hampshire****Requirements for Foster Parents****Rev. Stat. Ann. § 170-E:29; Admin. Rules §§ He-C 6446.07; He-C 6446.27**

For an initial application for a foster family home license, the department shall conduct a background check of the prospective foster parents and all household members age 17 or older. The background check shall consist of a fingerprint-based criminal record check of national crime information databases for the prospective foster parents and a central registry check for the prospective foster parents and all household members age 17 or older.

The central registry check shall include a check of the department's central registry of founded reports of child abuse and neglect and a check of the child abuse and neglect registries in any other State in which the prospective foster parents or other adult living in the home has resided in the preceding 5 years.

*In regulation:* The department may deny an application for or revoke a foster family care license if the applicants are the subject of a founded report of child abuse or neglect in New Hampshire or any other State.

The department shall deny an application for a foster family care license if the applicant:

- Has been convicted of a felony for child abuse or neglect, spousal abuse, any crime against children, child pornography, rape, sexual assault, or homicide, but not including other physical assault or battery
- Has been convicted of a felony for physical assault, battery, or a drug-related offense within the past 5 years
- Has been convicted of a violent or sexually related crime against a child or of a crime that shows the person might be reasonably expected to pose a threat to a child, such as a violent crime or a sexually related crime against an adult
- Has a motor vehicle record or is the subject of a report from another source that, following assessment, shows that the applicant might reasonably be expected to pose a threat of harm to a child



**Requirements for Adoptive Parents****Rev. Stat. Ann. § 170-B:18(VI-VII); Admin. Rules § He-C 6448.13**

A background check is required for all private adoptions. The background check shall include both a criminal records check conducted by the New Hampshire State police and a search of the abuse and neglect registry maintained by the department. If the petitioner has lived in another State, the court also may request a search of that State's abuse and neglect registry.

The court shall require a background check in all adoption proceedings initiated by the department or by another child-placing agency. The background check shall consist of a fingerprint-based criminal record check of national crime information databases for all prospective adoptive parents and a central registry check for all prospective adoptive parents and any other adult living in the home.

The central registry check shall include a check of the central registry of founded reports of child abuse and neglect and a check of the child abuse and neglect registries in any other State in which the prospective adoptive parent or other adult living in the home has resided in the preceding 5 years.

*In regulation:* The minimum requirements for acceptance of the adoptive parent applicants shall include:

- The adoptive parent applicant shall not have been convicted of child abuse or neglect or any other serious crime that would affect the ability to care for children.
- The adoptive parent applicants and all household members shall be screened by the Department of Health and Human Services for any founded reports of child abuse or neglect.
- If a founded report is on file for any member of the adoptive parent applicant's household, department staff in cooperation with staff from the child-placing agency shall conduct a complete review of the circumstances surrounding the report.
- After review, if the department determines that the household member poses no further threat to any child, the child-placing agency shall proceed with the application process.

## **New Jersey**

### **Requirements for Foster Parents**

**Ann. Stat. § 30:4C-26.8; Admin. Code §§ 10:122C-5.4; 10:122C-5.5**

As a condition of securing and maintaining a license, the foster care applicant shall ensure that a fingerprint-based State and Federal criminal history background check, current within 1 year, and a child abuse record check are completed for each applicant and each household member at least age 18.

A person shall be disqualified from being a foster parent if that person or any adult residing in that person's household ever committed a crime that resulted in a conviction for:

- A crime against a child, including endangering the welfare of a child, child pornography, child abuse, neglect, or abandonment
- Murder or manslaughter
- Aggravated assault in the second or third degree
- Stalking
- Kidnapping, criminal restraint, false imprisonment, interference with custody, criminal coercion, or enticing a child into a motor vehicle, structure, or isolated area
- Sexual assault, criminal sexual contact, or lewdness
- Robbery in the first degree
- Burglary in the second degree
- Domestic violence
- Endangering the welfare of an incompetent person or an elderly or disabled person
- Terrorist threats
- Arson

A person shall be disqualified from being a foster parent if that person or any adult residing in that person's household was convicted of one of the following crimes during the preceding 5 years:

- Simple assault
- Aggravated assault in the fourth degree
- A drug-related crime
- Robbery in the second degree
- Burglary in the third degree

If the division determines that an incident of child abuse or neglect by any household member has been substantiated, the application for licensure or renewal shall be denied. An exception may be made when it is determined that a foster child will not be endangered by remaining in the current foster home.

**Requirements for Adoptive Parents****Ann. Stat. §§ 9:3-54.2; 30:4C-26.8; Admin. Code § 10:121A-5.6**

The home study shall include fingerprint-based State and Federal criminal history record checks for each prospective adoptive parent and each adult residing in the home. When the results reveal a criminal conviction, the agency shall examine the nature and seriousness of the crime and the date it occurred. Special attention shall be given to crimes of violence, crimes that involve the use or threat of a weapon, rape/sexual assault, crimes that result in the loss of life, and crimes against children. The circumstances of the crime, social conditions, and any evidence of rehabilitation will be considered.

The background checks shall be valid for 36 months. The cost of all criminal history record checks shall be paid by the prospective adoptive parent.

The records of the division regarding reports of child abuse or neglect shall be checked for the proposed adoptive parent and any household member age 18 or older for information that would raise a question of the suitability of the proposed adoptive parent or household member. The child abuse registry check shall be valid for 18 months.

A person shall not be eligible to adopt a child if that person or any adult residing in the household ever committed a crime that resulted in a conviction for:

- A crime against a child, including endangering the welfare of a child, child pornography, child abuse, neglect, or abandonment
- Murder or manslaughter
- Aggravated assault in the second or third degree
- Stalking
- Kidnapping, criminal restraint, false imprisonment, interference with custody, criminal coercion, or enticing a child into a motor vehicle, structure, or isolated area
- Sexual assault, criminal sexual contact, or lewdness
- Robbery in the first degree
- Burglary in the second degree
- Domestic violence
- Endangering the welfare of an incompetent person or an elderly or disabled person
- Terrorist threats
- Arson

## **New Mexico**

### **Requirements for Foster Parents**

**Ann. Stat. § 32A-15-3; Admin. Code §§ 8.8.3.6; 8.8.3.13**

Fingerprint-based nationwide criminal history record checks shall be conducted on all prospective foster parents and other adult relatives and nonrelatives residing in the prospective foster parent's household. The department shall conduct a background check and shall submit the fingerprints to the Department of Public Safety and the FBI for this purpose.

*In regulation:* Abuse and neglect screens are conducted by licensing authority staff in order to identify those persons who pose a continuing threat of abuse or neglect to minors. An applicant shall be considered an unreasonable risk when he or she has:

- A conviction for a offense involving moral turpitude that directly relates to whether he or she can provide a safe, responsible, and morally positive setting for a child
- A conviction for an offense involving moral turpitude that does not directly relate to whether the applicant can provide a safe, responsible, and morally positive setting if the department determines that the applicant has not been sufficiently rehabilitated
- A conviction, regardless of the degree or date of the crime, of trafficking in controlled substances, criminal sexual penetration, related sexual offenses, or child abuse
- A substantiated referral, regardless of the date, for sexual abuse or for neglect characterized by a failure to protect against sexual abuse

There shall be a determination of unreasonable risk if a background check shows:

- Pending charges for a felony offense, any misdemeanor offense involving domestic violence or child abuse, an arrest but no disposition for any such crime, or a pending referral with the department
- An applicant is wanted for any offense by any law enforcement agency due to a warrant having been issued

### **Requirements for Adoptive Parents**

**Ann. Stat. § 32A-15-3; Admin. Code §§ 8.8.3.6; 8.26.3.18; 8.8.3.13**

Fingerprint-based nationwide criminal history record checks shall be conducted on all prospective adoptive parents and other adult relatives and nonrelatives residing in the prospective adoptive parent's household. The department shall conduct a background check and shall submit the fingerprints to the Department of Public Safety and the FBI for this purpose.

*In regulation:* Abuse and neglect screens are conducted by licensing authority staff in order to identify those persons who pose a continuing threat of abuse or neglect to minors.

The results of the Federal and State criminal records checks shall be sent to the department or a State agency authorized by law for such purposes. The department shall forward the results of the Federal and State criminal records checks to the requesting person and to the court if an adoption proceeding has been filed.

No person shall be approved as an adoptive parent whose criminal records checks reveal any convictions for offenses listed in Administrative Code § 8.8.3.13 [see above].

## New York

### Requirements for Foster Parents

#### Soc. Serv. Law § 378-a

A fingerprint-based criminal history records check is required for a prospective foster parent and any household member who is age 18 or older. An application for certification or approval of a prospective foster parent shall be denied where a criminal history record reveals a conviction for:

- Child abuse or neglect
- Spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide
- A felony conviction within the past 5 years for physical assault, battery, or a drug-related offense

### Requirements for Adoptive Parents

#### Dom. Rel. Law §§ 112; 115-d

Before making an order of adoption, the judge shall inquire of the Department of Social Services whether an adoptive parent is the subject of an indicated report filed with the statewide Central Register of Child Abuse and Maltreatment.

A fingerprint-based check shall be made for any existing criminal history record of the applicant. A petition for certification as a qualified adoptive parent shall be denied where a criminal history record reveals:

- A felony conviction at any time involving:
  - » Child abuse or neglect
  - » Spousal abuse
  - » A crime against a child, including child pornography
  - » A crime involving violence, including rape, sexual assault, or homicide, other than a crime involving physical assault or battery
- A felony conviction within the past 5 years for physical assault, battery, or a drug-related offense

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## North Carolina

### Requirements for Foster Parents

#### Gen. Stat. § 131D-10.3A; Admin. Code Tit. 10A, § 70E.1115

The department shall prohibit any individual from providing foster care if the individual has a criminal history. A fingerprint-based criminal history check must be conducted on all persons age 18 or older who reside in a licensed family foster home. The criminal history includes any county, State, and Federal conviction of a felony or pending felony indictment for:

- A crime of child abuse or neglect or spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, other than physical assault or battery
- Physical assault, battery, or a drug-related offense, if the offense was committed within the past 5 years

The fingerprints of all persons will be used to check the criminal history records of the State Bureau of Investigation and the FBI.

*In regulation:* An applicant is not eligible for licensure if he or she has, within the past 5 years, been substantiated for abuse or serious neglect and is placed on the Responsible Individuals List of the Central Registry, as defined in statute § 7B-311.

### Requirements for Adoptive Parents

#### Gen. Stat. § 48-3-309; Admin. Code Tit. 10A, § 70H.0405

A fingerprint-based criminal history check must be conducted prior to placement on prospective adoptive parents seeking to adopt a minor in the custody of the department and on all persons age 18 or older residing in the prospective adoptive home. The criminal history includes a county, State, or Federal conviction of a felony or a pending felony indictment for:

- A crime of child abuse or neglect or spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, other than physical assault or battery
- Physical assault, battery, or a drug-related offense, if the offense was committed within the past 5 years

*In regulation:* The agency shall conduct a preplacement assessment of a prospective adoptive parent. The assessment process must determine whether the individual has ever been a respondent in a domestic violence proceeding or a proceeding concerning a minor who was allegedly abused, neglected, dependent, undisciplined, or delinquent, and the outcome of the proceeding; whether the individual has been found to have abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child; or has had child protective services involvement that resulted in the removal of a child.

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### North Dakota

#### Requirements for Foster Parents

#### Cent. Code §§ 50-11-02; 50-11-02.1; Admin. Code § 75-03-14-04.1

A criminal history records check is required for a prospective foster parent prior to approving a foster care license. Conviction of an offense does not disqualify a person from licensure unless the department determines that the offense has a direct bearing upon that person's ability to serve the public as the operator of a facility or that, following conviction of any offense, the person is not sufficiently rehabilitated under §12.1-33-02.1.

*In regulation:* A family foster care applicant, family foster care provider, or members of the family foster care home must not have been found guilty of, pled guilty to, or pled no contest to:

- Homicide
- Assault, threat, or coercion
- Kidnapping
- Gross sexual imposition
- Corruption or solicitation of minors
- Sexual abuse of wards
- Sexual assault
- Robbery
- Burglary, if a class B felony
- Promoting sexual performances by children
- Promoting prostitution or facilitating prostitution
- Child procurement
- Other offenses, if the department determines that the individual has not been sufficiently rehabilitated

The department will not consider a claim that the individual has been sufficiently rehabilitated until any term of imprisonment, probation, or parole has elapsed without a subsequent charge or conviction. An offender's completion of a period of 5 years after final discharge or release from any term of imprisonment, probation, or parole, without subsequent charge or conviction, is *prima facie* evidence of sufficient rehabilitation.

In the case of a misdemeanor simple assault, the department may determine that the individual has been sufficiently rehabilitated if 15 years have elapsed after final discharge or release from any term of imprisonment, probation, or parole without subsequent conviction.

**Requirements for Adoptive Parents****Cent. Code § 14-15-11**

A criminal history records check is required for a prospective adoptive parent as part of the preplacement adoption assessment.

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**Northern Mariana Islands****Requirements for Foster Parents****N.M.I. Comm. Code Tit. 1, § 2374(h)**

Certification is required for prospective foster parents in order to ensure a safe, healthy, and moral environment for the juvenile. A criminal background check is not specified as part of the certification.

**Requirements for Adoptive Parents****N.M.I. Comm. Code Tit. 8, § 1410**

If ordered by the court, the Division of Youth Services or any other qualified person or agency designated by the court shall conduct an investigation of the prospective adoptive parent to ascertain whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interests of the minor. A criminal background check is not specified as part of the investigation.

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**Ohio****Requirements for Foster Parents****Rev. Code Ann. § 2151.86; Admin. Code § 5101:2-42-18**

A fingerprint-based criminal records check is required for a prospective foster parent and any person age 18 or older residing in the prospective foster parent's home.

The department shall not issue a certificate authorizing a prospective foster caregiver to operate a foster home if the person or any person age 18 or older who resides with the prospective foster caregiver previously has been convicted of or pleaded guilty to any of the crimes listed in § 109.572(A)(8), unless the person meets rehabilitation standards established in rules adopted under § 2151.86(F). The crimes listed include:

- Murder, manslaughter, and assault
- Kidnapping
- Sexual offenses, including rape, sexual battery, prostitution, and child pornography
- Endangering children
- Domestic violence
- Drug trafficking, illegal manufacture of drugs, and illegal cultivation of marijuana

If any person cannot prove that he or she has resided in Ohio for the past 5 years, an FBI national records check will be requested.

*In regulation:* Prior to placing the child with the relative or nonrelative substitute caregiver, the agency shall check the child abuse/neglect records for the prospective caregiver and others residing within the home.

**Requirements for Adoptive Parents****Rev. Code Ann. § 2151.86**

A fingerprint-based criminal records check is required for a prospective adoptive parent and any person age 18 or older residing in the prospective adoptive parent's home. If any person cannot prove that he or she has resided in Ohio for the past 5 years, an FBI national records check will be requested.

No probate court shall issue a decree of adoption if the person or any person age 18 or older who resides with the prospective adoptive parent previously has been convicted of or pleaded guilty to any of the crimes listed in § 109.572(A)(8), unless the person meets rehabilitation standards established in rules adopted under § 2151.86(F). The crimes listed include:

- Murder, manslaughter, and assault
  - Kidnapping
  - Sexual offenses, including rape, sexual battery, prostitution, and child pornography
  - Endangering children
  - Domestic violence
  - Drug trafficking, illegal manufacture of drugs, and illegal cultivation of marijuana
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**Oklahoma****Requirements for Foster Parents****Ann. Stat. Tit. 10, § 404.1; Admin. Code § 340:110-3-85(C)**

A fingerprint-based State and national criminal background check and a records search of the Child Care Restricted Registry are required for a prospective foster parent and any adult living in the home. A juvenile justice information system review is required for any child age 13 or older residing in a foster family home, other than the foster child, or who subsequently moves into the foster family home.

*In regulation:* Criminal history investigations must be obtained from the Oklahoma State Bureau of Investigation and the appropriate agency in the previous State of residence if the individual has resided in Oklahoma less than 3 years. The report must include a search of the sex offender registry and the child abuse registry. A confirmed or substantiated allegation of child abuse or neglect is considered when evaluating the qualifications of the applicant and the safety and well-being of the children in care.

Individuals who have pending charges or are convicted of or enter a plea of guilty or no contest to certain crimes cannot be licensed to care for children, live in a family child care home, provide care for children, be a substitute or assistant caregiver, or be on the premises when children are in care. Those crimes include:

- Violence against a person
- Child abuse or neglect
- Possession, sale, or distribution of illegal drugs
- Sexual misconduct
- Gross irresponsibility or disregard for the safety of others
- Animal cruelty
- A pattern of criminal activity



**Requirements for Adoptive Parents****Ann. Stat. Tit. 10, § 7505-5.3; Admin. Code § 340:75-15-88**

A background check shall be required for adoptive parents and all other household members age 18 and older, consisting of a review of a national fingerprint-based criminal background check, a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, and a search of the Child Abuse and Neglect Information System. For each adoptive parent or other household member age 18 or older who has not maintained continuous residency in the State for 5 years prior to the home study, a child abuse registry check shall be required from every other State in which the prospective adoptive parent or other adult household member has resided during that time.

*In regulation:* Reasons for denial may include, but are not limited to:

- The applicant or any person residing in the home has a history of alleged or confirmed child abuse, neglect, or both.
- The applicant or any person residing in the home has a history of arrests or convictions.

An application will be automatically denied for a felony conviction for any of the following offenses:

- A crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding physical assault or battery
- Child abuse or neglect
- A crime against a child, including, but not limited to, child pornography

A felony conviction for physical assault, domestic abuse, battery, or a drug-related offense within the previous 5 years period will result in denial of the application unless special approval is obtained from the court. The application is denied if the applicant has been convicted of a sex offense and subject to or married to or living with a person subject to the Oklahoma Sex Offenders Registration Act.

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**Oregon****Requirements for Foster Parents****Rev. Stat. § 418.016; Admin. Rules § 413-120-0450**

A criminal records check is required for a prospective foster parent or relative caregiver and other individuals age 18 or older who will be in the household of the prospective foster parent or relative caregiver.

*In regulation:* An individual may not be approved or certified as a relative caregiver or foster parent, and no exception may be granted, if he or she has been convicted of a felony crime that involves:

- Violence, including rape, sexual assault, and homicide, but not including other physical assault or battery
- Intentional starvation or torture
- Abuse or neglect of a child
- Spousal abuse
- Aiding, abetting, attempting, soliciting, or conspiring to cause the death of a child
- Sodomy or sexual abuse
- A child as the victim, including child pornography
- Physical assault, battery, or a drug-related offense within the preceding 5 years

A department manager is authorized to grant an exception when the applicant has been convicted of a crime other than one listed above, and it has been determined that the individual possesses the qualifications to be a relative caregiver or foster parent regardless of the criminal conviction. In determining whether to grant an exception, the person authorized to grant the exception shall consider factors such as the severity, nature, and circumstances surrounding the crime, the relationship of the criminal activity to the subject individual's capacity to safely provide the proposed care, and any evidence of rehabilitation.

**Requirements for Adoptive Parents****Rev. Stat. § 418.016; Admin. Rules § 413-120-0450**

A criminal records check is required for a prospective adoptive parent and other individuals age 18 or older who will be in the household of the prospective adoptive parent.

*In regulation:* An individual may not be approved as an adoptive parent, and no exception may be granted, if he or she has been convicted of a felony crime that involves:

- Violence, including rape, sexual assault, and homicide, but not including other physical assault or battery
- Intentional starvation or torture
- Abuse or neglect of a child
- Spousal abuse
- Aiding, abetting, attempting, soliciting, or conspiring to cause the death of a child
- Sodomy or sexual abuse
- A child as the victim, including child pornography
- Physical assault, battery, or a drug-related offense within the preceding 5 years

A department manager is authorized to grant an exception when the applicant has been convicted of a crime other than one listed above, and it has been determined that the individual possesses the qualifications to be an adoptive parent regardless of the criminal conviction. In determining whether to grant an exception, the person authorized to grant the exception shall consider factors such as the severity, nature, and circumstances surrounding the crime, the relationship of the criminal activity to the subject individual's capacity to safely provide the proposed care, and any evidence of rehabilitation.

**Pennsylvania****Requirements for Foster Parents****Cons. Stat. Ch. 23, § 6344**

In the course of approving a prospective foster parent, a foster family care agency shall require prospective foster parents and any individual over age 18 residing in the home to submit the following information:

- A report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police Central Repository contains no such information relating to that person
- A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded report of child abuse, indicated report of child abuse, founded report for school employee, or indicated report for school employee

In no case shall an application for foster care be approved where the department has verified that the applicant is named in the central register as the perpetrator of a founded report of child abuse committed within the previous 5 years. In no case shall a prospective foster parent be approved if any household member has been convicted of one or more of the following offenses:

- Criminal homicide
- Aggravated assault
- Stalking, kidnapping, or unlawful restraint
- Rape, sexual assault, indecent exposure, or incest
- Concealing the death of a child
- Endangering the welfare of children or dealing in infant children
- Felony prostitution or pornography
- Corruption of minors
- Sexual abuse of children

Approval also shall be denied if a household member has been convicted of a felony drug-related offense in the previous 5 years.

**Requirements for Adoptive Parents****Cons. Stat. Ch. 23, § 6344**

The investigation of prospective adoptive parents and any individual over age 18 residing in the home shall include the following:

- A report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police Central Repository contains no such information relating to that person
- A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded report of child abuse, indicated report of child abuse, founded report for school employee, or indicated report for school employee

In no case shall an application for adoption be approved where the department has verified that the applicant is named in the central register as the perpetrator of a founded report of child abuse committed within the previous 5 years. In no case shall a prospective adoptive parent be approved if any household member has been convicted of one or more of the following offenses:

- Criminal homicide
- Aggravated assault
- Stalking, kidnapping, or unlawful restraint
- Rape, sexual assault, indecent exposure, or incest
- Concealing the death of a child
- Endangering the welfare of children or dealing in infant children
- Felony prostitution or pornography
- Corruption of minors
- Sexual abuse of children

Approval also shall be denied if a household member has been convicted of a felony drug-related offense in the previous 5 years.

## **Puerto Rico**

### **Requirements for Foster Parents**

#### **Ann. Laws Tit. 8, § 482**

No person may provide care for children unless he or she has previously applied for and received a certification indicating that he or she is not registered in the registry of persons convicted of sex crimes and child abuse or has been convicted of any violent sex crime, child abuse, or any of the following felonies:

- Murder, homicide, or incitement to suicide
- Aggravated assault
- Rape, seduction, sodomy, incest, or bestiality
- Indecent exposure, obscene propositions, procurement, roguery, or carnal commerce
- Restriction of liberty, kidnapping, or child abduction
- Abandonment of a minor
- Illegal deprivation of custody
- Adoption in exchange for payment
- Perversion of a minor
- Public mendicancy by a minor
- Theft, extortion, or imposture
- Abuse against minors or disabled persons
- Arson or devastation

The certification required shall be issued by the Puerto Rico Police. Police regulations may include the requirement of having applicants fill out a form with detailed personal information and providing their photograph and samples of their fingerprints.

### **Requirements for Adoptive Parents**

#### **Ann. Laws Tit. 32, § 2699b(1)(g)(C)**

A prospective adoptive parent must apply for and receive a certification indicating that he or she is not registered in the registry of persons convicted of sex crimes and child abuse, nor has he or she been convicted of any violent sex crime, child abuse, or any of the felonies listed above. A criminal record certificate of the prospective adoptive parent must accompany the adoption petition.

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## **Rhode Island**

### **Requirements for Foster Parents**

#### **Gen. Laws § 14-1-34; Code of R.I. Rules 03-240-806**

The Department of Children, Youth and Families shall apply to the Bureau of Criminal Identification of the State police or the local police department for a fingerprint-based nationwide criminal records check of prospective foster parents. No license shall be issued to any person seeking to be licensed as a foster parent until the result of both the nationwide and statewide criminal record background check are forwarded to the department.

The department may authorize the placement of a child in a prospective foster home pending licensure for up to 6 months after the department has conducted a background check pursuant to § 40-13.2-3.1 and a statewide criminal record background check.

*In regulation:* Offenses that constitute disqualifying information are listed in the Code of Rhode Island Rules and include:

- Offenses against the person, including murder, manslaughter, kidnapping, sexual assault, felony assault, domestic assault, and felony child abuse
- Offenses against the family, incest, child snatching, and exploitation for commercial or immoral purposes
- Public indecency, including prostitution, pandering, circulation of obscene publications and shows, sale or exhibition to minors of indecent publications, pictures or articles, child pornography
- Any felony drug offense

### Requirements for Adoptive Parents

#### Gen. Laws § 15-7-11; Code of R.I. Rules 03-240-806

A fingerprint-based nationwide criminal records check is required for a prospective adoptive parent as part of the adoption home study. The director of the Department of Children, Youth and Families will determine by rules and regulations those items of information appearing on a criminal records check that constitute disqualifying information because that information would indicate the prospective adoptive parent could endanger the health or welfare of a child or children.

*In regulation:* Offenses that constitute disqualifying information are listed in the Code of Rhode Island Rules and include:

- Offenses against the person, including murder, manslaughter, kidnapping, sexual assault, felony assault, domestic assault, and felony child abuse
- Offenses against the family, incest, child snatching, and exploitation for commercial or immoral purposes
- Public indecency, including prostitution, pandering, circulation of obscene publications and shows, sale or exhibition to minors of indecent publications, pictures or articles, child pornography
- Any felony drug offense

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### South Carolina

#### Requirements for Foster Parents

#### Ann. Code Ann. §§ 63-7-2340; 63-7-2350; Code of Regs. § 114-550(G)

A fingerprint-based FBI and State criminal history check is required for a prospective foster parent and any person age 18 or older who is residing in the prospective foster parent's home. No child may be placed in foster care with a person:

- Who has a substantiated history of child abuse or neglect
- Who has pled guilty or *nolo contendere* to or who has been convicted of:
  - » An offense against the person, as provided for in Chapter 3, Title 16
  - » An offense against morality or decency, as provided for in Chapter 15, Title 16
  - » Contributing to the delinquency of a minor
  - » Assault and battery of a high and aggravated nature when the victim was a person age 17 or younger
  - » Criminal domestic violence
  - » A felony drug-related offense

*In regulation:* The following requirements shall be met prior to the issuance of a standard license to provide foster care:

- Background checks shall be documented, including a review of abuse and neglect history, criminal history found with the State Law Enforcement Division and the FBI, and the Sex Offender Registry.
- The applicant(s) cannot be considered for licensure if an applicant and/or any household member over age 18 has a substantiated history of child abuse and/or neglect, convictions of any of the crimes listed in § 63-7-2350, and/or is listed on the Sex Offender Registry.

#### Requirements for Adoptive Parents

#### Ann. Code § 63-9-520(A)(1); Code of Regs. § 114-550(G)

A background investigation is required for the prospective adoptive parent to indicate whether the parent has any history of involvement with any proceeding concerning abused, neglected, or abandoned children.

*In regulation:* The following requirements shall be met prior to the approval of a preadoptive placement:

- Background checks shall be documented, including a review of abuse and neglect history, criminal history found with the State Law Enforcement Division and the FBI, and the Sex Offender Registry.
- The applicant(s) cannot be considered for licensure if an applicant and/or any household member over age 18 has a substantiated history of child abuse and/or neglect, convictions of any of the crimes listed in § 63-7-2350, and/or is listed on the Sex Offender Registry.

## South Dakota

### Requirements for Foster Parents

#### Ann. Laws § 26-6-14.3; Admin. Code §§ 67:42:01:05.01/05.02

Before issuing a child welfare license, the department shall ensure that the child welfare agency has secured from an appropriate law enforcement agency a criminal record check to determine whether the applicant or any other person specified in § 26-6-14.4 (including any adult residing in the facility or any adult volunteer who provides care and supervision to children) has ever been convicted of a crime specified by the rules of the department.

*In regulation:* For those family foster home applicants seeking licensure from the department and those family foster homes licensed by the department, the department shall secure a criminal records check to detect convictions for:

- Crimes that would indicate harmful behavior toward children
- Crimes of violence as defined by § 22-1-2, or a similar statute from another State
- Sex crimes as defined in State statutes chapter 22-22, or similar statutes from another State
- Felony convictions for spousal abuse or drug-related crimes

The department shall screen a foster care applicant, family members, and other household members who are at least age 10 to determine if the individuals have been involved in any substantiated incidents of child abuse or neglect.

### Requirements for Adoptive Parents

#### Ann. Laws § 25-6-9.1

No person may place a child in a home for adoption until a home study has been completed. A home study shall include a fingerprint-based criminal record check completed by the Division of Criminal Investigation and a central registry screening completed by the Department of Social Services.

In addition, no child who is in the custody of the Department of Social Services may be placed in a home for adoption until a fingerprint-based criminal record check has been completed by the FBI for each adopting parent.

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## Tennessee

### Requirements for Foster Parents

#### Ann. Code § 37-5-511

Each person applying to work with children in any capacity shall complete a criminal history disclosure form and shall agree to release all records relating to his or her criminal history to the department for the purpose of verifying the accuracy of criminal violation information contained on the disclosure form. Such persons also shall submit to a fingerprint-based criminal history records check to be conducted through the Tennessee Bureau of Investigation and the FBI.

Conviction of an offense involving the physical, sexual, or emotional abuse of a child, any offense involving violence against a child or any person, or an offense determined by the department to present a threat to the health, safety, or welfare of children shall disqualify the individual from employment that provides access to children.

### Requirements for Adoptive Parents

#### Ann. Code § 36-1-116; Code of Rules & Regs. R. 0250-4-9-.09

A home study is required of a prospective adoptive parent to determine his or her suitability to adopt a child.

*In regulation:* The adoptive home study shall include the caseworkers' evaluation of the applicants' suitability as adoptive parents and recommendations as to approval of the home.

**Texas****Requirements for Foster Parents****Govt. Code § 411.114; Admin. Code Tit. 40; §§ 745.651; 745.655**

The Department of Family and Protective Services shall obtain criminal history record information for any person who is providing or applying to provide in-home or foster care for children in the care of the department and other persons living in the residence in which the child will reside.

Fingerprint-based criminal history background checks must be completed on all prospective foster parents and the members of their households who are age 14 or older and not in the legal conservatorship of the department. Criminal history background checks will be conducted in accordance with the criminal history rules promulgated by the Child Care Licensing Division of the department.

*In regulation:* Approval may be denied if the person has committed any of the following misdemeanor or felony offenses:

- Offenses against the person or family
- Robbery
- Public indecency
- Stalking
- Criminal solicitation of a minor
- Failure to stop or report aggravated sexual assault of a child
- Any offense committed in the past 10 years under:
  - » The Texas Controlled Substances Act
  - » Making a firearm accessible to a child
  - » Intoxication and alcoholic beverage offenses
- Any other felony under the Texas Penal Code or any like offense under the law of another State or Federal law that the person committed within the past 10 years
- Deferred adjudications covering an offense listed above if the person has not completed the probation successfully

Approval also may be denied if a check of the child abuse central registry reveals that the person has any sustained finding of child abuse or neglect, including sexual abuse, physical abuse, emotional abuse, physical neglect, neglectful supervision, or medical neglect.



**Requirements for Adoptive Parents****Fam. Code § 162.0085; Govt. Code § 411.114; Admin. Code Tit. 40; §§ 745.651; 745.655**

The court shall order each person seeking to adopt a child to obtain his or her own criminal history record information. The court shall accept a person's criminal history record information if the information was obtained not more than 1 year before the date the court ordered the history to be obtained.

Fingerprint-based criminal history background checks must be completed on all prospective foster and adoptive parents and the members of their households who are age 14 or older. Criminal history background checks will be conducted in accordance with the criminal history rules promulgated by the Child Care Licensing Division of the department.

*In regulation:* Approval may be denied if the person has committed any of the following misdemeanor or felony offenses:

- Offenses against the person or family
- Robbery
- Public indecency
- Stalking
- Criminal solicitation of a minor
- Failure to stop or report aggravated sexual assault of a child
- Any offense committed in the past 10 years under:
  - » The Texas Controlled Substances Act
  - » Making a firearm accessible to a child
  - » Intoxication and alcoholic beverage offenses
- Any other felony under the Texas Penal Code or any like offense under the law of another State or Federal law that the person committed within the past 10 years
- Deferred adjudications covering an offense listed above if the person has not completed the probation successfully

Approval also may be denied if a check of the child abuse central registry reveals that the person has any sustained finding of child abuse or neglect, including sexual abuse, physical abuse, emotional abuse, physical neglect, neglectful supervision, or medical neglect.

## Utah

### Requirements for Foster Parents

#### Ann. Code §§ 78B-6-131; 62A-2-120

A child who is in the legal custody of the State may not be placed with a prospective foster parent unless, before the child is placed:

- A fingerprint-based FBI national criminal history records check is conducted on the prospective foster parent and each adult living in the home.
- The Department of Human Services conducts a check of the child abuse and neglect registry in each State where the prospective foster parent and each adult living in the home has resided in the previous 5 years to determine whether the prospective foster parent or other adult is listed as having a substantiated or supported finding of child abuse or neglect.
- Each person required to undergo a background check passes the background check, as provided by § 62A-2-120.

The application of a prospective foster parent shall not be approved if he or she has been convicted of a felony involving conduct that constitutes any of the following:

- Child abuse
- Commission of domestic violence in the presence of a child
- Abuse or neglect of a child with a disability
- Endangerment of a child
- Murder, manslaughter, child abuse homicide, or homicide by assault
- Kidnapping
- A sexual offense
- Sexual exploitation of children
- Aggravated arson, burglary, or robbery
- Domestic violence

A prospective foster parent shall not be approved if, within the previous 5 years, he or she has been convicted of a felony involving conduct that constitutes any of the following:

- Aggravated assault, aggravated assault by a prisoner, or mayhem
- A violation of the Controlled Substances Act, Drug Paraphernalia Act, Imitation Controlled Substances Act, Controlled Substance Precursor Act, or Clandestine Drug Lab Act

### Requirements for Adoptive Parents

#### Ann. Code § 78B-6-131

A child who is in the legal custody of the State may not be placed with a prospective adoptive parent unless, before placement of the child:

- A fingerprint-based FBI national criminal records check is conducted on the prospective adoptive parent and each adult living in the home.
- The Department of Human Services conducts a check of the child abuse and neglect registry in each State where the prospective adoptive parent has resided in the 5 years immediately preceding the day on which the prospective adoptive parent applied to be an adoptive parent, to determine whether the prospective adoptive parent is listed in the registry as having a substantiated or supported finding of child abuse or neglect.
- The department conducts a check of the child abuse and neglect registry of each State where each adult living in the home of the prospective adoptive parent has resided in the immediately preceding 5 years, to determine whether the adult is listed in the registry as having a substantiated or supported finding of child abuse or neglect.
- Each person required to undergo a background check passes the background check, pursuant to § 62A-2-120.

## **Vermont**

### **Requirements for Foster Parents**

#### **Ann. Stat. Tit. 33, § 309; Code of Vt. Rules § 13-162-007**

For prospective foster parents, the commissioner may obtain from the Vermont Criminal Information Center the record of convictions of that person. The commissioner shall first notify the person whose record is being requested.

The owner or operator of a facility licensed or registered by the department may ask the commissioner for the record of convictions and the record of substantiated reports of child abuse of a current employee or a person to whom the owner or operator has given a conditional offer of employment.

*In regulation:* The State licensing authority may require any person in the household or any person who provides care and supervision to foster children on a regular basis, whether or not that person is an applicant or licensee, to submit references and to provide such other information as the State licensing authority may deem necessary. A license may be denied if a foster parent or any member of the household:

- Has been charged with or convicted of a criminal offense
- Has current, unresolved problems with alcohol or other chemicals
- Has abused or neglected a child

### **Requirements for Adoptive Parents**

#### **Ann. Stat. Tit. 15A, §§ 1-113; 2-203**

The commissioner of the Department for Children and Families Services or any judge of the probate division of the superior court shall obtain from the Vermont Criminal Information Center the record of Vermont convictions and pending criminal charges for any person being evaluated as an adoptive parent.

The commissioner or probate judge, through the Vermont Criminal Information Center, shall request the record of convictions and pending criminal charges of the appropriate criminal repositories in all States in which there is reason to believe the applicant has resided or been employed.

If no disqualifying record is identified at the State level, the commissioner or probate judge, through the Vermont Criminal Information Center, shall request a fingerprint-based national criminal history record check from the FBI.

A preplacement evaluation shall include whether the person being evaluated has been:

- Subject to an abuse prevention order
- Charged with or convicted of domestic assault
- The subject of a substantiated complaint filed with the department
- Subject to a court order restricting the person's right to parental rights and responsibilities or parent-child contact with a child

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## **Virgin Islands**

### **Requirements for Foster Parents**

Criminal background and registry checks are not addressed in statute or in regulation.

### **Requirements for Adoptive Parents**

Criminal background and registry checks are not addressed in statute or in regulation.

## Virginia

### Requirements for Foster Parents

#### Ann. Code § 63.2-1721

Foster parents and any adults residing in the home shall undergo background checks prior to approval. Background checks require:

- A criminal history record check
- A search of the central registry for any founded complaint of child abuse and neglect

Conviction of a barrier crime shall disqualify an applicant. The term 'barrier crime' includes:

- Murder or manslaughter
- Malicious wounding
- Abduction for immoral purposes
- Assaults and bodily wounding
- Robbery, burglary, or carjacking
- Threats of death or bodily injury
- Felony stalking
- Sexual assault
- Arson
- Drive-by shooting
- Use of a machine gun or sawed-off shotgun in a crime of violence
- Pandering, crimes against nature involving children, incest, or taking indecent liberties with children
- Abuse and neglect of children or failure to secure medical attention for an injured child
- Child pornography
- Abuse and neglect of incapacitated adults
- Delivery of drugs to prisoners
- Any felony violation relating to possession or distribution of drugs

A foster home also may be disqualified for:

- A conviction of any other felony not listed above unless 5 years have elapsed since conviction
- A founded complaint of child abuse or neglect

A child-placing agency may approve as a foster parent an applicant who has been:

- Convicted of not more than one misdemeanor not involving abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction
- Convicted of statutory burglary for breaking and entering a dwelling, home, or other structure with intent to commit larceny, who has had his or her civil rights restored by the Governor, provided 25 years have elapsed
- Convicted of felony possession of drugs who has had his or her civil rights restored by the Governor, provided 10 years have elapsed

### Requirements for Adoptive Parents

#### Ann. Code § 63.2-1721

Adoptive parents and any adults residing in the home shall undergo background checks prior to approval. Background checks require:

- A criminal history record check
- A search of the central registry for any founded complaint of child abuse and neglect

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- Pandering, crimes against nature involving children, incest, or taking indecent liberties with children
- Abuse and neglect of children or failure to secure medical attention for an injured child
- Child pornography
- Abuse and neglect of incapacitated adults
- Delivery of drugs to prisoners
- Any felony violation relating to possession or distribution of drugs

An adoptive home also may be disqualified for:

- A conviction of any other felony not listed above unless 5 years have elapsed since conviction
- A founded complaint of child abuse or neglect

A child-placing agency may approve as an adoptive parent an applicant who has been:

- Convicted of not more than one misdemeanor not involving abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction
- Convicted of statutory burglary for breaking and entering a dwelling, home, or other structure with intent to commit larceny, who has had his or her civil rights restored by the Governor, provided 25 years have elapsed
- Convicted of felony possession of drugs who has had his or her civil rights restored by the Governor, provided 10 years have elapsed

## Washington

### Requirements for Foster Parents

**Rev. Code § 43.43.837(4); Admin. Code §§ 388-06-0110; -0150; -0170; -0180**

A fingerprint-based background check through the Washington State Patrol Identification and Criminal History Section and the FBI is required when the department seeks to approve an applicant for a foster placement.

*In regulation:* A background check is required for any individual who will have unsupervised access to children, including a person who is at least age 16 residing in a foster home or relative's home who is not a foster child.

The department must review records of criminal convictions and pending charges, child protective services case files for founded reports of child abuse or neglect, and any civil judgments, determinations, or disciplinary board final decisions of child abuse or neglect. The department also must check the following for each person age 18 and older residing in the home:

- Child abuse and neglect registries in each State a person has lived in the previous 5 five years
- Washington State Patrol and FBI fingerprint-based background checks regardless of how long the person has resided in Washington

A conviction for any of the crimes listed will permanently prohibit a person from being licensed. Those felony convictions include:

- Child abuse and/or neglect
- Spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault

The department must disqualify a person from licensure if it has been less than 5 years from a conviction for the following crimes:

- Any physical assault not included above
- Any sex offense not included above
- Any felony conviction not included above
- A felony violation of certain drug-related crimes, including unlawfully manufacturing, delivering, or possessing a controlled substance with the intent to deliver, or unlawfully using a building for drug purposes

**Requirements for Adoptive Parents****Rev. Code § 26.33.190; Admin. Code §§ 388-06-0150; -0170; -0180**

All preplacement reports shall include a background check of any conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The background check shall include a fingerprint-based background check of national crime information databases for any person being investigated. The background check shall include a review of the child abuse and neglect registries of all States in which the prospective adoptive parents or any other adults living in the home have lived during the previous 5 years.

*In regulation:* The department must conduct Washington State Patrol and FBI fingerprint-based background checks for each person age 18 and older residing in the home, regardless of how long the person has resided in Washington. A conviction for any of the crimes listed will permanently prohibit a person from being approved. Those felony convictions include:

- Child abuse and/or neglect
- Spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault

The department must disqualify a person from approval if it has been less than 5 years from a conviction for the following crimes:

- Any physical assault not included above
- Any sex offense not included above
- Any felony conviction not included above
- A felony violation of certain drug-related crimes, including unlawfully manufacturing, delivering, or possessing a controlled substance with the intent to deliver, or unlawfully using a building for drug purposes

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**West Virginia****Requirements for Foster Parents****Ann. Code § 49-2B-8; Code of State Rules § 78-2-13**

The secretary shall prescribe forms and reasonable application procedures including, but not limited to, fingerprinting of applicants and other persons responsible for the care of children for submission to the State police and, if necessary, the FBI for criminal history record checks.

Before a home registration is granted, the secretary shall investigate all persons responsible for the care of children for compliance with standards including criminal and child abuse or neglect history of persons present in the home while children are in foster care.

*In regulation:* For licensure as a foster parent, the following are required prior to approval:

- All adult household members shall complete a Criminal Identification Bureau Record form that is fingerprint-based and a Statement of Criminal Record form.
- All adult household members shall complete a Statement of Child Abuse or Neglect History form and a signed release of information authorizing the department to verify the information.

An agency shall not approve a home for foster care in which a household member has any convictions other than minor traffic violations. Special circumstances may allow a waiver to be granted by the secretary.

**Requirements for Adoptive Parents****Ann. Code § 48-22-701; Code of State Rules § 78-2-13**

A criminal background check may be required for a prospective adoptive parent to determine his or her suitability as an adoptive parent.

*In regulation:* For certification for an agency adoption, the following are required prior to approval:

- All adult household members shall complete a Criminal Identification Bureau Record form that is fingerprint-based and a Statement of Criminal Record form.
- All adult household members shall complete a Statement of Child Abuse or Neglect History form and a signed release of information authorizing the department to verify the information.

An agency shall not approve a home for adoption in which a household member has any convictions other than minor traffic violations. Special circumstances may allow a waiver to be granted by the secretary.

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**Wisconsin****Requirements for Foster Parents****Ann. Stat. § 48.685**

The following is required for licensure as a foster parent or treatment foster parent:

- A criminal history search from the records maintained by the Department of Justice
- Information from the registry for reporting client abuse maintained by the Department of Public Health
- Information maintained by the Department of Safety and Professional Services regarding the status of the person's credentials
- Information maintained by the department regarding any substantiated reports of child abuse or neglect against the person

The department may not license, continue, or renew the license of a foster home or treatment foster home if the department knows or should have known any of the following:

- The person has been convicted of a serious crime.
- There has been a finding that the person has abused or neglected any client or misappropriated the property of any client.
- A determination has been made that the person has abused or neglected a child.

A serious crime includes:

- Homicide, reckless homicide, or felony murder
- Battery
- Sexual assault, sexual exploitation, or incest with a child
- Physical abuse or neglect
- Soliciting a child for prostitution
- Possession of child pornography
- Child abduction



**Requirements for Adoptive Parents****Ann. Stat. § 48.88; Admin. Code DCF 51.07**

An investigation is required of a prospective adoptive parent to determine whether the prospective adoptive parent's home is suitable for the child. If the petitioner was required to obtain an initial license to operate a foster home or treatment foster home before placement of the child for adoption, the agency making the investigation shall obtain a criminal history search from the records maintained by the Department of Justice and request a fingerprint-based check of the national crime information databases with respect to the petitioner.

If the petitioner was required to obtain a license to operate a foster home or treatment foster home before placement of the child for adoption, the agency making the investigation shall obtain information maintained by the department regarding any substantiated reports of child abuse or neglect against the petitioner and any other adult residing in the petitioner's home. If the petitioner or other adult residing in the petitioner's home is not, or at any time within the 5 years preceding the date of the search has not been, a resident of this State, the agency shall check any child abuse or neglect registry maintained by any State or other U.S. jurisdiction in which the petitioner or other adult is a resident or was a resident within those 5 years for information that is equivalent to the information maintained by the department regarding substantiated reports of child abuse or neglect.

*In regulation:* The adoption home study for a special needs child may include a check of police records and Department of Justice criminal records. The requirements of Wis. Ann. Stat. § 48.685 [see above] apply to an adoptive parent applicant who is in a home studied by a county department or a child-placing agency.

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**Wyoming****Requirements for Foster Parents****Code of Wyo. Rules § 049-080-003**

*This issue is not addressed in statute. The following information is from the Code of Wyoming Rules.*

Licensure of family foster homes requires documentation from at least one of the following:

- Inspection and/or investigation reports
- Protective services reports and/or police reports
- Arrest and/or conviction records
- Mental health, medical, or treatment reports
- Department of Family Services field office files

Reasons for the denial, revocation, or suspension of certification include, but are not limited to:

- Any staff being convicted of an act of child abuse, neglect, or sexual offense, or being the subject of a substantiated abuse or neglect investigation
- Any staff being convicted of a crime against children, including a misdemeanor
- Any staff being convicted within the preceding 5 years of any felony classified as an offense against the person or family, public indecency, or the Wyoming Controlled Substance Act

**Requirements for Adoptive Parents****Ann. Stat. § 1-22-104; Code of Wyo. Rules § 049-040-001**

Each petitioner shall file an affidavit with the adoption petition that states:

- All felony convictions of the petitioner within the preceding 10 years
- All misdemeanor convictions of the petitioner within the preceding 5 years
- The current parole or probation status of the petitioner, if any

*In regulation:* When so ordered by the court, the department shall conduct an adoption home study. Information that may be required for the study includes criminal history checks, psychological evaluations from a licensed psychologist, and central registry checks.