

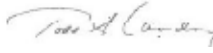


Background Checks

STATE of Maine
OFFICE OF CHILD AND FAMILY SERVICES POLICY

Section
7

Subsection
6

Approved by: 
Director, OCFS

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I. SUBJECT

Background Checks.

II. STATUTORY AUTHORITY

22 M.R.S. [§4003](#), [§4004](#).

III. DEFINITIONS

For a complete list of definitions, see the [OCFS Policy Manual Glossary](#). In this document, the first reference to any word that is defined is hyperlinked to the Glossary.

IV. POLICY

The [child](#) protection investigation is a critical step in providing child welfare intervention to families and assuring child safety. An important component of a thorough investigation is the exploration of critical case members and other [caregivers](#)' criminal backgrounds. Criminal background information could reveal criminal conduct that poses a risk to a child and/or suggests the possibility of maltreatment of a child by physical or mental injury, sexual abuse or exploitation, negligent treatment, or any unfitness that would impact the individual's ability to care and/or provide safety to a child.

Sources of criminal background check information available to OCFS include the [National Crime Index Center \(NCIC\)](#), Interstate Identification Index (III), [State Bureau of Identification \(SBI\)](#) and Bureau of Motor Vehicles (BMV), Sex Offender Registry (SOR), courts, and law enforcement entities.

Staff will follow background check procedures to ensure that information relevant to the investigation of child [abuse and neglect](#) is obtained and considered when making decisions regarding the safety of a child.

V. PROCEDURES

Receipt of Investigation. The [Background Check Unit](#) receives a list each business day of all new child protection investigations assigned and all relevant individuals listed (i.e., [critical case members](#) or other potential caregivers) are processed by the Background Check Unit staff. This background check consists of the [Interstate Identification Index \(III\)](#), the [Confidential Criminal History](#) information, SBI, BMV, and SOR. The results will be uploaded into the child welfare information system. In addition, the caseworker will request background checks on other critical case members and any other [person responsible for the child](#) identified during the investigation or case. This is done by adding the individual to the person screen in the child welfare information system and submitting a request for the background check at the following link: <http://inet.state.me.us/dhhs/ocfs/forms/criminal-history-request.html>

Note: The Background Check Unit cannot complete a background check for placement purposes when a child is in the custody of DHHS.

- a. The Background Check Unit will conduct a search based on applicable laws and will enter the results in the child welfare information system as soon as possible after the request is made, but no longer than five (5) business days.
- b. The caseworker, or other OCFS staff at the request of the caseworker, can submit an immediate request for background checks when the caseworker deems it necessary for the immediate safety of a child. In these circumstances, the caseworker will send the request to the Background Check Unit and designate it on the form as immediate (urgent). If the caseworker immediately sends a request to the Background Check Unit using the Criminal History Request Form (Appendix B) at the above link, that search will be run the same day as

the request is submitted or next business day if it is after hours, a weekend, or a holiday. The caseworker will provide as much information as possible on the form to ensure the Background Check Unit can verify the search results.

Caseworker Actions Upon Receipt of Criminal History Check Information.

- a. The caseworker will review the Criminal History Check Response Form (Appendix C) that the Background Check Unit uploaded into the child welfare information system. The results of the search only list involvement with law enforcement agencies, which is to be used as a tool by the caseworker to identify what additional information is needed.
- b. To obtain additional information, the caseworker will contact the law enforcement agency listed on the form to request information regarding their involvement with the individual during the dates referenced in the form. The caseworker can use the list of all Maine state law enforcement agencies from the OCFS Intranet to obtain contact information. **Note:** This link is included on the form.
- c. If the caseworker cannot obtain detailed information about the criminal involvement listed on the search results from the law enforcement agencies listed, the caseworker will attempt to obtain additional information from the [parent](#).

Additional Requests for Background Checks. At any point during an investigation or case, the caseworker can submit a new request to have an updated search completed on an individual or to request a new search on additional critical case members or other caregivers. The caseworker will follow the preceding process to run a new search.

Confidential State Bureau of Identification Search. For a Confidential SBI search there are several results that may be reported on the Criminal History Check Response Form (Appendix C). These results and the action to be taken by the caseworker are:

- a. No criminal history or investigative records known – No further action is required on the part of the caseworker.
- b. Criminal history or investigative records may be available – Contact the law enforcement agency referenced in the form.
- c. This person may currently have bail conditions and/or conditions of release – Use the information contained in the form to contact the court referenced using the docket number provided to obtain additional information.
- d. This person may currently be named as a party in a protection from abuse order – Use the information contained in the form to contact the court referenced using the docket number provided to obtain additional information.
- e. Insufficient/incomplete information your request is unable to be processed at this time – Please review the instructions regarding "How to Use the Criminal History Request Form" (Appendix A) and submit another request using additional information to identify the individual.

Interstate Identification Index (III). For an Interstate Identification Index (III) there are several results that may be reported on the Criminal History Check Response Form (Appendix C). These results and the action to be taken by the caseworker are:

- a. No criminal history or investigative records known – No further action is required on the part of the caseworker.
- b. Criminal conviction history was found outside of the state of Maine, however the results do not pertain to child safety and wellbeing and this history does not amount to more than two (2) incidents within the previous twenty (20) years – No further action is required on the part of the caseworker.
- c. Criminal conviction history – To obtain additional information, use the information contained in the form to contact the law enforcement agency listed and request information regarding their involvement with the individual during the dates referenced in the form. If the caseworker cannot obtain detailed information about the criminal involvement listed on the search results from the law enforcement agencies listed, the caseworker will follow up with the parent of the child to obtain additional information.
- d. Insufficient/incomplete information your request is unable to be processed at this time – Please review the instructions on How to Use the Criminal History Request Form, (Appendix A), and submit another request using additional information to identify the individual.

Responses labeled “safety threat,” “contact law enforcement” and “unable to locate individual.”

- a. If the box labeled “Possible immediate safety threats identified through background check” at the top of the Criminal Background Check Response Form is checked, the caseworker will request that law enforcement accompany them when meeting with the individual. When requesting that law enforcement accompany OCFS staff, the caseworker must provide law enforcement with the name, date of birth, and address of the individual and request that law enforcement run the individual in their system before accompanying the caseworker (see [10.1 Staff Safety and High Risk Situations](#)).
- b. If the box labeled “Contact law enforcement to request assistance and request that they run the individual’s name prior to any further face-to-face contact” on the Criminal History Check Response Form is checked, the caseworker will contact law enforcement and provide the individual’s name, date of birth, and address and verify whether law enforcement believes it is necessary to accompany the caseworker during their next face-to-face contact with the individual.
- c. If the box labeled “Unable to locate this individual. Please verify name, date of birth, and social security number, and if needed submit another request” on the Criminal History Check Response Form is checked, the Background Check Unit has attempted to conduct a search and the results cause the staff to believe the information provided is incorrect. Additional investigative activities may be necessary to determine the correct spelling of names, verification of social security numbers, etc. The caseworker should gather additional information to confirm the individual’s identifying information and submit an updated request.

Documentation. The Background Check Unit staff will enter the Criminal History Response Form into the child welfare information system. Any additional records obtained will also be entered into the child welfare information system by district child welfare staff.

VI. POLICY SUPERSEDES

XI. Q. Criminal History Records, Effective October 1, 1987

VII. LINKS TO RELATED POLICIES

[2.2 Child Protection Investigation](#)

[7.11 Interstate Compact for the Placement of Children](#)

[10.1 Staff Safety and High Risk Situations](#)

VIII. APPENDICES

[Appendix A: How to Use the Criminal History Request Form](#)

[Appendix B: Criminal History Request Form](#)

[Appendix C: Criminal History Check Response Form](#)

[Appendix D: Criminal History Check Response Form Guide](#)

Note: The hyperlinks to these documents only work on DHHS issued computers. If you would like to request a copy of these documents, please email your request to:

OCFSPolicyTraining.DHHS@maine.gov