



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Rebecca Kapusta
Interim Secretary

DATE: October 26, 2018

TO: Regional Managing Directors

FROM: JoShonda Guerrier, Assistant Secretary for Child Welfare 

SUBJECT: Status of Criminal Record and Child Abuse Registry Checks for Adults Working in Child-Care Institutions

PURPOSE

This memorandum provides notice pertaining to the new federal requirements defined in the Family First Prevention Services Act (FFPSA) regarding Criminal Record and Child Abuse Registry Checks for Adults Working in Child-Care Institutions (CCI).

BACKGROUND

Effective July 1, 2014, Section 409.145(2)(e), Florida Statutes (F.S.), was amended to require caregiver staff employed by licensed residential child-caring agencies to meet the same education, training, and background screening requirements as licensed foster parents and their household members. During the implementation process, it was determined that additional legislative changes were necessary to conform two separate areas of Florida Statutes which prohibited the department's ability to release the child abuse registry checks to employers. These conflicts also limited the use of child abuse registry checks for the purposes of employment. Chapter 2017-151, Laws of Florida, (enacted by passage of House Bill 1121 by the 2017 Florida Legislature) amended s. 39.202, F.S., allowing the department to use information from the Florida Abuse Hotline for the employment screening of caregivers in licensed residential child-caring agencies. The department developed an implementation plan that included a piloting of the background screening process across multiple regional areas. The pilot concluded in October 2017 and statewide implementation was initiated in March 2018. The statewide implementation timeline includes a rollout by regional area in accordance with the residential child-caring agencies' re-licensure activities. It is anticipated that all residential child-caring agencies will meet 100% compliance no later than March 31, 2019.

In addition to the state requirements outlined in Chapter 2017-151, Laws of Florida, federal requirements related to the background screening of residential group home employees were signed into federal law on February 9, 2018, with the passage of FFPSA. This act reforms the federal child welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, to provide services to families who are at-risk of entering the child welfare system.

As a condition of eligibility for Title IV-E funds, FFPSA requires Title IV-E agencies to implement procedures for the completion of fingerprint-based criminal records checks and child abuse registry checks for any adult working in a CCI. This includes group homes, residential treatment centers, shelters, and other congregate care settings. The Children's Bureau provided program instructions July 9, 2018, which clarify that the requirements:

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Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

- Do not allow any exemptions or exceptions for conducting the checks;
- Require that every adult working in the CCI setting is subject to the revised background check requirements, to include adults who do not work directly with the children; and
- Must be completed by States on all adult group home employees no later than October 1, 2018.

ACTION REQUESTED

1. In an effort to bring Florida into compliance, Department Regional Licensing teams should coordinate with their respective group home providers to ensure all adult group home employees working in a Department-licensed residential group home meet the background screening requirements as a condition for licensure of the residential child-caring agency.
 - a. If the group home provider has a re-licensure date that falls within the period of March 1, 2018 to November 30, 2018, and there are one or more adult group home employees who do not have a background screening completed in the Clearinghouse, the employee must complete the background screening process in the Clearinghouse no later than December 31, 2018.
 - b. If the group home provider has a re-licensure date that falls within the period of December 1, 2018 to March 31, 2019, and there are one or more group home employees who do not have a background screening completed in the Clearinghouse, the employee must complete the background screening process in the Clearinghouse following the regular timeline for that group home's re-licensure activities.
 - c. For any group home provider with one or more group home employees who has completed their background screening in the Clearinghouse and the employee does NOT have documentation of completed child abuse registry checks, the group home provider must submit the attached child abuse registry form (**one form per employee**) to hqw.bgs.abuse.history@myflfamilies.com to receive child abuse checks on an employee. The form should be submitted by the group home provider upon immediate knowledge that an employee's Clearinghouse documentation does not include completed child abuse registry checks.
 - d. The regions should use the attached background screening status log for tracking and documentation of completed screenings.
2. Beginning November 1, 2018, the Office of Child Welfare will conduct regularly scheduled calls with the Department Regional Licensing Managers to review and address any concerns regarding the submission of background screenings for group homes.

CONTACT INFORMATION

If you have any questions, please contact Tanisha Lee, Statewide Group Home Licensing Specialist, Office of Child Welfare, at Tanisha.Lee@myflfamilies.com or call (850) 717-4659.

Attachments: Group Home Employee Background Screening Status Log
Abuse History Request for Employment