

**REQUIREMENT  
OVERVIEW**

All prospective adoptive families are required to undergo background checks, clearances, criminal history checks, and fingerprinting in order to assure safety, permanency and child well-being.

Prospective adoptive parents who are licensed for foster care in Michigan will have had clearances and background checks completed during the foster home licensing or renewal process. These clearances and background checks must be current within the last 12 months and reviewed by the adoption worker for inclusion in the DHS-612, Adoptive Family Assessment Addendum. Fingerprinting must be completed for prospective adoptive parents for adoption purposes using AWA fingerprinting code. If a prospective adoptive family is not licensed for foster care, the family must submit to several different background checks, clearances, criminal history checks, and fingerprinting to determine their suitability to adopt. **Adult members (age 18 or older) of the adoptive household** are also required to submit to background checks, clearances and criminal history checks, but are not required to submit fingerprints.

The adoption worker must check the prospective adoptive parent(s)' address on the Michigan Public Sex Offender Registry to verify that a registered individual is not listed at the prospective adoptive parent(s)' home address.

The adoption worker must indicate when the clearances, criminal history checks, and fingerprinting were completed and summarize investigations by Children's Protective Services (CPS) and foster home licensing staff in the BCAL-3130, Initial Foster Home/Adoption Evaluation, or the DHS-612, Adoptive Family Assessment Addendum. The summary must include dates of investigations and results.

**The following checks and clearances (detailed on the following pages) must be completed in order to evaluate a prospective adoptive family for adoption:**

- Review and summarize previous foster home licensing studies and/or adoptive assessments.
- Review and summarize the applicant's and any adult household member's history of previous licensing/Children's

Protective Services (CPS) complaints, investigations and dispositions.

- Consultation with professionals who have worked with the family, if applicable.
- CPS and Central Registry clearances for all applicants and adult household members.
- Criminal history checks for all applicants and adult household members.
- Local law enforcement clearances for all applicants and adult household members.
- Fingerprinting (updated every 12 months) of all applicants.

## **BACKGROUND CHECKS**

### **Prior Home Study or Assessment**

Previous foster home licensing studies and/or adoptive assessments, including those completed by other agencies, must be requested and reviewed by the adoption worker and summarized in the current BCAL-3130, Initial Foster Home/Adoption Evaluation, and/or DHS-612, Adoptive Family Assessment Addendum.

If a BCAL-3130, Initial Foster Home/Adoption Evaluation, has not been completed, the previous foster home licensing study may be included as part of the adoption worker's family assessment, but must be clearly noted as the source of the information. The foster home licensing study must be supplemented with updated or additional information as required in the BCAL-3130 and DHS-612, Adoptive Family Assessment Addendum.

If a previous study is referenced, the report must be available in the record for review and **included in the consent packet**. The current study must specifically state what circumstances have not changed and must cover any gaps in time between the referenced study and the current study. The updated or additional information may be provided in a DHS-612, Adoptive Family Assessment Addendum, when **all** of the following apply [MCL 710.46(3)]:

- The family has provided foster care for the child for 12 months or longer.

- The family's foster home licensing study was completed or updated not more than 12 months before the adoption petition is filed.
- The court waives the full investigation upon a motion of the petitioning adoptive family.

If the above three circumstances do not apply, the BCAL-3130 must be used to complete the adoptive family assessment.

### **Prior Complaint or Investigation**

The adoption worker must review and summarize the applicant's and any adult household member's history of previous licensing/Children's Protective Services (CPS) complaints, investigations and dispositions by contacting licensing and CPS staff. A licensing corrective action plan must be satisfactorily completed before recommending the applicant(s) for adoption (unless there is a documented exception).

### **Past or Current Service Providers**

If applicable, the adoption worker must consult with professionals who have worked with the family to determine the family's level of cooperation with and ability to benefit from identified services for the children in their care. The consultation with professionals must also focus on the level and extent of the extraordinary care required by other children already adopted by the family and/or biological children, including adult children in the home who have a need for continued care. The DHS-610, Professional Reference Letter, must be used to document the consultation with professionals. The consultation with professionals must be summarized in the BCAL-3130, Initial Foster Home/Adoption Evaluation, completed by the adoption worker or the DHS-612, Adoptive Family Assessment Addendum.

### **CPS CENTRAL REGISTRY CLEARANCE**

The following applies to all applicants and adult household members:

A BCAL-1326-CWL, Record Clearance Request, must be sent to the Bureau of Children and Adult Licensing.

In addition to the BCAL-1326-CWL, the adoption worker must conduct a check for confirmed and substantiated child abuse or neglect **in every state** where the applicant or any adult household member has lived in the five years preceding the application for adoption.

## **CRIMINAL HISTORY CHECKS**

The following criminal clearance process applies to adoption applicants and all adult household members.

### **DHHS Worker Required Clearance (LEIN)**

LEIN clearances must be completed by DHHS adoption workers for DHHS directly supervised cases. Submit the DHS-269, Criminal History Information Request, to the local LEIN terminal operator. The DHS-269 must be retained in the case record.

The CJIS Policy Council Act, 1974 PA 163 (MCL 28.211 et. seq.), grants DHHS access to Michigan Criminal Justice Information Systems (MICJIN). Accessing the Law Enforcement Information Network (LEIN) must only occur as authorized by the Department of Health and Human Services (DHHS) in the performance of official duties. Any inappropriate access, use, or disclosure of LEIN information may result in disciplinary action. County directors are responsible for authorizing appropriate staff to access LEIN and for maintaining the security, confidentiality, and the appropriate use of LEIN information, see FOM 722-6a for additional information.

**Note:** Executive Order 1990-10 gives DHHS authority to access LEIN information. This is in addition to the CJIS Policy Council Act.

### **LEIN Document Disposal**

**Workers must cross-cut shred or incinerate LEIN clearance result documents after review, verification of pertinent data, and incorporation of the verified information in narratives in the BCAL-3130 or DHS-612. See LEIN policy in FOM 722-6a for details on the use of and verification of LEIN information.**

**Contracted  
Adoption Agency  
Required  
Clearance (ICHAT)**

Internet Criminal History Access Tool (ICHAT) clearances must be completed by all contracted adoption agency adoption workers. This is to be accessed through agency registration on ICHAT with the Michigan State Police Web site. ICHAT documents may be retained in the case record after summarizing in the BCAL-3130, Initial Foster Home/Adoption Evaluation, or DHS-612, Family Adoption Assessment Addendum.

**LEIN/ICHAT Time  
Frames**

LEIN and ICHAT clearances **must be completed at the following times:**

- After application.
- Immediately prior to adoption approval (if the assessment is favorable).
- Immediately prior to adoption placement.

Each clearance **must be repeated:**

- Every three months after the court order of adoptive placement of a child in the home for adoption.
- Thirty calendar days prior to finalization.

If new information is obtained through the checks after approval for adoption, a DHS-612, Adoptive Family Assessment Addendum, must be completed and provided to the Michigan Children's Institute (MCI) office or the court; see ADM 0880.

**LOCAL LAW  
ENFORCEMENT  
CLEARANCE**

A clearance for **all** adoptive applicant(s) and adult household members **must** be requested from the family's local law enforcement agency. This may be obtained either by a written or verbal request from the adoption worker to the law enforcement agency.

**FINGERPRINTING**

Fingerprinting must be completed for prospective adoptive parents for adoption purposes using AWA fingerprinting code.

A nationwide check for criminal charges and convictions through fingerprint submission must be completed via the National Crime Information Center (NCIC) for foster care and adoption applicants only. See FOM 922-1.

**Fingerprinting  
Time Frames**

Prospective adoptive parents who are not licensed for foster care must be fingerprinted prior to adoption approval and prior to adoptive placement, if the prior fingerprinting took place more than 12 months before the adoptive placement.

If a child was placed in an adoptive home and the prospective adoptive parent(s) were not fingerprinted prior to the adoptive placement, fingerprinting must be completed prior to finalization.

**MICHIGAN PUBLIC  
SEX OFFENDER  
REGISTRY CHECK**

The adoption worker must check the prospective adoptive parent(s)' address and names, and the names of all adult household members on the Michigan Public Sex Offender Registry to verify that a registered individual is not listed at the prospective adoptive parent(s)' home address.

**DOCUMENTATION  
AND EVALUATION**

Completion dates of all clearances and background checks must be documented in the BCAL-3130, Initial Foster Home/Adoption Evaluation, or DHS-612, Adoptive Family Assessment Addendum.

When a criminal background check through LEIN, ICHAT or the fingerprinting process contains a criminal offense by any member of the adoptive family household and the adoption worker recommends the family for adoption, the following must be included in the BCAL-3130, Initial Foster Home/Adoption Evaluation, or DHS-612, Adoptive Family Assessment Addendum:

- Nature of the criminal offense(s).

- Circumstances surrounding the occurrence of the offense(s).
- Length of time since the occurrence of the offense(s).
- Successful completion of requirements of probation or parole.
- Evidence of rehabilitation, and low risk to re-offend.

LEIN information must be independently verified via a third party (example: court, law enforcement, ICHAT) to be included in the family assessment or addendum. See ADM 0510, Circumstances Requiring Additional Documentation/Review, if any applicant listed on the Child Abuse and Neglect Central Registry is considered for adoption of a child. The worker must assess how the safety and welfare of the child will be ensured if the family is recommended for adoption.

There may be information that is gained through the clearances and/or background checks that would eliminate applicants from the assessment process. See ADM 0540, Exclusions From Adoptive Family Assessment, for further information.