
OVERVIEW

The Michigan Department of Health and Human Services (MDHHS) outlines the process and requirements for obtaining and using fingerprint-based criminal histories for child welfare program purposes.

DEFINITIONS

Authorized Personnel

Individuals who are approved to view Child Welfare Criminal History Record Information (CHRI). Prior to accessing CHRI, authorized personnel are required to successfully complete Security Awareness Training and undergo a criminal history clearance that indicates no felony record.

Chief Administrator

The person designated by the licensee as having the day-to-day responsibility for the overall administration of a CPA and for assuring the care, safety, and protection of children and families served.

Child Care Organization (CCO):

A governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, childcare centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or childcare homes. Child care organization does not include a governmental or nongovernmental organization that does either of the following:

- (i) Provides care exclusively to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4.
- (ii) Provides care exclusively to persons who are 18 years of age or older and to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4, at the same location." MCL 722.111

Child Caring Institution (CCI)

A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the CCI for that purpose, and operates throughout the year. An educational program may be provided, but the educational program must not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, that is described as a small child caring institution owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes an institution for developmentally disabled or emotionally disturbed minor children. MCL 722.111

Child Placing Agency (CPA)

A governmental organization or an agency organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, for the purpose of receiving children for placement in private family homes for foster care or for adoption. The function of a CPA may include investigating applicants for adoption and investigating and certifying foster family homes and foster family group homes as provided in this act. The function of a CPA may also include supervising children who are at least 16 but less than 21 years of age and who are living in unlicensed residences as provided in MCL 722.1115(4).

Child Welfare Licensing Module (CWLM)

CWLM is a module within the Comprehensive Child Welfare Information System (CCWIS). The module is the system of record for all Foster Home, Children Protective Services (CPS), Child Caring Institution (CCI) and Court Operated Facilities (COF) licensing functions and data including licensure, renewal/annual inspections as well as special investigations/evaluations within the electronic case management system.

CJIS Systems Officer (CSO)

The individual located within Criminal Justice Information Services (CJIS) Systems Agency responsible for the administration of the CJIS network on behalf of the CJIS Systems Agency. The CSO as referenced in this policy is employed with the Michigan State Police (MSP). CJIS Security Policy provides guidelines and requirements for criminal justice agencies (CJA) to protect the CJIS, both at rest

and in transit. This includes transmission, dissemination, and destruction of CJI. Security requirements are outlined in [The Criminal Justice Information Services Security Policy](#).

Comprehensive Child Welfare Information System (CCWIS)

The case management information system that state and tribal Title IV-E agencies that Michigan is developing to support their child welfare program needs. CWLM is the first CCWIS module and additional modules are in planning and will be developed to replace MiSACWIS. The Comprehensive Child Welfare Information System (CCWIS) will be the system of record for MDHHS CSA and will generate all required reports included federally compliant data extracts for submission to the Adoption and Foster Care Analysis and Reporting System MISEP and other federal reporting.

Conviction

The final conviction, payment of a fine, plea of guilty or nolo contendere if accepted by the court, a finding of guilt for a criminal law violation or a juvenile adjudication or disposition by the juvenile division of probate court or family division of circuit court for a violation that if committed by an adult would be a crime, or a conviction in a tribal court or a military court. MCL 722.111

Criminal History Check

A fingerprint-based criminal history records information background check through the department of state police and the Federal Bureau of Investigation (FBI).

Criminal History Records Information (CHRI)

Criminal History Record Information (CHRI) is a subset of Criminal Justice Information (CJI). Any notations or other written or electronic evidence of an arrest, detention, complaint, indictment, information, or other formal criminal charge relating to an identifiable person that includes identifying information regarding the individual as well as the disposition of any charges. CHRI must also include requirements set forth in the bureau of criminal identification and records, Act 289 of 1925, MCL 28.241a(d).

Note: This policy covers only CHRI received by MDHHS for child welfare (CW) purposes. The CHRI covered in this policy must be referred to as CW-CHRI.

Criminal History Records Information (CHRI) Media

Any document, electronic file or database that contains criminal history record information obtained through a State of Michigan and FBI fingerprint-based check.

Criminal History Records Internet Subscription Service (CHRISS)

A secure web site that allows the Division of Child Welfare Licensing (DCWL) to receive background check information in real time. In addition, the CHRISS system is designed to support the current State of Michigan Rap Back and future FBI Rap Back services.

Electronic Case Management System

System that supports a workflow, management collaboration, storage of images and content, decision formulation, and processing of electronic files or cases.

Electronic case record

All information and documents related to a specific case or person that are stored in an electronic case management system.

Licensee Designee

The individual designated in writing by the board of directors of the corporation or by the owner or person with legal authority to act on behalf of the company or organization regarding licensing matters.

Local Agency Security Officer (LASO)

The LASO serves as the primary point of contact between the local Non-Criminal Justice Agency (NCJA) and their respective CSO or Information Security Officer (ISO) at the MSP who interfaces with the CJIS Systems Agency Division. The LASO actively represents their agency in all matters pertaining to information security, disseminates information security alerts and other material to their constituents, maintains information security documentation, including system configuration data, assists with information security audits of hardware and procedures, and keeps the CSO or ISO within the MSP) informed about information security needs and problems.

It is the responsibility of the CSO to ensure each agency having access to CHRI has an individual designated as the LASO.

The LASO as defined in this policy is identified as the Division of Child Welfare Licensing (DCWL) LASO who is designated to perform these functions in coordination with the MSP to ensure compliance with CJIS Security Policy.

Placement Agency Foster Care (PAFC)

A private child placing agency under contract with the Department that provides foster care and adoption services.

Rap Back

Rap Back stands for Record of Arrest and Prosecution BACK. Rap Back is a mechanism that allows a State's CJIS agency to immediately inform DCWL of any new CHRI regarding an applicant, employee, volunteer, or licensee via electronic notification.

Secondary Dissemination

The transmission of CHRI from one authorized personnel to another authorized personnel for an approved purpose as defined within this policy.

Security Awareness Training (SAT)

Required training for all personnel, contractors, vendors, and external auditors who have access to fingerprint based CHRI. MSP approved SAT is accessed through the Learning Management System and or the MDHHS public website.

REQUIREMENTS FOR FINGERPRINTS

Federal and State statute is required for the authorization and use of fingerprint based criminal history information for a specific purpose. Fingerprints are required for the following:

- All individuals applying to become licensed foster parents or adoptive parents in the State of Michigan.
- All guardians, successor guardians, and all adults residing in the guardian's home for a subsidized Guardianship in the State of Michigan.

- Chief Administrators and Licensee Designees of Child Placing Agencies (CPA) and Child Caring Institutions (CCI).
- All relative foster care placements.

Fingerprinting Forms and RI-030 Live Scan Fingerprint Background Check Request

DCWL processes fingerprint-based clearances using the forms listed below and the RI-030 Live Scan Fingerprint Background Check Request for the identified purpose.

CWL-3889, Children’s Foster Home License Application

- Licensed foster parent applicants.

CWL-1326, Licensing Record Clearance Request

- Adoption applicants, both domestic and private.
- Guardianship Assistance Program (GAP) applicants.

CWL-1326-CCI/CPA, Licensing Record Clearance Request Child Caring Institution/Child Placing Agency

- Chief Administrators of a CPA or CCI.
- Licensee Designees of a CPA or CCI.

MDHHS-5770, Relative Approval & Placement Safety Screen

- Relative foster care placements.

RI-030 Live Scan Fingerprint Background Check Request

The RI-030, Live Scan Fingerprint Background Check Request, is required by the MSP for all individuals fingerprinted.

By completing the RI-030, the applicant is consenting and authorizing the Non-Criminal Justice Agency to review their fingerprint based criminal history information. When completing the RI-030 the following codes are required to be used dependent on the purpose of the fingerprints.

Fingerprint Codes

- **AWF** - to be used for foster home licensing with agency ID: 68465P.

- **AWA** - Adam Walsh Act
 - Agency ID: 68464J to be used for adoption through foster care.
 - Agency ID: 93991P to be used relative caregivers for foster care placements.
- **AWP** - to be used for private domestic adoption with agency ID: 68466H.
- **GRD** - to be used for the Guardianship Assistance Program (GAP) with agency ID: 93823E.
- **CCI** - to be used for chief administrators and licensee designees of CPAs or CCIs with agency ID: 88695H.

Note: The RI-030 and CWL-1326 is not available on public websites. To access the most updated version of these forms, contact the DCWL-LASO at MDHHS-LASO-DCWL@michigan.gov

FINGERPRINT PROCESS

Fingerprint-based criminal clearances cannot be processed if the forms are signed out of order or after the fingerprints are completed. DCWL is mandated by CJIS security policy to ensure the integrity of the CW-CHRI.

Foster Home Licensing Applicants

The fingerprinting process for applicants applying for foster home licensing must be completed as indicated below:

1. All applicants must first complete, sign, and date the [CWL-3889, Children's Foster Home License Application](#).
2. The applicant must then complete, sign, and date the RI-030.
3. The foster home licensing application (CWL-3889) and LiveScan Fingerprint Request (RI-030) must be dated in the sequence. The application signed first, or all forms signed prior to or the same date as the completion of the fingerprints.
4. Following the completion of the CWL-3889 and RI-030, an appointment for fingerprinting is scheduled by the CPA case manager or the applicant through the fingerprint vendor

contracted with the State of Michigan. The applicant will receive a registration number following enrollment online or by phone.

5. When scheduling a fingerprint appointment, the correct reason code must be used. The correct code must be indicated on the RI-030. Refer to the above noted *Fingerprint Codes*.
6. The applicant must take their registration number and the RI-030 to the appointment for the completion of their fingerprints. Once the fingerprint process at the vendor location has been completed, the applicant will receive a receipt which includes a TCN#. The TCN# is written on the RI-030 by the vendor is a unique identifier for the fingerprint.
7. All required documents (CWL-3889 and RI-030 for all applicants) are sent to DCWL by the assigned CPA case manager through CWLM for processing.

Adoption Applicants

The fingerprinting process for applicants applying for adoption must be completed as indicated below:

1. All applicants must first complete, sign, and date the CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home form.
2. The applicant must then complete, sign, and date the RI-030.
3. Following the completion of the CWL-1326 and the RI-030, an appointment for fingerprinting is scheduled by the CPA case manager or the applicant through the fingerprint vendor contracted with the State of Michigan. The applicant will receive a registration number online or by phone.
4. When scheduling a fingerprint appointment, the correct reason code must be used. The correct code must be indicated on the CWL-1326 and RI-030, using the correct check box. Refer to the above noted *Fingerprint Codes*.
5. The applicant must take their registration number, the CWL-1326, and the RI-030 to the appointment for the completion of their fingerprints. Once the fingerprinting process at the vendor location has been completed, the applicant will receive a receipt which includes a TCN#, The TCN# is written on the

CWL-1326, and the RI-030 by the vendor and is a unique identifier for the fingerprint.

6. For adoption applicants, the case Manger must scan and email the CWL-1326 and RI-030 to MDHHS-Adoption-DCWL@michigan.gov.

For fingerprint code AWP only, if all the documents meet compliance with the above noted procedure per CJIS Security Policy, the original fingerprint-based criminal history results will be disseminated by mail in a sealed envelope marked confidential to the identified agency on the CWL-1326.

Guardianship Assistance Applicants

The following procedure will be required for applications for the Guardianship Assistance Program (GAP). The fingerprint process for guardians, successor guardians, and all adults residing in the applicant's home must be completed prior to applying for guardianship assistance.

1. Complete the [DHS-3310, Juvenile Guardianship Assistance Application](#).
2. Complete the CWL-1326, Licensing Record Clearance Request, and the RI-030, Live Scan Fingerprint Background Check Request. The RI-030 and CWL-1326 are required to be completed prior to or the same day as the fingerprints. Failure of the applicant to properly sign and date the above forms, will result in rejection and require the applicant to be reprinted.
3. Register for fingerprinting through the established state fingerprint vendor, [IdentoGO by IDEMIA](#). This can be completed by the applicant or the assigned CPA staff.
4. Applicant completes the fingerprint appointment. The applicable sections of the CWL-1326 and RI-030 must be completed by the fingerprint vendor.
5. The CPA scans the completed DHS-3310, CWL-1326, and RI-030 to DCWL for processing. All fingerprinting packets for GAP are required to be submitted to the following mailbox for processing: MDHHS-Adoption-DCWL@michigan.gov. The subject line of submission must include "GAP – (Guardian's Last Name)".

6. DCWL processes the fingerprinting for all submitted guardians and adult household members. The completed fingerprinting documents will be uploaded to the secure criminal history section under the individual's electronic case management system person ID.
7. The assigned CPA staff denoted on the CWL-1326 will be notified the fingerprinting documents have been uploaded but will not be able to view them. Only the Adoption Guardianship Assistance Office (AGAO) analyst will be able to review the fingerprinting documentation for the purpose of GAP.
8. The CPA proceeds with scanning and submitting a completed GAP application and supporting documentation to the AGAO at: MDHHS-AGAO-apps-and-openings@michigan.gov. At the time of the AGAO initial review, if the fingerprinting documentation is not uploaded in the secure criminal history section, the packet will be marked incomplete and returned to the CPA.

Chief Administrators and Licensee Designees

1. To pursue fingerprints for a proposed chief administrator or licensee designee for a CPA or CCI, the agency is required to contact their assigned DCWL consultant.
2. The DCWL consultant will review the proposed individual's education and qualifications to ensure compliance with licensing rules.
3. Once approval has been given by the DCWL consultant, contact with the DCWL-LASO will be initiated to complete the appropriate application, CWL-1326-CCI/CPA, and RI-030.

Fingerprints obtained by a chief administrator or licensee designee without the prior to approval by the DCWL consultant and outside of the above noted procedure, will be rejected by DCWL. Fingerprints will be required to be recaptured at the expense of the CCI or CPA.

Relative Caregivers for Foster Care Placements

See [FOM 722-03B, Relative Engagement and Placement](#).

Rejection of Fingerprints

DCWL is required to comply with CJIS Security Policy, referenced in the above procedure, when fingerprinting an applicant. Failure to comply with these requirements may result in the loss of access by MDHHS as well as by private agencies, who receive the confidential information.

DCWL will reject applicant fingerprints for processing under the following circumstances:

- Failure of the applicant to sign and/or date the fingerprinting forms or RI-030.
- Altering of signatures or dates of signature. The applicant's signature and date must be clear to ensure consent and authorization was obtained prior to the capturing of the fingerprints.
- An outdated or obsolete version of the fingerprinting forms or RI-030 is used by the applicant at the time of printing.
- For foster home licensing: If the CWL-3889 is not signed and dated by both or one applicant, or if the CWL-3889 is signed or dated after the applicant fingerprints are captured.

Rap Back

The print codes that have authorization for Rap Back is AWF and CCI. DCWL will receive an electronic notification from MSP when an applicant engages in any criminal activity where fingerprints are taken and submitted to the NGI System.

For AWF, the CW-CHRI Rap Back results will be uploaded into the secure criminal history hyperlink in CWLM by DCWL. Once the CW-CHRI Rap Back is uploaded into CWLM under the individual's secure criminal history provider tab the CPA case manager will receive an email notification from DCWL staff.

DCWL will close the fingerprint Rap Back when a foster parent closes their license. A new fingerprint record will be needed for all foster homes to reopen regardless of the license closure date.

Applicant Challenge and Correction Process

Pursuant to federal statute, if an authorized governmental or non-governmental agency conducts a national fingerprint-based criminal history record check and utilizes this information to determine an applicant's suitability, the agency must advise the applicant of their opportunity to challenge or correct the record.

If an applicant believes their fingerprint based criminal history is incorrect or inaccurate the applicant should request a [CWL-4614, Criminal History Record Information Challenge or Correction](#), from the CPA they are working with for licensing or adoption.

The applicant must review and sign the requested CWL-4614 prior to a case manager providing a copy of the CW-CHRI. This document informs the applicant of their right to challenge the information in CW-CHRI if they believe the information is inaccurate.

Upon receiving the CWL-4614 request form, the agency will have five business days to provide a copy of the CW-CHRI to the applicant. The CPA authorized personnel that provide the record is required to document the information on a secondary dissemination log; see *Secondary Dissemination Section*.

The MSP CJIS challenge or correction process states that if an applicant is disputing the accuracy of their criminal history records, the individual should obtain certified copies of the court judgment or documents which show that the information contained on the criminal record is incorrect. For assistance in obtaining criminal history information, applicants should contact:

For out of state records:

FBI, Criminal Justice Information Services Division
ATTN: Criminal History Analysis Team 1
1000 Custer Hollow Road
Clarksburg, WV 26306

For State of Michigan records:

- Call: 517-241-0606
- Email: MSP Criminal Records Division Employment/Licensing Mailbox at MSP-CRD-APPLHELP@michigan.gov

Pursuant to the MSP challenge/correction process, if the proof provided is satisfactory, the MSP will modify the record accordingly. The applicant may send the documents to:

Michigan State Police -- CJIS
Attn: Criminal History Record Correction
P.O. Box 30634
Lansing, MI 48909

CRIMINAL HISTORY RECORDS INFORMATION

The CJIS security policy, mandates procedures for agencies that receive the results of fingerprint-based criminal history. The MSP adopted the CJIS security policy as state policy and monitors agencies receiving CHRI for compliance.

The information contained in the results and responses received from applicant fingerprint-based criminal history searches is considered CW-CHRI.

CW-CHRI must be held to the requirements in CJIS security policy whether the results indicate a criminal history or no criminal history for the individual. The information contained in CW-CHRI must be held to the same level of security whether it is the original document or any other format.

Secure Criminal History

Contracted CPAs Utilizing the Electronic Case Management System

DCWL will complete the processing of the fingerprint results for adoption in the person profile of the electronic case record. The CW-CHRI results, CWL-1326, and RI-030 for each applicant will be scanned and uploaded into the secure criminal history hyperlink in the person profile of the electronic case record. Once the CW-CHRI is uploaded, the CPA case manager identified will receive an email from DCWL.

To access the secure criminal history hyperlink a two-step security requirement must be established.

1. The assigned adoption case manager or supervisor must be assigned to the provider record in the correct role. For example, the adoption case manager must be assigned to the adoption case record in the role of adoption caseworker.

2. The correct person identification number (PID) for the applicant must be linked to the case. If these two steps are not completed, the adoption case manager or supervisor will not be able to view the fingerprint information within the secure criminal history hyperlink.

Once the upload is complete, DCWL will send an email to the assigned CPA adoption case manager to notify that the information has been processed and is available to view.

Adoption case managers are prohibited from printing, saving, or completing a screenshot of the information in the secure criminal history hyperlink. Adoption supervisors are the only individuals that may print from the secure criminal history hyperlink for adoption purposes only.

The only other secure location where CW-CHRI information may be uploaded is the adoption assistance shell for review and approval of subsidy assistance at the time of adoption; see Background Checks and Clearances in [AAM 200, Adoption Assistance Eligibility and Funding Determination](#).

The adoption supervisor is the identified individual who is required to scan and upload the CWL-1326, RI-030, and fingerprint results to the adoption assistance shell within the electronic case record. Once this task is completed, the adoption supervisor is required to immediately delete all documents pertaining to CW-CHRI from their computer.

Non-Contracted CPAs without Electronic Case Management System Access

The CW-CHRI results, CWL-1326, and RI-030 for non-contracted agencies will be mailed in a sealed envelope marked confidential to the identified CPA.

Contracted CPAs Utilizing CWLM

DCWL will complete the processing of the fingerprint results for licensing in CLWM. The case manager will upload all required documents (CWL-3889 and RI-030) for all applicants and route to DCWL by sending the secure criminal history section to the Fingerprint Tech Review within CWLM.

The CW-CHRI results, for each applicant will be uploaded into the secure criminal history hyperlink in CWLM by DCWL. Once the

CW-CHRI is uploaded into CWLM under the individual's secure criminal history provider tab the CPA case manager will receive an email notification from DCWL.

To access the CWLM secure criminal history a security requirement must be established. The assigned licensing case manager or supervisor must be assigned to the provider record in the correct role.

Following the upload of fingerprint documents into the CWLM secure criminal history shell, the assigned CPA licensing case manager can then upload additional documents as part of their criminal history assessment or Administrative Review Team narrative.

Licensing case managers and supervisors are prohibited from printing, saving, or completing a screenshot of the information in the CWLM secure criminal history shell.

CW-CHRI ACCESS TO AUTHORIZED PERSONNEL

All personnel requiring access to CW-CHRI must first be deemed authorized personnel. Authorized personnel are individuals who are approved to view Child Welfare Criminal History Record Information (CW-CHRI). Prior to access of CW-CHRI, authorized personnel must receive and complete the following items and have them filed in their personnel record:

- ICHAT results.
- Successful completion of Security Awareness Training (SAT).

At the time of hire if an employee of any CPA is found to have any criminal history, a review of this criminal history is required per licensing rule Child Placing Agency Licensing Rule 400.122.12 Personnel Records. The review must include the following:

- The chief administrator or their designee shall complete a written evaluation of the convictions that addresses:
 - The nature of the conviction.
 - The length of time since conviction.
 - The relationship of the conviction to regulated activity.

- A written statement from the employee regarding the convictions.
- Documentation from the department that the person has not been named in a central registry case as the perpetrator of child abuse and/or neglect in Michigan or in any state where the person lived in the 5 years preceding the hire.

For MDHHS hires, the above noted process and evaluation will be completed by MDHHS Office of Human Resources. The documents must be retained in an individual's personnel records for the length of their employment plus seven years following their departure from state employment.

For all other CPAs, as indicated in the rule the chief administrator or their designee will complete this process. The documents must be retained in individual's personnel records for the length of their employment plus three years following their departure from employment with that CPA. At the time of an annual audit, this evaluation will be required to be reviewed at the request of the DCWL consultant or DCWL LASO during a statewide audit by MSP or the FBI.

Note: Authorized personnel access is denied if the individual has ever had a felony, no matter when it occurred.

Subsequent Arrest or Conviction

In the event a CPA employee who has access to CW-CHRI is subsequently arrested or convicted of a crime, the following steps are required to be completed by the CPA chief administrator or their designee.

- Notification to the assigned DCWL consultant within 24 hours of the CPA notification of the subsequent arrest or conviction.
- Suspension of the employee's access to both physical and electronic CW-CHRI. A CPA's authorized requestor is required to immediately deactivate the suspended employee's access to electronic case management systems, thereby removing their access to the secure criminal history hyperlink.
- Suspension of their access will be maintained until the outcome of an arrest, allegation, or charges are determined.

- If the CPA would like to reinstate the employee's access following the conclusion of the criminal investigation or judicial process, a review by the DCWL-LASO and DCWL director is required to determine if continued access is appropriate.
- If approval is not granted for restatement of CW-CHRI access by the DCWL director, the employee shall have their access to CW-CHRI suspended indefinitely or duties reassigned if a conviction results in a felony.

Personnel Training

All personnel, contractors, vendors, and external auditors who have access to CW-CHRI are required to complete Security Awareness Training (SAT). Training is available on the Learning Management System (LMS) for MDHHS personnel and contractors with access to LMS. Non-contracted agencies will complete [Fingerprint Security Awareness Training](#) via the MDHHS public licensing website.

SAT is required to be taken prior to initial assignment working in a position with CW-CHRI access and every year thereafter. CPAs are responsible for ensuring all personnel with CW-CHRI access completes SAT timely. SAT certificates must be maintained in all employee personnel files and/or their LMS transcripts to confirm completion of training.

Auditors

All auditors must have and provide proof of a statutory basis for their specific requirement and need to view CW-CHRI. Auditors must document how staff that view CW-CHRI receive a criminal history check and complete the SAT course prior to being granted access to CW-CHRI records. All auditors must also be reviewed and approved by DCWL and MSP prior to access to CW-CHRI in accordance with CJIS Security Policy. Auditors include but are not limited to the Office of Attorney General (OAG), Title IV-E auditors, private agency auditing groups, and other accrediting bodies.

Employment Termination and Change

When a MDHHS or CPA employee is terminated from employment or departs the agency for any reason, their access to CW-CHRI will be immediately terminated. MDHHS managerial staff are required to use the [DHS-50, Employee Departure Checklist](#) at the time of employee departure. Contracted private CPAs, and non-contracted CPAs must document the date the individual was terminated or left

the agency and the date their access to physical and electronic CW-CHRI was removed. The CPA's electronic case management systems authorized requestor must deactivate the employee's access as soon as possible, but no later than next business day after the employee's departure from the CPA.

Change in Role or Position within the CPA

CPAs are responsible for ensuring all staff who have access to CW-CHRI have a cleared criminal history check and have successfully completed SAT when moving to a position with CW-CHRI access.

If an employee moves to a position and no longer requires CW-CHRI access, their physical and electronic access to CW-CHRI must be immediately terminated. The date of position or role change shall be documented in the employee personnel file and a copy of the [DHS-815 MiSACWIS Security Agreement - Non MDHHS Employee](#), [DHS-816 MiSACWIS Security Agreement- MDHHS Local Office Employee](#) or [DHS-817 MiSACWIS Security Agreement - MDHHS Central Office Employee](#), if applicable, removing their electronic case management access to the secure criminal history hyperlink.

Sanctions for Personnel Non-Compliance

Persons found non-compliant with state or federal law, current FBI CJIS Security Policy, rules, or regulations, including MDHHS policy regarding CW-CHRI, may be formally disciplined. Discipline may include but is not limited to, counseling, reassignment of duties, disciplinary action on the CPA, dismissal, and/or prosecution. Discipline will be based on the severity of the infraction and at the discretion of DCWL, MDHHS OHR, and/or the CSO of MSP.

HANDLING CW-CHRI MEDIA

All licensed CPAs will be required to meet all computer encryption and destruction standards defined in CJIS.

Controlled Area Requirement

Electronic and physical CW-CHRI media must be securely stored within physically secure locations or controlled areas. Access to such media is restricted to authorized personnel only and secured

at all times when not in use or under the supervision of an authorized personnel.

A controlled area is defined as a physically secure location where CW-CHRI is stored and processed. If a secure location cannot be established, then access to the area where CW- is stored must be limited to authorized personnel. CW-CHRI must be locked and secured when unattended and computer screens will be positioned in such a way to prevent unauthorized access or view.

Physical CW-CHRI Media

Physical CW-CHRI media must be stored in a separate file designated for CW-CHRI.

Physical media is defined as any paper copies of documents containing CW-CHRI including but not limited to the physical results of the fingerprint-based criminal history, CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home description and assessment of the fingerprint-based criminal history in the CWL-3130, Initial Foster Home/Adoption Evaluation or the DHS-612, Adoptive Family Assessment Addendum.

Physical CW-CHRI media must be maintained in a secure location such as within a lockable filing cabinet, closet, office, safe or vault. The secure location should only be accessible by authorized personnel.

Note: CW-CHRI is **not** to be stored in the child's case file.

Physical Media in Transit

Transportation or movement of physical CW-CHRI media from one office to another must occur through State of Michigan interdepartmental mail system or through the United States Postal Service in a sealed envelope marked confidential.

Disposal of Physical Media

Physical CW-CHRI media retained by MDHHS, or a CPA will be destroyed according to the retention schedule of the adoption family file or licensing file designated by rules or policy.

When physical CW-CHRI is destroyed it must be cross shredded by *authorized personnel*. Destruction of physical CW-CHRI media

must be documented in a destruction log maintained by DCWL, MDHHS OHR, the MDHHS local office or the non-MDHHS CPA with CW-CHRI access.

The log must include the following:

- The first and last name of the applicant.
- The TCN# associated with the fingerprint.
- The date the record was destroyed.
- The authorized personnel who destroyed it.

Electronic CW-CHRI Media

Electronic CW-CHRI Media must be secured through encryption as specified in the CJIS Security Policy.

The electronic case management system and CCWIS Secure Criminal History Section is the only approved electronic system to store CW-CHRI.

Electronic Media in Transit

Electronic transmission of CW-CHRI media over State of Michigan email or any other email server is not permitted.

The transmission of CW-CHRI from MDHHS to CPAs for the purposes of foster home licensing and adoption is governed by the Social Security Act, 42 USC 71(a)(20). The transmission of CW-CHRI from MDHHS to CPAs is called secondary dissemination and occurs through the United States Postal Service in a sealed envelope or through the electronic case management system; see *Secondary Dissemination* section.

Electronic Media Sanitization and Disposal

All computers and digital media are disposed of according to [DTMB's Secure Disposal of Installed and Removable Digital Media Standard](#).

CCWIS resides on Salesforce Government Cloud Plus using Amazon Web Services (AWS) which is FedRAMP certified High and includes approved media protection policies and procedures.

SECONDARY DISSEMINATION

Secondary dissemination is the transmission of CW-CHRI from one authorized agency to another. Transactions of secondary dissemination must be documented. The log must include the following:

- The date the record was shared.
- Record disseminated.
- The requesting agency the response was shared.
- The specific individual the CW-CHRI is given to.
- Method of sharing (U.S. Mail, physical person-to-person, system notification).
- Name of agency personnel that shared the CW-CHRI.

Examples of secondary dissemination include:

- MDHHS sharing fingerprint-based criminal history information with an MDHHS or non-MDHHS CPA for the purpose of foster home licensing or adoption.
- CPA sharing the results with a Michigan court for the purposes of adoption.

CPAs that receive CW-CHRI for the purposes of adoption and foster care are subject to the CJIS Security Policy requirements and will be monitored for compliance during the annual licensing inspection.

CPAs are permitted to disseminate CW-CHRI with courts for the approval of adoptions or for foster home licensing with other CPAs when a foster home license or enrollment is transferred and when two or more adoptions are completed by the same family in the same year.

Note: CW-CHRI completed for foster home licensing may not be disseminated for adoption purposes or vice versa even within the same CPA.

CW-CHRI completed for Chief Administrators, Licensee Designees, and Guardianship are not disseminated.

Out of State Dissemination Regulations

Pursuant to the Noncriminal Justice Online Policy Resources Title 28, U.S.C., Section 534, Code of Federal Regulations (C.F.R.), Section 20.33, Section 50.12, Part 906 CJIS Security Policy (Appendix J 5.1.3 Secondary Dissemination) CPAs are prohibited from disseminating CW-CHRI documents for applicants or licensees across state lines for any purpose. This includes CW-CHRI in original form or narrative evaluations.

CPAs are permitted to document the State of Michigan complies with the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248, Title I, Subtitle C, Sec. 151 or 24 USC 20961. If the applicant has no criminal history, this shall be the statement documented in the narrative assessment.

Note: It is a violation of CJIS Security Policy to document language that says a determination was based on national fingerprint-based criminal history.

If the applicant has a criminal history, the CPA is permitted to use the fingerprint-based criminal history response as a tool to collect public documents, court orders, and police reports to assess the individual's criminal history. The public documents collected, the content they contain, and the applicant's self-reported statements can be documented in the narrative evaluation released to the respective state.

EVENT REPORTING AND ESCALATION

When MDHHS or non-MDHHS CPA staff detect or confirm a breach in the security of the CW-CHRI, staff must immediately report the breach to their direct supervisor. The supervisor and management team of the MDHHS office or CPA must immediately secure CW-CHRI. The incident must be reported immediately by email to MDHHS-LASO-DCWL@michigan.gov.

For further information see [DTMB's How to Handle a Security Breach](#).

The mailbox: MDHHS-LASO-DCWL@michigan.gov is monitored by the DCWL LASO, fingerprint unit manager, and organizational

support. Upon receipt of a report of a security breach, DCWL will take the following steps:

- The LASO will follow steps outlined in the [MDHHS Breach, Security Incident or Impermissible Use or Disclosure policy](#).
- The DCWL LASO will complete the [DCH-1422, Incident Report](#) and send to MDHHSPrivacySecurity@michigan.gov.
- The DCWL LASO will notify DTMB Client Service Center if the breach in security is related to CWLM or the electronic case management system.
- The DCWL LASO will complete the CJIS 016, Information Security Officer (ISO) Security Incident Report and send to the Michigan State Police.
- The DCWL LASO will provide support to the Compliance and Data Governance office regarding the investigation and track all data incidents relating to CW-CHRI.

Any known or suspected incidents of security breaches will be reported to the Compliance and Data Governance's mailbox. The Compliance and Data Governance office will contact anyone involved in the incident, gather evidence, and review the data and/or system involved in the unauthorized disclosure. The Compliance and Data Governance may choose to take legal action by contacting MDHHS's Bureau of Legal Affairs. The Compliance and Data Governance office provides evidence and cites the relevant confidentiality law.

The Compliance and Data Governance will track all data incidents involving MDHHS's program areas, data, and systems. All relevant documents and communications will be retained. The Ethical Standards and Conduct Rule ([Civil Service Rule 2-8](#)) serves to promote and protect the integrity of government. It is incumbent upon each member of DCWL to be knowledgeable concerning their personal responsibility in these areas.

ADDITIONAL CLEARANCES

DCWL completes additional clearances for adult household members and international adoption applicants.

Adult Household Members

Adult household members are **not fingerprinted** for adoption or foster home licensing; MCL 722.115j(1). Adult household members complete the [CWL-1326-AH, Licensing Record Clearance Request - Foster Home/Adoptive Home](#) specifically for adult household members and submitted by the CPA working with the family. DCWL completes state-based clearances for these individuals.

International Adoption Applicants

International adoption applicants are fingerprinted through Homeland Security. International adoption applicants complete the CWL-1326-IA specifically for this purpose. DCWL completes state-based clearances for these applicants. The completed CWL-1326-IA is returned to the agency via United States Postal Service.

Note: The CWL-1326-IA is not available on public websites. To access the most updated version of these forms, contact the DCWL-LASO at MDHHS-LASO-DCWL@michigan.gov.

LEGAL AUTHORITY

Federal

Adam Walsh Child Protection and Safety Act of 2006 (H.R. 4472-109th Congress)

The Adam Walsh Child Protection and Safety Act was enacted in July of 2006 with a reauthorization of the act in 2012. The Adam Walsh Act references the Social Security Act Section 471, pursuant to the collection of fingerprint-based background checks for individuals under consideration by a child welfare agency as prospective foster or adoptive parents.

The transmission of CW-CHRI from MDHHS to CPAs for the purposes of foster home licensing and adoption is governed by the Adam Walsh Child Protection and Safety Act.

42 U.S.C 671(a)(20)(A)&(B)

Requirement to complete fingerprint-based background checks of national crime information databases for any prospective foster or adoptive parent before approval of any placement.

State**Child Care Organizations Act, 1973 PA 116**

The Child Care Organizations Act, commonly referred to as Act 116, was enacted to provide for the protection of children through licensing and regulations of child care organizations, to establish standards, prescribe power and duties to certain departments, and to provide for penalties in the event such standards are not followed.

Child Care Organizations Act, 1973 PA 116, MCL 722.115h

Application for or to renew a license to operate foster family home or foster family group home; criminal history check required; procedures.

Child Care Organizations Act, 1973 PA 116, MCL 722.115k

Storage and maintenance of fingerprints; automated fingerprint identification system database.

Under this act, an automated fingerprint identification system provides for an automatic notification at the time a subsequent criminal arrest matches a set of fingerprints previously submitted for an applicant or licensee, this is commonly referred to as Rap Back. Upon such notification, the MSP shall immediately notify the department and the department shall immediately contact the respective CPA that maintains the foster family home or foster family group home.

Guardianship Assistance Act, 2008 PA 260, MCL 722.874(b)

The approval process must include criminal record checks and child abuse and neglect central registry checks on the guardian and all adults living in the guardian's home as well as fingerprint-based criminal record checks on the guardian.

**Bureau of Criminal Identification and Records Act, 1925 PA
289, MCL 28.241a**

Provides definition of criminal history record information.

POLICY CONTACT

General questions about this policy item may be directed to Child-Welfare-Policy@michigan.gov.