



**Answers to Frequently Asked Questions about FCASPL 314
(Criminal Records Check Procedures for Child Care Staff, Foster and/or Adoptive
Caregivers and Applicants)**

GENERAL

Q: Where should I send the lists of child care staff, foster/adoptive applicants and foster/adoptive caregivers? The procedure letter isn't clear on this.

A: The lists may be included first with the batch of information being transmitted via Kofax. Alternately, the lists can be sent directly to your agency's assigned specialist, or to the supervisor. PLEASE NOTE: Although the lists can be transmitted via email, the actual criminal records check documents CANNOT; these must be sent via Kofax.

Q: When is the effective date that we should begin to use the fax cover sheet when requesting records checks?

A: Use the fax cover sheet only to send the results to ODJFS via Kofax, not when requesting the checks.

Q: What do I need to submit if the criminal records check shows hits and/or the FBI letter states that the individual may not meet conditions?

A: Submit via Kofax all information that would prove that an individual's criminal records check is complete. In other words, include rap sheets and supporting documentation that verifies there were no prohibitive conditions, or that verifies all rehabilitation standards were met, as applicable.

Q: Are we supposed to use a new cover sheet for each individual?

A: Yes. Agencies must send a separate JFS 01291, "FCL Criminal Records Check Document Fax Cover Sheet," with each individual's documentation via Kofax. Please use ONLY the JFS 01291 and not an additional or substitute cover sheet. Agencies that submit any criminal records check information without the JFS 01291 as the cover sheet will be asked to resubmit the documents in proper form.

Q: When the procedure letter asks "Date of FBI/BCII check conducted date," does that mean the date that FBI/BCII completed the check or when we had the person in to do the screening?

A: It means the date the individual was fingerprinted.

Q: When the procedure letter asks "Date FBI/BCII received," what exactly are they looking for?

A: This means the date you got the results. If you got the results via WebCheck, use the date you opened it.

FOSTER/ADOPTIVE PROVIDERS

Q: Do we need to submit information for foster care and adoption applicants, or do we wait until they are certified/approved?

A: You must submit a list of all foster/adoption applicants for whom criminal records checks have been completed. You must then submit a JFS 01291, "FCL Criminal Records Check Document Fax Cover Sheet," for each person on this list, along with the criminal records check results, via Kofax. Upon certification, agencies may indicate on the list that the certified foster/adoptive caregivers' information was previously submitted and include the date of submission to avoid duplication.

Q: Why are we sending criminal records checks for applicants prior to approving/recommending them for license?

A: Ohio Administrative Code Rule 5101:2-5-09.1 requires applicants to have criminal records checks. Federal regulations require ODJFS to review those records checks for compliance.

Q: The procedure letter indicates that the list of applicants must include the date of recommendation for each person. What does this mean? Applicants don't have recommendation dates yet.

A: This category may be left blank on your applicant list. However, it must be completed for certified/approved caregivers.

Q: Do we need to include both BCII and FBI result information?

A: For the initial batches, both BCII and FBI results must be sent. In the future, during subsequent recertifications/updates for that caregiver, just the new BCII results will be needed.

Q: For caregivers who have been certified/approved for a number of years, which criminal records checks are needed?

A: For the initial list and batch, include the checks completed with the initial recommendation/approval, as well as the most recently completed BCII check.

Q: What should I enter on the list for newly licensed/approved caregivers who have had criminal records checks completed only once so far? Should I list the same date for "previous BCII check conducted" and "current BCII check conducted," or should I leave one of them blank?

A: You can write the same date in both places, or write "same" in the second spot.

Q: What should I do about household members? The JFS 01291 isn't set up for these folks.

A: All adult household members must pass the BCII and FBI criminal records checks in the same manner as the applicants/caregivers. However, their results do not need to be included in the lists, or submitted via Kofax. ODJFS will continue to monitor criminal records check compliance for adult household members as part of ongoing records reviews conducted at your agency.

Q: We are a PCSA. Do we need to include adoptive applicants and parents in our information, too, or just foster care applicants and parents?

A: PCSAs must include adoptive applicants and caregivers, even if they are not foster caregivers.

Q: Do we use the same code, 2151.86, for kinship and relative criminal records checks?

A: We are checking on this. In the meantime, please be aware that you do not need to send kinship/relative results via Kofax unless the kin/relatives have applied to be or are certified foster caregivers and/or adoption-approved.

Q: We know that we need to request and receive criminal background checks before we initially recommend/approve a home; we also know that we have to request them prior to recommendation/approval every 4 years thereafter. However, we have a few families for whom fingerprints were done late. Will this be a problem?

A: If ODJFS previously cited this in a review, and if your agency addressed it at that time with corrective action for those families/homes, no further corrective action will be needed. However, if this issue was not previously known to ODJFS, the licensing specialist will have to document the issue through a finding of noncompliance, and your agency will need to complete a corrective action plan.

RESIDENTIAL CHILD CARE STAFF

Q: Do criminal records checks completed for independent living staff have to be submitted too?

A: No. Only child care staff for residential facilities must be submitted. This includes group homes, children's residential centers, residential parenting facilities and crisis care facilities.

Q: Are child care agencies required to send their criminal records checks here?

A: No. This procedure applies only to child care staff for residential facilities and foster/adoptive caregivers. Child care agencies should follow the procedures established by the ODJFS Office of Family Assistance's Child Care Licensing and Monitoring Section.

Q: We know our agency needs to request criminal background checks prior to hire. However, we have a few long-term staff for whom our agency did not complete the fingerprints until after they were hired. Will this be a problem?

A: If ODJFS previously cited this in a review, and if your agency addressed it at that time with corrective action for those families/homes, no further corrective action will be needed. However, if this issue was not previously known to ODJFS, the licensing specialist will have to document the issue through a finding of noncompliance, and your agency will need to complete a corrective action plan.