



11/30/21

BACKGROUND CHECK REQUIREMENTS

Summary

A state-by-state analysis was conducted to understand the background check requirements that kinship caregivers must adhere to in order to care for their relative's children. Most state laws do not differentiate between foster parents and kinship caregivers/guardians for background check requirements. All states require kinship caregivers to provide fingerprints as part of the background check process. Many states' child welfare agencies have additional regulations within their administration policies for background checks that must be complied with, in addition to what is mandated through state statutes. These additional requirements may be impeding kinship caregivers from becoming successfully licensed as foster parents, and thus make them ineligible for critical benefits necessary to support children in being placed with relatives in long-term, stable placements, and ultimately securing permanency with relatives they know and trust.

ALABAMA

- You are at least 19 years of age.
- You can provide a safe, comfortable atmosphere for the child.
- Your home conforms to Alabama Minimum Standards for Foster Family Homes.
- Your home has enough space for the child and his or her belongings.
- All members of your family are willing to share their home with a child who needs care.
- All members of your family are in good health.
- All adults in the home are willing to undergo a thorough background check, including criminal history.

<https://dhr.alabama.gov/foster-care/>

- A fingerprint-based criminal history background information check is required for current and prospective foster parents and all adult household members.
- A criminal history background information check will not be conducted on a current foster parent or household member of a foster family if an FBI and State criminal history background information check has already been conducted under other law.

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

ALASKA

Who needs a background check: potential caregivers, and all members of their household age 16 or older

Type of background check: Criminal history check through the registry of certified nurse aides, the central registry of sex offenders and child kidnappers, The U.S. Department of Health and Human Services, Office of the Inspector General, any other registry or database determined by the department to be relevant to the screening being conducted, including professional licensing registries and any registry or database maintained by another State where that individual has resided

Grounds for disqualification:

Permanent barrier crimes:

- A felony offense against a minor or adult, or a crime involving domestic violence
- Third degree assault
- Indecent exposure
- Arson
- Endangering the welfare of a child or vulnerable adult
- Failure to register as a sex offender or child kidnapper
- Any sex offense including but not limited to: distribution of child pornography, inducing or causing a minor to engage in sex trafficking

Ten-year barrier crimes:

- Stalking
- An offense against property, including theft, issuing a bad check, fraud, burglary, criminal mischief, or forgery
- Terroristic threatening, if it is a crime involving domestic violence
- An offense against public order including misconduct involving weapons and criminal possession of explosives
- Promoting prostitution of a person age 18 or older (first degree)
- Misconduct involving a controlled substance
- Three or more DUIs in the preceding ten-year period
- Delivery of an imitation controlled substance to a minor

Five-year barrier crimes:

- An offense against a person including fourth degree assault, reckless endangerment, custodial interference, or coercion
- Second-degree endangering the welfare of a child
- Contributing to the delinquency of a minor
- Failure to report a violent crime committed against a child

- Cruelty towards animals
- Promoting prostitution (second degree)
- Fourth-degree drug related offense

Three-year barrier crimes:

- Third-degree theft
- Crimes involving domestic violence, including criminal trespass, violating a protective order, or criminal mischief
- Interfering with a report of a crime involving domestic violence

<https://dhss.alaska.gov/ocs/Pages/fostercare/ready.aspx#meet>

<http://www.akleg.gov/basis/aac.asp#7.10.905>

ARIZONA

Who needs a background check: potential caregivers and all adult members of the household

Type of Background Check: federal and state background check and state registry

Grounds for Disqualification:

Crimes that disqualify an applicant but eligible for a ‘good cause’ exemption:

A person awaiting trial for or who has been convicted of committing or attempting, or conspiring to commit offenses, in Arizona or other states: *(this list includes 66 items, some examples from this list are given below):*

- Manslaughter
- Endangerment
- threatening or intimidating, assault,
- unlawfully administering intoxicating liquors, narcotic drugs, or danger drugs
- discharging a firearm at a structure
- indecent exposure
- aggravated criminal damage
- theft or shoplifting
- forgery or criminal possession of a forgery device,
- fraud
- false statement as to financial condition
- possession, use, or sale of marijuana, dangerous drugs, or narcotic drugs,
- misconduct involving weapons or explosives
- a criminal offense involving criminal trespass

Crimes that are not eligible for exemptions:

- Sexual abuse, exploitation, or molestation of a child or vulnerable adult
- Incest
- Homicide, including murder, manslaughter, and negligent homicide
- Sexual assault
- Child prostitution
- Child abuse or felony child neglect
- Sexual conduct with a minor
- Dangerous crimes against children
- Exploitation of minors involving drug offenses
- Taking a child for the purpose of prostitution
- Abuse or neglect of a vulnerable adult
- Production, publication, sale, possession, and presentation of obscene items
- Furnishing harmful items to minors
- Furnishing harmful items to minors by Internet activity
- Obscene or indecent telephone communications to minors for commercial purposes
- Pandering (coercing or encouraging someone to engage in prostitution)
- Transporting persons for the purpose of prostitution, polygamy, and concubinage
- Any felony offense involving contributing to the delinquency of a minor
- Unlawful sale or purchase of children
- Child bigamy
- Any felony offense involving domestic violence
- Felony drug- or alcohol-related offenses if committed within the past 5 years
- Felony indecent exposure

<https://www.azleg.gov/ars/41/01758-03.htm>

Arizona 41-1758.03

ARKANSAS

- Checking to see if there has ever been a charge of child abuse or neglect that was found to be valid against anyone living in your household.
- Checking the criminal background of members of the household.
- Checking to make certain the house meets certain standards.
- Checking that family members are in good physical and mental health.

http://www.arkansasvoices.org/uploads/1/4/9/2/14920838/handbook_for_kinship_caregivers.pdf

CALIFORNIA

Who needs a background check: Potential caregivers and all other adults in their household

Type of Background Check: FBI and State criminal records checks, Child Abuse Central Index (will only deny license if child abuse or severe neglect is substantiated)

**If the caregiver or any adult household member has lived outside California in the preceding five years, additional checks for those state's child abuse and neglect registries will be required

Grounds for Disqualification: If the State Department of Social Services finds that the applicant, or any other adult member of the applicant's household has been convicted of a crime other than a minor traffic violation, the application shall be denied, unless the department grants an exemption pursuant to subdivision.

Exemptions cannot be granted for the following crimes:

- Offenses for which a person must register with the sex offender registry, including kidnapping, sexual assault, child pornography, and child sexual exploitation
- Assault with a deadly weapon
- Infliction of injury on a present or former spouse or cohabitant or parent of a child
- Endangering a child or causing or permitting a child to suffer physical pain, mental suffering, or injury
- Any felony conviction for child abuse or neglect; spousal abuse; crimes against a child, including child pornography; or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery
- A felony conviction that occurred within the past 5 years for physical assault, battery, or a drug- or alcohol-related offense

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=1522

COLORADO

Who needs a background check: Potential caregivers and all adults age 18 or older in their household

Type of Background Check: fingerprints for criminal history record checks through the Colorado Bureau of Investigation and the FBI

**If the caregiver or any adult household member has lived outside of the state of Colorado in the preceding five years, the department will conduct background checks in those states child abuse and neglect registries

- Child abuse
- A crime of violence
- Any felony offenses involving unlawful sexual behavior
- Any felony act of domestic violence
- Any felony involving physical assault, battery, or a drug-related offense within the preceding 5 years
- A pattern of misdemeanor convictions within the preceding 10 years

<https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzktYTkxMS04YmJhNjB1NWUwYzYKAFBvZENhdGFsb2e4CaPI4cak6laXLCWYLBO9&crd=05b7712f-548d-4087-b4d8-4656aac7462f>

Colorado Revised Statute- 26-6-107

CONNECTICUT

- Those who are considering becoming foster parents will have to undergo a state and national criminal history records check in addition to a child abuse history check.

<https://adoption.com/foster-care-ct>

- A State and national criminal history records check and a State child abuse registry check are required for a prospective foster parent and any household members age 16 or older.

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

DELAWARE

- Must be at least 21 years of age and no older than 65 participate in 27 hours of pre-service training, pass a criminal background check and fingerprint screening, are of all races and religions, pass home, health and safety studies, are economically stable, provide references
- Child abuse registry check
- Completion of required family interviews (three)
- Completion of the physical environment safety check

<http://icpcstatepages.org/delaware/foster-care/>

DISTRICT OF COLUMBIA

A criminal records check is required for a person to be approved as a foster parent or kinship caregiver. A person will not be licensed as a foster parent if he or she or an adult residing in the foster parent's home has a felony conviction for any of the following offenses or their equivalents:

- Child abuse, child neglect, or an intra-family offense
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including physical assault or battery
- Physical assault, battery, or a drug-related offense, if committed within the past 5 years

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

FLORIDA

The department shall conduct a criminal history records check on all persons being considered by the department for placement of a child, including all nonrelative placements. All members of the household of the person being considered and frequent visitors to the household also must be checked.

A criminal history records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the FBI for State and national criminal history information, and local criminal records checks through local law enforcement agencies. A criminal history records check also must include a search of the department's automated abuse information system.

The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

- Child abuse, abandonment, or neglect
- Domestic violence
- Child pornography or other felony in which a child was a victim of the offense
- Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim

The department may not place a child with a person other than a parent if the criminal history records check reveals that the person, within the previous 5 years, has been convicted of a felony that falls within any of the following categories:

- Assault

- Battery
- A drug-related offense

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

GEORGIA

- Completion of a comprehensive home assessment, including all required background checks – unless an emergency placement is made
- If an emergency placement is made, the relative/kinship caregiver assessment must be completed and submitted for approval within 30 days of the emergency placement.

<https://fostergeorgia.com/options-for-relatives/>

- Fingerprint records criminal background check
- If they have not resided in Georgia for 5 years they will need additional documentation from the other state they resided in

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

HAWAII

Who needs a background check: Potential caregiver and all adults age 18 or older in their household

REQUIREMENTS:

- Federal and state criminal record check
- Child abuse and registry check
- Verification of employment or volunteer position in the state of Hawaii
- Employment history check
- Any other information obtained by the state department regarding a person's ability or suitability to provide child care

Grounds for Disqualification:

- The department may deny a certificate of approval if the applicant was convicted of a crime other than a minor traffic violation involving a fine of \$50 or less **AND** if the department finds that the criminal history record or child abuse registry history of an operator, employee, new employee, or adult residing in a resource family home poses a risk to the health, safety, or well-being of the children in care.

<http://icpcstatepages.org/hawaii/criminalbackground/>

<https://humanservices.hawaii.gov/wp-content/uploads/2021/09/CHAPTER-17-801-Background-Checks.pdf>

Hawaii Administrative Rule: S17-801-4 Background Checks (effective 8/06/21)

IDAHO

Who needs a background check: Potential caregiver and other adult household members

Requirements:

- Federal and state criminal background checks
- Check of statewide child abuse register

Grounds for Disqualifications:

- Unconditional Denial (permanent and ineligible for appeal)
- Any type of sex crime, including but not limited to: sexual abuse or exploitation of a vulnerable adult or minor, sexual assault of a person of any age, female genital mutilation, coercing minors or soliciting minors for prostitution, video voyeurism of a minor, incest
- Crimes against vulnerable adults
- Felony assault or felony domestic violence
- Arson
- Human trafficking or kidnapping
- Manslaughter, murder, or assault to commit murder
- Mayhem
- Felony stalking
- Robbery
- Sale or barter of a child
- Child abuse

Five Years:

- Felonies not included in previous list
- Misdemeanor domestic violence
- Stalking in the second degree
- Failure to report abuse, abandonment, or neglect of a child
- Misdemeanor forgery, fraud, or identity theft
- Sexual exploitation of a child by electronic means (felony or misdemeanor)
- Operating a certified family home without certification

- Attempt, conspiracy, accessory after the fact, or aiding and abetting any of the disqualifying five-year crimes listed above

Underlying Facts and Circumstances

- The Department may consider the underlying facts and circumstances of felony or misdemeanor conduct including a guilty plea or admission in determining whether or not to issue a clearance, regardless of whether or not the individual received one (1) of the following:
 - a. A withheld judgment
 - b. A dismissal, suspension, deferral, commutation, or a plea agreement where probation or restitution was or was not required;
 - c. An order according to Section 19-2604, Idaho Code, or other equivalent state law
 - d. A sealed record.

<https://adminrules.idaho.gov/rules/current/16/160506.pdf>

ILLINOIS

- Participate in a home inspection and social assessment;
- Complete 27 hours of training focused on foster care and the needs of children who are in foster care;
- Complete a criminal background check of all household members;
- Be financially stable; and
- Complete a health screening that includes verification that immunizations are up-to-date.
- A background check includes a check of the Illinois Sex Offender Registry and the National Sex Offenders Registry, as appropriate.

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

INDIANA

DCS requirements include:

- Attending training
- Demonstrating financial and emotional stability
- Passing a home inspection
- Providing medical statements for everyone living in your home

- Passing a background check of CPS history and criminal history

<https://www.kidsvoicein.org/wp-content/uploads/2015/05/Kinship-Caregiver-Guide-2011.pdf>

The department or, at the discretion of the department, an applicant, shall conduct a criminal history check of:

- The applicant's employees and volunteers who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant
- All household members who are at least age 14

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

IOWA

- Have a criminal record check for each person in the home over age 14
- Have a criminal record check for the applicants if they have lived in another state in the last five years
- Have a child abuse record check
- Have an Iowa sex offender registry check
- Be fingerprinted (other adults living in the home may be fingerprinted)
- Submit a physician's report
- Provide verification of a drivers license and auto insurance
- Provide verification of income
- Provide verification of vaccinations for any pets
- Provide several character references

http://www.ifapa.org/pdf_docs/kinshipcaretakers.pdf

KANSAS

Who needs a background check: potential caregivers and any household member who is age 10 or older

Background check requirements: federal and state background checks

Grounds for Disqualification:

- Been convicted of a crime against persons, including murder, manslaughter, assault, battery, or kidnapping
- Been convicted of any provision of the uniform controlled substances act

- Been convicted of any act described in chapter 21, article 35 (sex offenses, including rape, sexual battery, or sexual exploitation of a child)
- Been convicted of any act described in chapter 21, article 36 (crimes affecting family relationships and children, including incest, abuse, abandonment, or endangerment of a child)
- Been convicted of an attempt to commit any such act
- Been convicted of promoting obscenity or promoting obscenity to minors
- Been adjudicated a juvenile offender for any of the above acts
- Been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, as a sex offender in any other State, or as a sex offender on the national sex offender registry
- Committed an act of physical, mental, or emotional abuse, neglect, or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Department of Social and Rehabilitation Services or any similar child abuse and neglect registries maintained by any other State
- Had a child removed from home in this or any other State based on a finding of abuse or neglect or sexual abuse, and the child has not been returned home
- Had parental rights terminated

http://ksrevisor.org/statutes/chapters/ch65/065_005_0016.html

KENTUCKY

An applicant and each adult member of the household shall submit to:

- An in-State criminal records check
- A child abuse or neglect check for each State of residence during the past 5 years
- A criminal records check conducted by means of a fingerprint check of the National Crime Information Database
- Prior to approval of an applicant, each adolescent member of the household shall submit to a child abuse or neglect check.

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

LOUISIANA

- Home study process/ proof of income
- Medical statement of mental and physical health
- Background check into neglect/abuse
- Criminal background check through fingerprinting

http://www.dcf.louisiana.gov/assets/docs/searchable/Child%20Welfare/FosterCare/DCFS_110113_FosterBooklet_V9.pdf

If following crimes are found, children will not be placed:

- Murder and manslaughter
- Rape and sexual battery
- Kidnapping
- Incest
- Criminal neglect of family
- Criminal abandonment
- Child pornography and molestation
- Cruelty to juveniles
- Sale of minor children
- Manufacture and distribution of controlled dangerous drugs

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

MAINE

- You are at least 21 years old.
- Your physical and mental health will allow you to care for a child (or children).
- You are able to exercise good judgment in meeting the needs of a child (or children).
- You can provide three references from people who are not related to you.
- You can complete fingerprinting to allow the Department of Health and Human Services to submit required fingerprint-based checks to national crime information databases.
- You can complete a criminal history background check.
- You can complete home visits in which a social worker will meet with you to get to know you and your family.
- The place where you live can pass a satisfactory inspection for fire safety and fire protection.
- The water in your home can meet state standards.
- The place where you live has a telephone.

<https://www.adoptuskids.org/adoption-and-foster-care/how-to-adopt-and-foster/state-information/maine#requirements>

MARYLAND

- Letters of reference from your employer and those who know you.
- A criminal record check at local, state, and federal levels.
- Proof of meeting the minimum age requirement in your state.
- Verification of income to meet your expenses.

- Cooperate with the home inspection and required criminal background and protective service checks

<https://www.adoptuskids.org/adoption-and-foster-care/how-to-adopt-and-foster/state-information/maryland>

MASSACHUSETTS

- Background checks (CORI and Department history) on all household members 18 years and older, and on those younger about whom concerns exist
- A home visit
- A determination that the home meets the physical standards
- An initial interview is completed on all household members present, as appropriate to age and verbal capacity, including an individual interview with at least one potential foster/pre-adoptive parent and that person has committed to completing the full assessment and approval process;
- Completion of the Family Resource Application;

<https://casetext.com/regulation/code-of-massachusetts-regulations/departments-department-of-children-and-families/title-110-cmr-700-services/substitute-care/section-7108-kinship-or-child-specific-placements>

MICHIGAN

- Must be at least 18 years of age.
- Can be single or married (if married your spouse must also apply).
- Must be fingerprinted for a criminal history record check.
- Must have CPS clearance for any history of abuse and neglect, including everyone 18 and older living in your home.
- Can be employed full- or part-time. Can own, lease or rent your home.
- Must comply with all licensing rules. Must have transportation available and a phone in your home. ∪ Must have a bed and adequate bedroom space for each household member and foster child.
- Must be in good general health (a medical statement from a medical provider is required). ∪ Must have adequate income to meet your family's needs.
- Must provide three unrelated references.
- Must complete foster parent orientation and pre-service training sessions.
- Must work with a foster home certification worker to complete an initial home evaluation.
- Must sign and abide by the agency discipline policy

https://www.michigan.gov/documents/dhs/DHS-Pub-114_346655_7.pdf

MINNESOTA

- Fingerprint based Background check is required.
- Criminal records are reviewed on an individual basis.

<https://www.mnadopt.org/fostering-network/kinship-care/#1522189084437-dc2f16a6-f30e>

A background study for a child foster care application for licensure also shall review:

- The child abuse and neglect registry for any State in which the individual has resided during the past 5 years
- Information from national crime information databases for any individual age 18 or older

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

MISSISSIPPI

- Fingerprint-based FBI and State criminal background check and child abuse registry check are required for providers of foster care.
- A prospective foster parent will be denied licensure if he or she has a criminal history of conviction or pending indictment of a crime, whether a misdemeanor or a felony, that bears upon his or her fitness to
- Law enforcement and child abuse central registry clearances shall be obtained for all adult household members, age 18 and older

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

MISSOURI

- Complete a child abuse/neglect check and criminal record check including fingerprints for anyone over the age of 17
- Be in good health, both physically and mentally
- Have a stable income

<https://dss.mo.gov/cd/foster-care/becoming-a-foster-parent.htm>

MONTANA

Who needs a background check: potential caregivers and any household member who is age 18 or older who is not in an extended foster placement

Background check requirements: Federal and State Criminal Background checks and a check of the child abuse and neglect registry –must include information on criminal convictions, reports of domestic violence and substantiated child abuse or neglect of children.

Grounds for Disqualification:

- Substantiated child abuse or neglect
- Conviction of abuse, sexual abuse, neglect, or exploitation of a minor or vulnerable adult
- Having a child in foster care

**unless an exception is granted by a department regional administrator in his discretion, after careful review of extenuating circumstances which justify the issuance of a restricted license.

- An applicant whose child has been in foster care shall be denied a foster care license, unless an exception is granted by a department regional administrator because the circumstances leading to the provision of services and placement no longer exist. This does not include an applicant whose children were in foster care prior to being placed with the applicant for adoption.
- No applicant shall be newly licensed as a youth foster home if any one of the following has occurred within 12 months of the application, unless an exception is granted by a department regional administrator:
 - a death of a spouse or a child in the applicant's family;
 - a marital separation or divorce of the applicants;
 - an adoption of a child who has not been living with the applicants for at least one year;
 - the birth of a child to the applicants; or
 - loss of employment by an applicant.

<https://rules.mt.gov/gateway/RuleNo.asp?RN=37%2E51%2E210>

https://leg.mt.gov/bills/mca/title_0520/chapter_0020/part_0060/section_0220/0520-0020-0060-0220.html

NEBRASKA

Who needs a background check: the applicant and any household member who is age 18 or older who is not in an extended foster placement

Background check requirements:

- Criminal history check conducted by Nebraska State Patrol
- Federal national criminal history check

Grounds for Disqualification:

A child-placing agency shall not approve a person as a prospective foster or adoptive parent if that person has been convicted of, admitted to, or if there is substantial evidence of:

- crimes involving intentional bodily harm
- crimes against children
- crimes involving moral turpitude if these circumstances have current bearing on the applicant's provision of care

<https://nebraskalegislature.gov/laws/statutes.php?statute=71-1903>

NEVADA

Who needs a background check: potential caregivers and any household member who is age 18 or older who is not in an extended foster placement

Requirements: State and Federal Background Checks, state child abuse and neglect central registry

Grounds for Disqualification:

- **If applicant has been arrested for, has charges pending for, or has been convicted at any time of any of the following**
 - Murder, voluntary manslaughter, or mayhem
 - Felony use or threatened use of force, violence against a victim, or the use of a firearm or other deadly weapon
 - Assault with intent to kill or to commit sexual assault or mayhem
 - Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure, any other sexually related crime, or felony prostitution
 - Abuse or neglect of a child or contributory delinquency
 - Possession, distribution, or use of any controlled substance or dangerous drug
 - Abuse, neglect, exploitation, isolation, or abandonment of older or vulnerable persons
 - Any offense relating to pornography involving minors
 - Felony domestic violence

- **Approval will be denied for a conviction within the immediately preceding 7 years for any of the following:**
 - Fraud, theft, embezzlement, burglary, robbery, or misappropriation of property
 - Misdemeanor prostitution, solicitation, lewdness, indecent exposure, or any other sexually related crime
 - Misdemeanor domestic violence
 - Medicaid or Medicare fraud
 - The sale, furnishing, purchase, consumption, or possession of alcoholic beverages by a minor
 - Driving a vehicle under the influence of alcohol or a controlled substance
 - Attempt or conspiracy to commit any of the offenses listed above

<https://www.leg.state.nv.us/nrs/nrs-424.html#NRS424Sec031>

NEW HAMPSHIRE

- Complete an inquiry packet
- Submit fingerprint-based Criminal Records and Central Registry Checks of child abusers for household members over 17 years of age
- Provide medical clearance statements on all family members
- Submit the names of five references
- Provide local fire and health inspections of the home
- Participate in at least two home visits with a social worker
- Successfully complete Foster & Adoptive Care Essentials (FACES) training
- Complete a home study with a DCYF Resource Worker

<https://www.dhhs.nh.gov/dcyf/adoption/fosterparent.htm>

- Central Registry check for child abuse records

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

NEW JERSEY

Before CP&P can place a child with a relative or family friend, the following must occur:

- A thorough home inspection.
- Local police and other background checks on all household members, age 18 years and older.

<https://www.state.nj.us/njfofosteradopt/kinship/>

- Criminal history background check, current within 1 year, and a child abuse record check are completed for each applicant and each household member at least age 18.

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

NEW MEXICO

Who needs a background check: Kinship caregiver and any adult members of the household

Background check requirements:

- State and Federal criminal records checks
Criminal record check through nmcourts.com
- Check for abuse and neglect referrals
- Abuse and neglect registries for any state in which the applicant/adult household members have resident in the preceding five years

Grounds for Disqualification:

- A felony conviction for child abuse or neglect
- A felony conviction for spousal abuse
- A felony conviction for a crime against children, including child pornography
- A conviction for any crime involving violence such as rape, sexual assault, or homicide but does not include other physical assault or battery
- A felony conviction within the past 5 years for physical assault, battery, or a drug-related offense

<https://www.srca.nm.gov/parts/title08/08.026.0004.html>

NEW YORK

Who needs a background check: potential caregivers –including prospective successor guardians, and any adult members of the household

Background check requirements:

- State and Federal criminal records checks
- Check of State Central Register of Child Abuse and Maltreatment
- Check of Justice Center’s register of substantiated category: one cases of abuse and neglect

Grounds for Disqualification:

- A felony conviction at any time involving any of the following:
 - Child abuse or neglect
 - Spousal abuse
 - A crime against a child, including child pornography
 - A crime involving violence, including rape, sexual assault, or homicide, other than a crime involving physical assault or battery
- A felony conviction within the past 5 years for physical assault, battery, or a drug-related offense

An application for certification or approval of a prospective foster or adoptive parent may be denied when:

- A criminal history record reveals a charge or a conviction of a crime other than one set forth above

<https://ocfs.ny.gov/programs/adoption/assets/laws/Social%20Services%20Article%206%20Children%20TITLE%201.pdf>

NORTH CAROLINA

Who needs a background check: A fingerprint-based criminal history check must be conducted on all persons age 18 or older who reside in a licensed family foster home. The criminal history includes any county, State, and Federal conviction of a felony or pending felony indictment for:

- A crime of child abuse or neglect or spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, other than physical assault or battery
- Physical assault, battery, or a drug-related offense, if the offense was committed within the past 5 years

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

NORTH DAKOTA

Who needs a background check: Kinship caregiver and any adult members of the household

Background check requirements: fingerprint based criminal history record investigation including a child abuse and neglect index check in each state or tribal jurisdiction that the applicant and other adult household members have resided in in the preceding five years

Grounds for Disqualification:

- Homicide
- Assaults, threats, coercion, or harassment
- Kidnapping or human trafficking
- Gross sexual imposition or sexual imposition
- Sex crime including but not limited to- sexual abuse/assault of a minor or adult, sexual imposition, promoting or facilitating prostitution
- Corruption or solicitation of minors
- Luring minors by computer or other electronic means
- Robbery or felony burglary
- Child procurement
- Abuse or neglect of a child
- *An offense, other than one listed above, if the department determines that the individual has not been sufficiently rehabilitated*

<https://www.legis.nd.gov/information/acdata/pdf/75-03-14.pdf> (last revised July 2020)

OHIO

- As part of the home assessment process, at least one home visit is conducted prior to approval – basic safety issues are checked and the kinship caregiver’s willingness and ability to care for the child are explored.
- The kinship caregiver may need to pay for required Ohio BCI and FBI background checks (about \$50 total) – otherwise, there are no costs for being assessed and approved as a kinship caregiver

<https://fosterandadopt.jfs.ohio.gov/wps/portal/gov/ofc/kinship-care/resources-for-kinship-caregivers/kinship-vs-foster-care>

- A fingerprint-based criminal records check is required for a prospective foster parent and any person age 18 or older residing in the prospective foster parent’s home.
- If person cannot prove they have lived in Ohio for the past 5 years, FBI national records check is needed
- Child abuse registry check

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

OKLAHOMA

Who needs a background check: Kinship caregiver and any adult members of the household

Background check requirements: federal and state background checks, and checks of 1) sex offender registries, 2) child abuse and neglect information system, 3) state records for other states that the applicant or other adult household members have lived in during the preceding five years

Grounds for Disqualification:

- Child abuse or neglect
- Domestic abuse
- A crime against a child including, but not limited to, child pornography
- A crime involving violence, including, but not limited to, rape, sexual assault, or homicide and any offense that:
 - Has as an element of the use, attempted use, or threatened use of physical force against the person or property of another
 - By its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense
- Physical assault, battery, or a drug-related offense when the conviction occurs within the 5-year period preceding the application date

<https://oklahoma.gov/okdhs/library/policy/current/oac-340/chapter-75/subchapter-6/parts-11/placement-considerations-for-the-child-in-oklahoma-department-of-human-services-dhs-custody.html>

OREGON

Who needs a background check: Kinship caregiver and any adult members of the household

Background check requirements:

- Federal and State criminal record checks
- Other criminal records information including, but not limited to, the following:
 - Police investigations and records
 - Information from local or regional criminal records information systems
 - Justice records, court records, or information from the Oregon Judicial Information Network
 - Sexual offender registration records
 - Warrants
 - Oregon Department of Corrections records

- Oregon Department of Transportation's Driver and Motor Vehicle Services Division information
- Information provided on the background check requests
- Disclosures by a subject individual
- Any other information from any jurisdiction obtained by or provided to the department for the purpose of conducting a fitness determination

Grounds for Disqualification:

Conviction a felony crime that involves any of the following:

- Violence, including rape, sexual assault, and homicide but not including other physical assault or battery
- Abuse or neglect of a child
- Spousal abuse
- Aiding, abetting, attempting, soliciting, or conspiring to cause the death of a child
- Sodomy or sexual abuse
- A crime against a child, including child pornography
- Any of the following crimes:
 - Murder, manslaughter, criminally negligent homicide, or aggravated vehicular homicide
 - Felony assault if the victim is a child or the person's spouse
 - Criminal mistreatment if the victim is a child or the person's spouse, or if the crime involves violence
 - Female genital mutilation
 - Unlawful use of an electrical stun gun, tear gas, or mace in the first degree
 - Kidnapping or custodial interference
- Rape or incest
- Online sexual corruption of a child
- Custodial sexual misconduct
- Unlawful contact with a child
- Abandonment of a child
- Buying or selling a person younger than age 18
- Child neglect in the first degree
- Criminal nonsupport
- Using a child in a display of sexually explicit conduct
- Encouraging child sexual abuse
- Possession of materials depicting sexually explicit conduct of a child
- Burglary or robbery if the crime involves violence
- Unlawful use of a weapon if the crime involves violence
- Compelling prostitution, if the victim is a child or the person's spouse
- Luring a minor

An applicant will be disqualified if he or she has been convicted within the past 5 years of a felony crime that involves any of the following:

- Physical assault or battery
- A drug-related offense

https://oregon.public.law/rules/oar_413-120-0450

PENNSYLVANIA

- Be at least 21 years of age.
- Pass a medical examination that states the individual is physically able to care for children and is free from communicable disease.
- Pass screening requirements related to child abuse and criminal history clearances.

<https://www.dhs.pa.gov/Services/Children/Pages/Foster-Care-PA.aspx>

- Criminal background checks and child abuse registry checks for everyone in the household 18 and older

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

RHODE ISLAND

- Each applicant and household member must participate in a home study.
- The home study consists of a summary of any Department contact with the applicant's family and a description of the home, community, family and social relationships and includes the following information: a. a summary of the applicant's relationships with his or her biological and/or adopted children, past and present spouses or partners, and other family members
- an assessment of the applicant's parenting ability and motivation for fostering or adopting a child
- criminal records checks for all household members age 18 and older in accordance with the Department's Criminal Background Checks policy
- child protective services clearances for all household members to include out-of-state Adam Walsh clearances, if applicable, in accordance with the Department's Clearance of Agency Activity policy
- health history for each applicant; and a home safety inspection.
 - Applicants must submit document regarding physical, mental, and substance abuse health history
 - Statement from a medical professional who knows applicant

<https://dcyf.ri.gov/services/licensing>

SOUTH CAROLINA

- Background checks shall be documented, including a review of abuse and neglect history, criminal history found with the State Law Enforcement Division and the FBI, and the Sex Offender Registry.
- The applicant(s) cannot be considered for licensure if an applicant and/or any household member over age 18 has a substantiated history of child abuse and/or neglect, convictions of any of the crimes listed in § 63-7-2350, and/or is listed on the Sex Offender Registry.

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

SOUTH DAKOTA

Who: prospective caregiver and any adult household member

Requirements: federal and state background checks

Grounds for Disqualification: conviction of any of the following

- Child abuse pursuant to chapter 26-10
- A sex offense pursuant to chapter 22-22

Within the preceding 5 years, any other felony

- Is listed on the sex offender registry
- Is listed on the central registry for child abuse and neglect

A prospective foster or adoptive parent may not have a substantiated report of child abuse or neglect.

TENNESSEE

- A person may become a kinship foster parent only upon the completion of an investigation to ascertain if there is a state or federal record of criminal history for the prospective kinship foster parent or any other adult residing in the prospective parent's home;
- A prospective kinship foster parent shall supply fingerprint samples and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation;
- The department shall determine whether the person is able to care effectively for the foster child by:
 - Reviewing personal and professional references;
 - Observing during a home visit of the kinship foster parent with household members; and
 - Interviewing the kinship foster parent.

<https://law.justia.com/codes/tennessee/2010/title-37/chapter-2/part-4/37-2-414/>

TEXAS

Who needs a background check: potential caregivers and any members of the household who are age 14 or older

REQUIREMENTS:

- Federal and state background checks
- Department of Family and Protective Services central registry check

**if applicant has lived outside the state of Texas in the preceding five years: out-of-state central registry check and out-of-state child abuse and neglect registry check, out-of-state sex offender registry check

Grounds for Disqualification:

An applicant may be disqualified for a felony or misdemeanor conviction under Texas law, the laws of another State, or Federal law. An applicant convicted of any of the following crimes will be permanently disqualified:

- Criminal solicitation of a minor
- Murder, manslaughter, or criminally negligent homicide
- Aggravated kidnapping
- Trafficking or smuggling of persons
- sexual abuse or assault of a child
- Indecency with a child
- Sexual assault
- Abandoning or endangering a child
- Sale or purchase of a child
- Continuous violence against the family
- Online solicitation of a minor
- Compelling prostitution or sexual coercion

<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.411.htm>

<https://www.hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/protective-services/ccl/min-standards/745-sub-f-background-checks.pdf>

UTAH

Who needs a background check: potential caregivers and any adult household member

Requirements: federal and state background checks, check of child abuse and neglect registry in each state the prospective caregiver and other adult household members have resided

Grounds for Disqualifications:

Three Years

- conviction of any of the following, whether felony, misdemeanor, or infraction:
- Domestic violence, lewdness, voyeurism, battery cruelty to animals, or bestiality
- A violation of any pornography law
- Sexual exploitation of a minor
- Prostitution
- Offenses against a person
 - Assault
 - Criminal homicide
 - Kidnapping
 - Trafficking and smuggling
 - Sexual offenses
 - Genital mutilation
- Offenses against a family, including marital violations, nonsupport and sale of children, genetic material misuse, or abortion
 - ****abortion exceptions:**
 - *If the pregnancy posed health risks to the woman, the fetus has a undiagnosable or lethal defect, or undiagnosable severe brain abnormality*
 - *If the pregnancy was a recent of rape or incest***
- Aggravated arson, burglary, robbery
- Identity fraud crime

The office shall conduct a comprehensive review of the applicant's background check if the applicant has an open court case, or has a conviction of any of the offenses listed above more than three years prior to the day on which the application was submitted.

Disqualifying crimes-

<https://le.utah.gov/xcode/Title62A/Chapter2/62A-2-S120.html>

Placement (who needs a background check):

<https://le.utah.gov/xcode/Title78B/Chapter6/78B-6-S131.html>

VERMONT

- Completing the application package.
- Authorizing background checks on all household members age 16 and older (e.g., criminal records and child protection registry checks).
- Having a worker visit your home to make sure it meets the licensing requirements and assessing your suitability as foster parents.
- Completing the required training.

<https://dcf.vermont.gov/sites/dcf/files/Adoption/Kinship-Guide.pdf>

VIRGINIA

Foster parents and any adults residing in the home shall undergo background checks prior to approval. **Background checks require:**

- A criminal history record check
- A search of the central registry for any founded complaint of child abuse and neglect

Conviction of a barrier crime shall disqualify an applicant. **The term ‘barrier crime’ includes:**

- Murder or manslaughter
- Malicious wounding
- Abduction for immoral purposes
- Assaults and bodily wounding
- Robbery, burglary, or carjacking
- Threats of death or bodily injury
- Felony stalking
- Sexual assault
- Arson
- Drive-by shooting
- Use of a machine gun or sawed-off shotgun in a crime of violence
- Pandering, crimes against nature involving children, incest, or taking indecent liberties with children
- Abuse and neglect of children or failure to secure medical attention for an injured child
- Child pornography
- Abuse and neglect of incapacitated adults
- Delivery of drugs to prisoners
- Any felony violation relating to possession or distribution of drugs

A foster home also may be disqualified for:

- A conviction of any other felony not listed above unless 5 years have elapsed since conviction

- A founded complaint of child abuse or neglect

A child-placing agency may approve as a foster parent an applicant who has been:

- Convicted of not more than one misdemeanor not involving abuse, neglect, or moral turpitude of a minor, provided 10 years have elapsed following the conviction
- Convicted of statutory burglary for breaking and entering a dwelling, home, or other structure with intent to commit larceny, who has had his or her civil rights restored by the Governor, provided 25 years have elapsed
- Convicted of felony possession of drugs who has had his or her civil rights restored by the Governor, provided 10 years have elapsed

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

WASHINGTON

Who needs a background check:

- **Group 1:** potential caregivers and household members age 18 and older
 - **Requirements:** child abuse and neglect registries in each state a person has lived in the previous five years, and Washington State Patrol and FBI background check
- **Group 2:** household member age 16-17 (not under the placement care and authority of Department of Children, Youth, and Families)
 - **Requirements:** federal and state background checks

(<https://app.leg.wa.gov/WAC/default.aspx?cite=110-04-0080>)

Grounds for Disqualification: *whether conviction is Federal, in Washington, or in another state*

Permanent Grounds for Disqualification:

- Child abuse and/or neglect
- Spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery

A applicant will be disqualified if it has been less than 5 years from a conviction for the following crimes:

- Any felony physical assault or battery offense not included above
- Any felony violation of a drug-related crimes

Applicants cannot be approved/licensed if they have a *criminal charge pending* for a disqualifying crime described in the Adoption and Safe Families Act of 1997 (ASFA) or a criminal charge pending for a disqualifying crime that relates directly to child safety, permanence, or well-being.

<https://apps.leg.wa.gov/wac/default.aspx?cite=110-04-0100>

WEST VIRGINIA

- All adult household members shall complete a Criminal Identification Bureau Record form that is fingerprint-based and a Statement of Criminal Record form.
- All adult household members shall complete a Statement of Child Abuse or Neglect History form and a signed release of information authorizing the department to verify the information.

<https://adoptionnetwork.com/adoption-laws-by-state/criminal-background-checks/>

WISCONSIN

- A criminal background check on the relative caretaker and all adult household members;
- Information from the registry for reporting client abuse maintained by the Department of Public Health
- Information maintained by the Department of Safety and Professional Services regarding the status of the person's credentials
- Cooperation with the agency by the relative caretaker
- The relative caretaker must apply for other public assistance or benefits the child might be eligible for
- The relative caretaker must cooperate with referring the parents to child support, unless the relative caretaker is granted an exemption
- Kinship living arrangements and eligibility must be reviewed every 12 months

<https://dcf.wisconsin.gov/kinship#:~:text=Other%20requirements%20include%3A,child%20mig ht%20be%20eligible%20for>

WYOMING

Who: prospective caregiver and any adult household member

Requirements:

- Federal and state background checks
- Central registry checks for any state the applicant or adult household member has resided in during the five preceding years
- National and state sex offender registry check

Grounds for Disqualification: convicted or have a pending deferred prosecution of a felony or misdemeanor or a substantiation involving any of the following:

- Any of the following felonies:
 - Abuse, neglect, abandonment, exploitation, or endangering children or vulnerable adults
 - A sexual offense against a person or child
 - Allowing the commission of a sexual offense against a child
 - Violence, including rape, sexual assault, physical assault, kidnapping, battery, or homicide
 - A crime against a child or vulnerable adult
 - Physical assault
 - Domestic violence
 - Battery
 - A drug offense
 - Arson
- A violent misdemeanor committed as an adult against a child
- A violent misdemeanor, including battery, physical assault, or domestic violence within the last 5 years
- Any other crime that causes the facility to be concerned for the safety or well-being of children or others

<https://law.justia.com/codes/wyoming/2017/title-7/chapter-19/article-2/section-7-19-201/>