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STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING



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DECEMBER 5, 2007

AMENDED CHILD PLACING AGENCY LETTER 2007– 03

To: Child Placing Agencies and Family Courts that Certify Foster Homes
All Foster Family Homes and Foster Family Group Homes

From: James B. Gale, Director
Bureau of Children and Adult Licensing

Subject:

- Adam Walsh Legislation – Fingerprinting and Evaluating Results
- Adam Walsh Legislation – Out-of-State Central Registry Clearances

Please discard previous versions of this letter. New or changed information is in bold italicized print.

CPA Letter 2007-03

A recent amendment to the Child Care Organizations Act, Public Act 116 of 1973, requires the fingerprinting of applicants for adoption and foster home licensure effective January 1, 2008. This law also requires that current foster parents comply with fingerprint clearances prior to their next license renewal. The Michigan legislature is enacting this statutory change to comply with federal requirements set forth in the "Adam Walsh Child Protection & Safety Act", H.R. 4472 of 2006, which is federal legislation related to foster care maintenance funding paid under Title IV-E of the United States Social Security Act.

Michigan is utilizing a form of electronic fingerprinting called "live scan", which allows for automated fingerprint analysis and transmission of results and long-term storage of fingerprints on a database administered by the Michigan State Police. (MSP) The Department of Human Services (DHS) contracts with a private company, currently L-1 Identity Solutions, Inc., to perform the live scan fingerprinting, by appointment, at multiple sites in Michigan.

Additionally, effective January 1, 2008, a licensed child placing agency working with either an adoptive or foster home license applicant must conduct a check for substantiated child abuse or neglect in every state where the applicant or any adult household member has lived in the 5 years preceding application.

FINGERPRINTING

BCAL has created a new License Record Clearance Request form (BCAL 1326cw), specifically to address the issue of electronic fingerprint criminal history checks for applicants and licensees. This form obsoletes previous versions and is required for use in any application packet submitted to BCAL for enrollment after December 28, 2007. A copy of the BCAL 1326cw is attached to this letter and can be ordered from the BCAL website:

http://www.michigan.gov/documents/dhs/CWL_Forms_Request_4_07_193499_7.pdf

You may photocopy the attached until your order arrives.

NOTE: We discovered several errors in the first version of the 1326cw. We have sent a corrected version for printing and will issue them in response to website orders, as soon as they are received. We will also place a copy of the correct version on the Child Placing Agency webpage under "Forms".

Process

- Section I of the BCAL 1326cw has two sub-sections. As on the previous BCAL-1326, a child placing agency staff enters the name of the social service worker requesting the clearance along with the name and address and telephone number of the child placing agency; the name of the

individual applicant; the license number, if one has already been assigned; the application type; and the relationship of the person being cleared to the licensee/applicant - i.e. applicant, licensee, adult member of the household. The agency's CPA license number must also be entered in this section now. **NOTE: Do not omit your agency's license # or BCAL will be unable to link fingerprint results with the agency that requested them. Applicants will also need the agency's license # when scheduling their fingerprinting appointment.**

- **Three categories of people are fingerprinted; each category is assigned a 3-letter code and an Agency ID # on the 1326cw – e.g. foster home license applicants or active licensees (AWF) – Agency ID#: 68465P; adoptive applicants for a child from the state foster care system – i.e. “foster child adoption” (AWA) – Agency ID# 68464J; and adoptive applicants for a child not from the state foster care system – i.e. “private domestic adoption” (AWP) – Agency ID#68466H. These numbers are located beside the 3-letter code under the Livescan Fingerprint Request box in the upper right-hand corner of the 1326cw. The CPA worker checks the correct application type and checks the corresponding box located in the upper right hand corner of the 1326cw. NOTE: Check the box beside the words that describe the type of applicant being cleared. The letter codes are incorrect in the body of the current form.**

NOTE: The statute does not require fingerprinting of an adult household member.

- The CPA completes two 1326cws on each applicant/licensee requiring fingerprinting and provides one of the completed forms to the person. Section II of the form is to be completed by the applicant/licensee and signed by the individual being fingerprinted or cleared. The agency is to review the form to make sure that all items are completed, that the information entered is legible, and that the information is accurate. (The social security and driver's license numbers should match what the agency has verified, the birth date should match, etc.) **At renewal, it is critical that the applicant's name as written on the 1326cw is exactly the same as the name appears on the BCAL- 3706 otherwise the electronic fingerprint results may not link with the applicant's existing record on BITS.**
- The applicant/licensee must make an appointment to be fingerprinted. L-1 Identity Solutions, the current contractor. **After January 1, 2008, L-1 Identity Solutions will accept appointments online at www.L1id.com or by telephone at (866) 226-2952. L-1 will not schedule appointments prior to January 2, 2008. When making an appointment, L-1 will request the Agency ID number assigned on the 1326cw and the requesting CPA's license #.**

NOTE: All individuals being fingerprinted must present picture identification to the contractor.

- The contractor conducting the fingerprint scan completes the 1326cw – box entitled “LIVESCAN FINGERPRINT REQUEST”. This includes the TCN number (a tracking number used for identifying the individual scan); the date the fingerprint is completed; and the type of picture identification presented ***and returns the 1326cw to the applicant. The applicant must not destroy or misplace this form, as the TCN number is the only tracking mechanism available to the MSP if problems occur in transmitting results to DHS. The requesting agency should obtain the form or a copy from the applicant, as part of its internal policy.***
- **Payment** - DHS will pay the contractor’s fingerprint fee for all foster home applicants, licensees and foster child adoption applicants, through a billing system and contract with the contractor. The contractor will expect private domestic adoption applicants to pay the fee at the time of the fingerprinting.
- L-1 Identity Solutions transmits the fingerprint scan to the Michigan State Police (MSP). The MSP database runs a Michigan criminal history clearance and acquires a national clearance from the FBI. The MSP will electronically transmit the FBI and Michigan clearance results to BCAL. BCAL will provide both clearances to the Child Placing Agency that initiated the request.
- The CPA sends the second BCAL 1326cw on applicants/licensees and the single BCAL 1326cw completed by adult household members to BCAL in Lansing, in the same manner currently used. If the person is an applicant for a foster home license or active licensee, the CPA will attach the BCAL 1326cw to the BCAL 3889, Child Foster Family Home Application (both pages 1 and 2). All forms for a family should be sent together. BCAL will complete ICHAT clearances on adult household members and Central Registry, Public Sex Offender Registry (PSOR) and previous license checks, for all applicants/licensees and household members, consistent with current practice.
- Fingerprinting and registry checks are two independent processes. BCAL staff will not hold information from one until receiving the other, ***except for instances in which we are unable to identify the agency requesting the fingerprints.*** The results of the fingerprinting and the BCAL registry checks will be returned separately to the initiating CPA, as soon as it is entered on the Bureau Information Tracking System (BITS).
- ***International Adoptions – Because applicants for international adoptions are fingerprinted as part of the immigration process, they are not required to participate in the Adam Walsh legislation fingerprinting process. BCAL will continue to conduct the Central Registry, PSOR, and previous license clearances on international adoptive applicants. The new 1326cw has a check box in the***

“License/Application Type” box entitled “International Adoption”.
Please check that box and print the words “International Adoption”
clearly on the face of the 1326cw, to notify the BCAL clearance
processors that fingerprints will not be forthcoming and to prevent
delay.

- **Pending Enrollments** - CPAs may continue to submit completed applications and the previous BCAL-1326 form for BCAL to clear and enroll in the current manner only until close of business Friday, December 28, 2007. ***BCAL must return any enrollment packet received in our office after that date*** to the CPA for the applicant to comply with the fingerprint process.
- **Current Enrollments** - If an applicant was enrolled by BCAL prior to January 1, 2008, the CPA may continue with the initial evaluation and recommendation for licensure without fingerprinting, as long as BCAL’s previous criminal clearance (LEIN/ICHAT) is less than one year old at the time BCAL receives the packet to open the license on BITS. Like a current licensee, these people must submit to fingerprinting at the first license renewal – i.e. at the close of the 6-month original provisional license period.
- **Expired Licenses** - Using the current process and until close of business December 28, 2007, a CPA may submit a completed renewal recommendation packet to BCAL on any foster home license currently expired or which expires between the date of this letter and January 28, 2008, providing that it is not the subject of a disciplinary action or an open investigation. ***If not received in the BCAL office by close of business December 28, 2007,*** the expired licensee must submit to fingerprints prior to renewal.

CAUTION: If foster children are in a foster home with an expired license, the agency must renew before December 28, 2007 to avoid a possible extended break in payments while the foster parent is fingerprinted and the agency assesses the information provided.

- **“Reopens” and Address and Licensee Group Changes** - BCAL will not process any license reopening or request for change of the licensee group or licensed address after January 1, 2008, unless the applicant has been fingerprinted.
- **Disciplinary Actions** - If a CPA has submitted a disciplinary action recommendation for license revocation or refusal to renew to BCAL, the CPA is not to provide a DHS-1326cw to the licensee until BCAL considers and resolves the recommended disciplinary action.

NOTE: The only exception to this policy is in rare instances when foster children remain in the licensed home at the time of the CPA’s disciplinary action recommendation. In those instances, the CPA must provide the licensee with a renewal application, in addition to a 1326cw, 30 days prior to expiration of the

license, in compliance with CPA R400.12306(3). The CPA is not required to conduct the renewal onsite and shall not recommend renewal of the license until the disciplinary action is resolved.

EVALUATING FINGERPRINT RESULTS

- CPAs will continue to apply the Good Moral Character (GMC) process to the conviction information received from both the MSP and the FBI clearances. If the conviction is for a “specified crime” as defined in R400.1151 and R400.1152, the CPA must prepare an Administrative Review Team (ART) summary and recommendation for BCAL, if the CPA continues to recommend licensure or renewal.
- Michigan fingerprint results come in the same format as LEIN and ICHAT results – with separate “arrest”, “charge” and “judicial” – i.e. conviction – sections. The FBI clearance is in a format that shows, at a minimum, the arrest and charge information, along with the city and state of the law enforcement agency making the arrest. If the person has multiple arrests on the FBI database, the earliest arrest will be entitled “Cycle 001”; the next oldest will be entitled “Cycle 002”; etc.
- Frequently, clearances will come to the CPA even if the MSP/FBI does not have conviction data available to provide. In the case of a non-specified crime charge, the CPA will interview the applicant/licensee about the charge and describe the information gathered in the initial or renewal evaluation; however, the CPA is not required to research the charge beyond that interview.
- In the case of specified crimes – i.e. GMC offenses, the agency must research the outcome of the charge beyond the statement of the applicant/licensee and prepare either an ART summary recommending licensure or a denial of issuance/refusal to renew disciplinary action recommendation.
- If there is Michigan arrest information on an FBI clearance that does not match information on the Michigan clearance, you may consider the Michigan information to be more accurate. For example, if the FBI shows an arrest and charge in Saginaw, MI and the Michigan clearance shows nothing, you may assume that the person either was not convicted or has had it set aside – i.e. expunged. If, however, the arrested person was a licensed foster parent or a member of a licensed household at the time of arrest, the certification worker should still discuss the arrest with the licensee and family, as it remains a violation of R400.9502(d) to not report an arrest.
- If the applicant/licensee withheld information about a specified crime during the application process and on the 1326cw, the CPA is to obtain an explanation from the applicant/licensee and include it in the evaluation and/or ART summary.
- Do not accept an “It’s not me” defense on a fingerprint result. Absent the applicant/licensee acquiring written explanation and resolution of the error from

the arresting law enforcement agency or the involved court, BCAL will consider any fingerprint match to be accurate and will take actions accordingly. **NOTE:** Genetically-related people's fingerprints are no more similar to one another than they are to any unrelated person's fingerprints.

OUT-OF-STATE CENTRAL REGISTRY CHECKS

Effective January 1, 2008, a licensed child placing agency working with an adoptive or foster home license applicant must conduct a check for substantiated child abuse or neglect in every state where the applicant or any adult household member has lived in the 5 years preceding application. Below is a link to the "Child Welfare Information Gateway" – a website maintained by the U.S. Department of Health and Human Services. In alphabetical order, this site provides every state and U.S. territory's department responsible for the Children's Protective Services (CPS) program and the name, address, phone number, fax number and email address of the CPS program head.

http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?typeID=20&rate_chno=19-00010

When working on an out-of-state CPS clearance, the CPA worker should contact the office of the individual listed and request further information on that state's protocol for providing a licensing or adoptive applicant CPS clearance. Different states have different processes; for example, Michigan requires a mailed, faxed or email-attached written request on the requestor's letterhead.

If the CPA worker receives information of any out-of-state protective services registry history on an applicant, s/he may not recommend licensure until or unless that history is resolved with expunction. Current DHS policy precludes licensing an individual who is listed on the Michigan Central Registry. This same policy now applies to out-of-state registry "hits". In these instances, the certifying agency must recommend denial of issuance.

NOTE: Effective January 2, 2008, BCAL will have an analyst in Central Office available for telephone consultation and assistance with the foster parent/ adoptive applicant fingerprint and clearance process. Please call the Child Welfare Division at (517) 373-8383 and you will be referred to that person. Please do not contact BCAL's main number, Licensing Unit or Complaint Unit staff for information related to this letter.



STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING



JENNIFER M. GRANHOLM
GOVERNOR

ISMAEL AHMED
DIRECTOR

December 7, 2007

Re: Senate Bill 271

Dear Licensed Foster Parent:

This letter is to inform you of an amendment to the Child Care Organizations Act, Public Act 116 of 1973, that will require the fingerprinting of all applicants for adoption and foster home licensure effective January 1, 2008. This law also requires that current foster parents comply with fingerprint clearances prior to their next license renewal. The Michigan State Police (MSP) will run these fingerprints against both Michigan and Federal Bureau of Investigation (FBI) criminal history fingerprint databases and report the results to the Department of Human Services (DHS). The Michigan legislature is enacting this statutory change to comply with federal requirements set forth in the "Adam Walsh Child Protection & Safety Act" and related to foster care maintenance funding paid under Title IV-E of the United States Social Security Act.

Michigan is utilizing a form of electronic fingerprinting called "live scan", which allows for automated fingerprint analysis and long-term storage of fingerprints on a database administered by the Michigan State Police. The Department of Human Services (DHS) contracts with a private company, currently L-1 Identity Solutions, Inc., to perform the live scan fingerprinting process at multiple sites in Michigan. The contract provides an expectation that any person residing in Michigan will not have to travel more than 50 miles to the contractor's closest live scan location. The Department of Human Services will fully cover the cost of fingerprint scanning performed on any licensed foster parent or foster home applicant, as long as it is done in compliance with the Department's process and contracts.

Simultaneous with this correspondence, the Bureau of Children and Adult Licensing (BCAL) is issuing Child Placing Agency Letter 2007-3 and mailing a copy to every licensed child placing agency (CPA) in Michigan. This document details the process that your certifying CPA must use to assure Michigan agencies' compliance with this law. It includes information regarding fingerprinting adoptive applicants. You may access CPA Letter 2007-3 online through the BCAL website at http://michigan.gov/dhs/0,1607,7-124-5455_27716_27721-82280--,00.html.

In closing, please be aware that you need not wait until your renewal onsite inspection to comply with this fingerprint clearance requirement; you may be fingerprinted at any time in your current licensure period. We recommend you consider this option to avoid delay or temporary license expiration, while your certifying agency assesses any information provided from the fingerprint check. If your license is currently expired, but not closed, please contact your certifying CPA for further individualized instruction.

Thank you for your attention and anticipated cooperation.

Sincerely,



Janice M. Tribble, Program Manager
Children's Foster Home Licensing
Bureau of Children and Adult Licensing

LICENSING RECORD CLEARANCE REQUEST
STATE OF Michigan Department of Information Technology
 Department of Human Services
 Bureau of Children and Adult Licensing

DIRECTIONS FOR COMPLETING FORM: <ul style="list-style-type: none"> Please read the accompanying instructions before completing this form. Please type or print CLEARLY so that the information completed can be read. Mail completed form to BCAL Central office. 		LIVESCAN FINGERPRINT REQUEST TCN# _____ (MUST BE FILLED IN PRIOR TO RETURNING) Date Fingerprinted: _____ Type of Picture I.D. presented: _____	
SECTION I: REQUESTOR INFORMATION (Must be completed by licensing consultant/worker)		CPA License Number: _____	
Licensing Consultant/Worker Name, Address and Phone Number _____ _____			
LICENSEE/APPLICANT NAME		County	LICENSE NUMBER (If assigned)
LICENSE/APPLICATION TYPE <input type="checkbox"/> Foster Parent - AWF		<input type="checkbox"/> International Adoption <input type="checkbox"/> Adoption – Foster Child - AWA	
<input type="checkbox"/> Applicant		<input type="checkbox"/> Licensee	
THE PERSON BEING FINGERPRINTED IS:		THE PERSON BEING CLEARED BY BCAL IS:	
<input type="checkbox"/> Applicant		<input type="checkbox"/> Adult Member of Household (specify relationship to licensee):	
SECTION II: CLEARANCE INFORMATION (To be completed by applicant or other person to be cleared – If more than one person is named on the application, each is to complete a BCAL-1326)			
NAME (Last, First, Middle Jr., II, etc.)		SEX	BIRTH DATE
SOCIAL SECURITY NUMBER		MICHIGAN DRIVERS LICENSE NUMBER	
MARITAL STATUS <input type="checkbox"/> SGL <input type="checkbox"/> MAR <input type="checkbox"/> DIV		ALSO KNOWN AS (Aliases, Maiden Name, Previous Married Name(s))	
ADDRESS (Street Number and Name)		HOW LONG HAVE YOU LIVED IN THIS STATE?	COUNTY?
RACE		CITY	
COUNTY	STATE	ZIP CODE	PHONE NUMBER
HEIGHT	WEIGHT		
OTHER STATES RESIDED IN DURING PAST 5 YEARS			
<ul style="list-style-type: none"> I certify that the information I have given on the form is, to the best of my ability, true and correct. The Department may perform this check at any time while I am licensed. 			
HAVE YOU EVER: Been convicted of a crime, felony or misdemeanor?			
<input type="checkbox"/> NO		<input type="checkbox"/> YES (If yes, explain)	
Been substantiated for abuse or neglect of children or adults?			
<input type="checkbox"/> NO		<input type="checkbox"/> YES (If yes, explain)	
Type, Location and Date of Conviction(s) or Substantiations:			
SIGNATURE OF PERSON TO BE CLEARED			DATE

SECTION III: CENTRAL RECORDS CLEARANCE (BCAL Use Only)		SECTION IV: CONVICTION CLEARANCE	
PREVIOUS LICENSE? <input type="checkbox"/> NO <input type="checkbox"/> YES	LICENSE NUMBER	INITIALS/CLEARANCE DATE	
IS PROTECTIVE SERVICES INFORMATION ON FILE? <input type="checkbox"/> NO <input type="checkbox"/> YES	INITIALS/CLEARANCE DATE		
IS MICHIGAN PUBLIC SEX OFFENDER REGISTRY (PSOR) INFORMATION ON FILE? <input type="checkbox"/> NO <input type="checkbox"/> YES	INITIALS/CLEARANCE DATE		
Disclaimer: Any and all fingerprints processed with incorrect fingerprint codes/reasons, etc. are the responsibility of the REQUESTING AGENCY. MSP will charge for second requests due to incorrect fingerprint reason.			

LICENSING RECORD CLEARANCE REQUEST INSTRUCTIONS

There are four purposes to this form:

1. Produce a Department of State Police check regarding the possible existence of a conviction record.
2. Produce a Department of Human Services Central Registry File check regarding the possible existence of a substantiated child abuse or neglect record.
3. Produce a BCAL Files check against current or previous licensee status of the applicant in any county of the state.
4. Live Scan Fingerprint Request is required for foster home or adoptive applicants and licensees. The Licensing Record Clearance (BCAL-1326) must be taken with you at the time the FBI fingerprint is conducted. **Note: The TCN# will be filled in by the Fingerprint Specialist and must be inserted prior to submitting application to BCAL.**

The existence of a conviction record or a substantiated child abuse or neglect record does not necessarily disqualify an applicant for licensure. However, it does provide the Agency with information, which will be carefully evaluated by licensing staff.

A failure on the part of an applicant to provide BCAL with the information and authorization requested on this form may be sufficient cause to deny issuance of a license.

<p>AUTHORITY: 1973 PA 116 COMPLETION: Required CONSEQUENCE: Licensure may be denied.</p>	<p>Department of Human Services (DHS) will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, sexual orientation, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.</p>
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