

Foster and Adoptive Parent Fingerprinting Requirement

(FY2019 Appropriation Act - Public Act 207 of 2018)

November 1, 2018

Sec. 528. The department shall provide private child placing agencies, the senate and house appropriations subcommittees on the department budget, and the senate and house fiscal agencies and policy offices the federal law, federal rule, or federal rationale or interpretation that requires fingerprinting of an individual as a requirement to become both a foster parent and an adoptive parent.



Foster and Adoptive Parent Fingerprinting Requirement

Fingerprinting requirements for individuals to become both a foster parent and adoptive parent were established in the Adam Walsh Child Protection and Safety Act of 2006 (H.R. 4472-109th Congress) and reauthorized in 2012. The Adam Walsh Act requires states to conduct criminal record checks of prospective foster and adoptive parents, including fingerprint-based checks of the National Crime Information Databases.

42 U.S.C. 671(a) (20) (A) and (B) (Section 471 (a) (20) of the Social Security Act states: *“In order for the State to be eligible for payments under this part, it shall have a plan approved by the Secretary which- (20) (A) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28), for an prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part...”*

The U.S. Department of Health & Human Services' Administration on Children, Youth and Families' Program Instruction ACYF-CB-P1-10-02 provides guidance to State Title IV-E agencies on how the Children's Bureau enforces compliance with the criminal record check requirements of the Adam Walsh Act. <https://www.acf.hhs.gov/sites/default/files/cb/pi1002.pdf>

All child placing agencies are required to comply with the Michigan Department of Health & Human Services, Services Requirement Manual (SRM) 200 Fingerprints, which specifically outlines federal and state authority to complete fingerprint-based background checks on prospective foster or adoptive parents.