Title IV-E and Background Studies: Return to Pre-waiver Requirements

TOPIC
Information for county and tribal child welfare agency staff regarding Title IV-E compliant background studies; these requirements return to pre-pandemic legislative stipulations.

PURPOSE
To inform county and tribal child welfare agency staff of the return to pre-pandemic background study requirements, as necessary, for Title IV-E claiming eligibility.

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TERMINOLOGY NOTICE
The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.
I. Background: Title IV-E Background Study Requirements

A. Fingerprint-based Background Checks

Federal law section 471(a)(20)(D) of the Social Security Act, as amended by the Family First Prevention Services Act of 2018, requires that as a condition of eligibility for federal Title IV-E reimbursement for foster care maintenance payments, Title IV-E agencies implement procedures for fingerprint-based criminal records checks from the National Crime Information Database (NCID) for prospective foster parents, or potential children’s residential facility employees. A fingerprint-based background study is also required by Minnesota Statutes, section 245C.04, subdivision 1(b).

B. COVID-19 Pandemic Peacetime Emergency Temporary Waivers

Waiver of background study requirements due to peacetime emergency

On April 6, 2020, the Minnesota Department of Human Services (department) commissioner implemented temporary modifications to certain state background study requirements for the duration of Minnesota’s peacetime emergency.

Changes implemented to state background study requirements include:

- Waived requirements for fingerprint-based background studies for all categories
- Instituted a “Minnesota-only” background study using an individual’s name and date of birth for maltreatment and criminal history
- Limited required background checks to Minnesota registries and databases by waiving required checks from out-of-state registries and databases.

On May 9, 2020, the department’s commissioner modified background study requirements to include Child Abuse and Neglect Registry (CANR) checks be conducted for foster care, adoption, legal guardianship, and children’s residential facilities staff, retroactively to April 6, 2020.

Background studies completed during the waivered period, April 6 to October 21, 2020, are called “Emergency COVID studies.”

Title IV-E claiming during waivered periods

For information on Title IV-E claiming during the waivered period, reference department bulletin #20-68-23: Title IV-E and Background Studies during the Peacetime Emergency.
II. Return to Non-waivered Title IV-E Compliant Background Study Requirements

A. Background Study Operations

On October 21, 2020, the department stopped conducting emergency COVID studies and resumed conducting fully compliant state and federal background checks.

B. Expiration of Emergency COVID Studies

Emergency COVID studies will remain valid for 60 days after Minnesota’s peacetime emergency ends. At the end of the 60-day period, all individuals who completed an emergency COVID study must have a complete and cleared fully compliant background study, as described below, for a facility to be determined cleared for a child welfare agency to claim Title IV-E foster care maintenance.

For a facility to remain cleared for Title IV-E claiming:

- All individuals who completed an emergency COVID background will need to have a new, fully compliant study by the end of the 60 day period after the end of the peacetime emergency
- This process includes submission of a new background study application, fingerprints and a photograph, in addition to background study and fingerprint fees paid to the vendor
- If a CANR check was submitted as part of the emergency COVID study, it will NOT need to be re-submitted for the regular background study
- The regular background fees will be reinstated and required for the fully compliant studies, even if study subjects paid for an emergency study.

Department staff understands the transition process and need for a new background study will cause additional work and expense for providers and employees, however, fully compliant background checks are required to protect children and vulnerable adults receiving health and human services. The department is now able to resume conducting regular enhanced studies for new employees, giving those with emergency COVID studies as much time as possible to become compliant. Department staff is working to increase the number of sites where applicants can submit electronic fingerprints, including reopening public sites and exploring options of providing scanning equipment to other agencies.

C. Title IV-E Claiming Begins October 21, 2020

Title IV-E foster care maintenance payments may be claimed for children who otherwise meet all other Title IV-E eligibility requirements, are in placement in an otherwise Title IV-E compliant placement setting in which the foster parent/s (family foster care), or children’s residential facility staff, meet the background study requirements below.
Family foster care

All eligible children who:

- Are in out-of-home placement in a family foster home where potential foster parents completed:
  - A background study on or after October 21, 2020; cleared a full fingerprint-based background check; and had a CANR request sent to any state, other than Minnesota, where they lived in the preceding five years, or
  - Were cleared by an emergency COVID background study before October 21, and before the 60th day after Minnesota’s peacetime emergency ends have undergone and cleared a full fingerprint-based background check; and had a CANR request sent to any state, other than Minnesota, where they lived in the preceding five years.

Children’s residential facility

All eligible children who:

- Are in out-of-home placement in a residential facility where every adult employee:
  - Completed a background study on or after October 21, 2020 and cleared a full fingerprint-based background check; had a CANR request sent to any state, other than Minnesota, where they lived in the preceding five years, or
  - Were cleared by an emergency COVID background study before October 21, and before the 60th day after Minnesota’s peacetime emergency ends has undergone and cleared a full fingerprint-based background check; and had a CANR request sent to any state, other than Minnesota, where they lived in the preceding five years.

*Note* that both during and after the waivered period, to claim Title IV-E reimbursement for foster care maintenance payments made on behalf of a child placed in a children’s residential facility, all adults working in the facility must have a cleared background study. Children’s residential facilities that meet these Title IV-E requirements will be cleared by the department for Title IV-E claiming.

III. Resources

For information about background studies, see:

https://mn.gov/dhs/general-public/background-studies/

For locations for fingerprinting, see: https://www.aps.gemalto.com/mn/Maps/MNFingerprintLocations.htm

For questions regarding Title IV-E background study requirements, email beth.m.chaplin@state.mn.us.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency’s ADA coordinator.