

New Requirements as a Result of PL 115-123, the Family First Prevention Services Act (FFPSA) and HB 166 of the 133rd General Assembly

Family, Children and Adult Services Procedure Letter No. 347

(Updated June 11, 2020)

Frequently Asked Questions

Q1. Where do I locate the published Procedure Letter?

- <http://emanuals.jfs.ohio.gov/FamChild/FCASM/FCASPL/FCASPL-347.stm>

Q2. Are the checks just for residential or for foster care agencies as well?

- Those impacted by these new checks include:
 - Foster caregivers;
 - Adoptive caregivers; and
 - Individuals in the following agencies certified by the Ohio Department of Job and Family Services (ODJFS):
 - i. Private non-custodial agency (PNA) staff who work with children or within a residential setting
 - ii. Private child placing agencies (PCPA) staff who work with children or within a residential setting
 - iii. Public children services agencies (PCSA) staff who work in a residential facility
 - iv. Board Presidents and Agency Officers
 - v. Agency Administrators

Q3. Do the sex offender searches for foster homes include foster youth over the age of 18 that are still placed in the home?

- Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and **all persons eighteen years of age or older who reside** with the prospective or current foster caregiver. This would include placements and would be required prior to the next recertification.

Q4. Do we have to submit BCI and FBI criminal background checks for our current board Chair/President?

- No, current Board Chairs/Presidents do not have to complete BCI or FBI criminal background checks.

Q5. We were in the process of appointing a new Board Chair/President. What checks are required and when?

- The AP Search, National Sex Offender, Findings for Recovery and SAMS are all required prior to hire or appointment of the Board Chair/President.

Q6. The Procedure letter has some pre-employment required checks for ALL employees. Can you clarify if ALL is every employee of the agency or ALL employees in programs licensed by ODJFS?

- ALL employees are all employees, interns, volunteers and contract staff who work within a residential agency. Also, all employees, interns, volunteers and contract staff within a foster care or adoption agency and who work with children. This only pertains to individuals who are involved with an ODJFS certified program.

Q7. During an on-site visit, would the licensing specialist request employee records for non-JFS licensed programs to see the evidence of background checks?

- Licensing staff will only review background checks for employee's that work for a JFS certified program.

Q8. If we are licensed by ODJFS for Foster Care & OMHAS for mental health services, then the new background checks apply to everyone?

- ODJFS will only monitor the Foster Care program, as the mental health program is not an ODJFS certified function. The OhioMHAS program should follow OhioMHAS background check requirements for a mental health program.

Q9. How would you like us to send you the National Sex Offender web checks on our families? Is there any certain way? Also, what will work as documentation, when nothing shows up?

- We do not want these search results sent to ODJFS. Agencies need to print out the first page, which will include the search parameters and results. If there is more than one page of results, we just need them to document on the first page that the search results did not include their foster parent or adult household member was listed. We don't need all the search result pages. An activity log sub-category value of 'National Sex Offender Website Search' was added in SACWIS, so agencies can record results for their foster and adoptive homes. SACWIS will eventually be modified to reflect the results of these checks in the homestudy with an additional question.

Tip: Complete this search by name only without setting parameters as to city/state. This ensures you receive a national search of all states and territories. If you receive results, which say "xxx state was unavailable, please run the search again later," please be sure you run the check again later, until you receive a result that includes all states and territories.

Q10. What if your Board President is also a childcare worker, do we still need to create a separate file? If so, what needs to be inside of that Board President file?

- The Board President's checks which differ and are administrative in nature may be maintained within the same personnel file. However, the agency needs to ensure these additional checks are not overlooked in maintaining only one file, so it may make sense for the agency to house administrative background checks within separate files as it relates to the agency's officers, administrator and board president.

Q11. Do new hires this month have to have this done or by what date does this take effect?

- Effective 10/17/2019, all new hires for a residential site were required to have these checks completed prior to hire per ORC 5103.0310 and 2151.86.

Q12. Is there a webinar or some type of step by step help to do our AP search in SACWIS? It looks like it could take up to 30 days to get results. Is there a way to get results faster in order to hire?

- ODJFS staff are currently working on the backlog. Additional staff have been asked to assist. ODJFS' goal is to complete each request within 14 days of receiving all required documentation from the requester. Please contact the Ohio SACWIS Alleged Perpetrator Search (OSAPS) Team with any questions about requesting the checks <http://jfs.ohio.gov/ocf/SACWIS-ContactInformationForm.stm>

Q13. Do we need to have a certain code on background checks for foster care workers? Like foster parents have to use 2151.86 or childcare.

- Yes, code 2151.86 is required for all checks.

Q14. If FBI checks are in a current employee's file, do new FBI checks need to be resubmitted/requested

- No.

Q15. I have already completed all FBI/BCI checks on all current employees, as well as the National Sex Offender, AP Search, SAMS and unresolved findings. I know the FBI/BCI goes to KOFAX, but do you want us to send all results to the licensing specialist now?

- No, only Administrator, Board President, and agency officer checks are sent directly to the licensing specialist. The FBI/BCI are submitted through KOFAX and all other checks for these individuals are submitted through OCALM by creating a Policy Revision Study and uploading the required documents. An OCALM job aid is available to assist agencies in creating a policy revision study. All other requirements will be kept in the employee's personnel file. As a reminder, Board President and agency officers do not need a BCI/FBI check; only AP, National Sex Offender, Findings for Recovery and SAMS checks.

Q16. What about officers listed on the JFS 1290?

- If the officer is listed on the JFS 1290 application as being the Compliance Officer, Chief Executive Officer, or Chief Financial Officer, then they must complete the same background checks as the Board President.

Q17. If you have an employee that only does filing of paperwork, do they need to be fingerprinted?

- For residential agencies, ALL employees who work in one of the offices listed on the agency's application for license by ODJFS must comply with the new background check rules. For foster/adopt agencies, only those employees who have contact with children must comply with the new background check rules.

Q18. Is there a formal checklist or document available that highlights all the new background changes?

- Please refer to Procedure Letter 347 (see question 1 for the link)

Q19. After the new Findings of Recovery and SAMS checks are completed for the Administrator, Board President, and any officers, what are we doing with the results? How does it impact our decision making?

- The AP search and Sex Offender results are to be used in the same manner as is stated in the PL regarding employees. Please contact your licensing specialist if you have questions regarding any search results which return with a positive hit.

Q20. How often will these be done after the initial?

- New hires must be done prior to hire. Existing employees should have been requested before 3/31/2020. The BCI checks will need to be updated every 4 years. There is no requirement to complete the other checks again.

Q21. For the sex offender checks, do we need to search married name and maiden names?

- Complete the search using any known aliases.

Q22. Are the AP Search, Sex Offender Search, SAMS and Findings for Recovery only required once for Board Presidents, Administrators and Officers?

- Yes, they are only required prior to hire or appointment

Q23. Regarding the background checks, do the administrator, board president, and any officer have the same requirements?

- The administrator is required to complete BCI and FBI in addition to the other required checks, but not the Board President or Agency Officers. This is the only discrepancy. All other checks are the same for all.

Q24. The policy says, “Effective April 1, 2020, an individual is not eligible for employment if either of the following is true...”, is this just limited to employment within the ODJFS certified programs, or with the entire agency/corporation? Some agencies that operate group homes have staff that work with youth in community settings, but NOT within the residential setting, such as a mental health case manager or an office-based therapist. Do these community-based employees fall under the PL’s background check requirement even though they are not formally part of the ODJFS certified program nor do they work within the group home?

- This is only specific to employees, interns, volunteers and subcontractors hired to work for an ODJFS certified program.

Q25. Can you please clarify which volunteers would or wouldn’t be impacted? For example, does the policy only impact volunteers who literally “work” with children in an ODJFS certified program, such as a volunteer tutor who works every Saturday?

- Volunteers who regularly work with children in ODJFS certified programs would be included. This does not include the group that comes out and deliver Christmas Presents or a holiday meal once a year. However, if you have a volunteer or volunteer group that regularly comes out (i.e. every Saturday or twice a month), they will need to have these checks completed.

Q26. Are you aware of OhioMHAS issuing similar background check requirements to their residential centers? If not, should they be?

- Yes, OhioMHAS will need to implement these requirements, at minimum, for child-serving residential facilities. We have spoken with them and shared the procedure letter. They reported that for some of the background check requirements, they may have more stringent requirements already.