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## NOTICE TO CHILD WELFARE AGENCY AND CONGREGATE CARE FACILITY STAFF

From: Shontée Blankenship, Deputy Director, Division of Licensing

Date: September 26, 2024

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### PERSONS SUBJECT TO BACKGROUND CHECKS

On February 9, 2018, the Bipartisan Budget Act of 2018, which includes the Family First Prevention Services Act (FFPSA) was signed into law. The FFPSA resulted in a number of changes to Title IV-E Prevention Services of the Social Security Act, including changes to requirements of background checks for staff of child welfare agencies and congregate care facilities.

*SEC. 471 State Plan for Foster Care and Adoption Assistance*

*(a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which –*

*(20)(D) provides procedures for any childcare institution, including group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal record checks, including fingerprint-based checks of national crime information databases (as defined in section 534 (f)(3)(A) of title 28, United States Code), and checks described in subparagraph (B) of this paragraph (checks of child abuse and neglect registry maintained by the state), **on any adult** working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting... (42 U.S.C. 671(a)(20))*

The Social Security Act, *Part E – Federal Payments for Foster Care, Prevention, and Permanency* requires that **all child welfare agency and congregate care facility staff, regardless of whether they have access to children, must complete and clear a comprehensive background check.** This includes but is not limited to:

- All employees directly employed by the child welfare agency or congregate care facility
- All independent contractors and people in the facility under contract
- All volunteers; and
- All interns

No person may begin employment, contractual employment, volunteer services or internship in a child welfare agency or congregate care facility until a qualifying result of the comprehensive background check has been received by the facility. Congregate care facilities include Youth Emergency Shelters, Youth Transitional Housing Programs, Child Care Institutions, Maternity Centers, and Group Homes.

### QUESTIONS

Child Welfare Agencies and congregate care facilities should direct questions to their DCFS Licensing Representative.