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

From: Shontée Blankenship, Deputy Director, Division of Licensing

Date: February 25, 2025

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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))*

On September 25, 2024, the Department posted Information Transmittal 2024.10. The Department was asked to provide further clarity on the terms “independent contractor” and “contract employee,” as well as clarify that security staff is subject to background checks and the proper form child welfare contributing agencies should be used.

To that end, the Department is clarifying and defining “contract employee” and “independent contractor” as any individual whose job duties include working on site in a child care facility, who are not or may not be directly employed by the agency itself, but still required to work at the agency as part of their regular job duties.

Further, the Department is clarifying that **all adults** working on-site in a child-care or congregate care facility are subject to a full comprehensive background check and cannot be on-site working, volunteering, or interning until they have a passing background check clearance. Congregate care facilities include Youth Emergency Shelters, Youth Transitional Housing Programs, Child Care Institutions, Maternity Centers, and Group Homes.

All adults working in a child-care or congregate care facility includes, but not limited to:

- all adults directly employed by the child welfare agency or congregate care facility;
- all adults in the facility whether under individual contract or working for a contracted service provider that the congregate care facility has contracted with to provide day-to-day operational services such as security, meal service; housecleaning services, etc.;
- all volunteers; and
- all interns.
- This does not include emergency personnel such as first responders or individuals who are coming to address an emergency situation with the physical facility so long as they are not regular maintenance staff and not left alone or responsible for children.

All adults must complete a **CFS 718-B-AI, Authorization for Background Check for Agencies and Institutions**, marking the checkbox for “Employee/Volunteer”. All adults must have a qualifying result of the comprehensive background check **before** they are permitted to be on-site to work, volunteer or intern in a child welfare agency or congregate care facility.

Proposed amendments to Rules 385 “Background Checks” are being developed to incorporate the federal statute requirements into DCFS Rules.

## **QUESTIONS**

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