

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families is promulgating the amendment of the following DCYF rule:

Clearance of Agency Activity

This rule, formerly entitled *Clearance of Agency Activity*, is amended to implement the charges for clearances by the Department of Children Youth and Families as promulgated in the recently enacted Rhode Island State Budget. The amended rule identifies the amount and outlines procedures for making payment for clearances.

In the amendment of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons should submit written comments by August 5, 2011 to Susan Bowler, Acting Implementation Director for Policy and Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Clearance of Agency Activity

Rhode Island ~~Department~~Department of Children, Youth and Families

Policy: 700.0105

Effective Date: July 7, 1984 **Revised Date: ~~November 16, 2009~~2011**

Version: 43

~~The Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248), Rhode Island General Law (RIGL 40-13.2-2, 40-13.2-3.1, 42-72.1-3, 15-7-11) and Department policy require certain individuals to be cleared for current and/or prior involvement with the Department of Children, Youth and Families. Additionally, in certain instances, federal and state law and agency policy mandate employment and criminal background checks and fingerprinting.~~

~~The Adam Walsh Act (PL 109-248) requires every state to check any child abuse and neglect registry maintained by the state for information on any prospective foster or adoptive parent and any other adult household members. Additionally, the state must request that any other state, in which the prospective parent or other adult household member has resided in the preceding five (5) years, check any child abuse and neglect registry maintained by that state before the prospective foster or adoptive parent may be finally approved for placement of a child. These checks must be made regardless of whether Title IV-E foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.~~

~~The Adam Walsh Act also requires the state to have safeguards in place to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State and prohibits the State from sharing the information obtained from the registry pursuant to the foster and adoptive parent check requirement for any other purpose. This Act also requires the State to comply with child abuse and neglect registry check requests made by other states. In compliance with RIGL 42-72-8 and RIGL 40-11-13, DCYF records are confidential and can only be disclosed as provided by law. RIGL 42-72-8 allows the disclosure of information to individuals employed by a state or county child welfare agency outside of Rhode Island when it is determined that the information is needed to ensure the care, protection and/or treatment of any child; provided, however, any records relating to allegations previously determined to be unfounded, unsubstantiated or not indicated shall not be disclosed.~~

~~The Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351, requires the Department to complete child abuse and neglect registry checks on any relative guardian and any other adult living in the home of any relative guardian before the relative guardian may receive Title IV-E kinship guardianship assistance payments on behalf of the child.~~

~~In accordance with provisions of RIGL Chapter 40-13.2, any person seeking to operate and/or be employed (if that employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees) within a facility or program that is required to be licensed or certified by the Department or any individual seeking such employment at the Training School for Youth shall undergo an employment background check, a criminal records check and a DCYF records check for substantiated child abuse and/or neglect. RIGL 40-13.2-3.1 requires these individuals to apply to the Department for a DCYF clearance. RIGL 15-7-11 and 42-72.1-3 require foster and adoptive parents to undergo DCYF clearances. The Department is responsible under RIGL (40-13.2-7; 42-72.1-3) to promulgate regulations pertaining to the licensing and monitoring of child care providers and child placement agencies, including provisions for employment, criminal and DCYF records checks (see policies relating to employment and criminal background checks referenced below). This policy applies to both adult and minor perpetrators.~~

The following individuals (minors or adults) are subject to DCYF-Departmental clearance:

- Subjects of reports of child abuse and/or neglect to the Call Floor
- Individuals referred to the ~~De~~Department for services
- Adult members of household where child active with ~~DCYF~~the Department resides
- Individuals associated with ~~DCYF~~Department involved families
- Relative and non-relative foster care providers
- Adoptive parents
- Legal Guardians
- Respite Care Providers
- Visiting Resources
- Residential child care facility operators and employees who have supervisory/disciplinary authority over children without the presence of others
- Nonresidential child care facility operators and employees who have supervisory/disciplinary authority over children without the presence of others
- Operators and employees, applying for positions that involve supervisory or disciplinary power or involve routine contact with a child or children without the presence of other employees, of community based programs, which are required to be licensed or certified by the ~~De~~Department
- Child Placing Agency operators and employees who have supervisory/disciplinary authority over children without the presence of others
- ~~DCYF~~Department employees, interns and volunteers
- Individuals associated with organizations determined by ~~DCYF~~the Department to require clearance

~~_____~~ The following individuals must pay for the Department clearance; persons:

- ~~S~~Those seeking employment in licensed residential and/or child daycare programs.
- ~~A~~Persons applying to become child caregivers/providers through private agencies.
- ~~S~~Individuals seeking to adopt children through private agencies.
- ~~R~~Those requesting an intra-state clearance for child welfare history from Rhode Island.

~~_____~~ The two major DCYF clearance sources are RICHIST and Masterfile

- ~~RICHIST (Rhode Island Children's Information System) is the Department's automated information system designed to record our work on behalf of our clients and the state. It is the required method of documenting the Department's work. This comprehensive system is designed to link all of the Department's case-related functions into an integrated system. RICHIST includes information relating to individuals and families, providers, client services, finances and staff. The system contains all information relating to investigations, information and referral calls and runaway reports and provides information about those cases opened or closed to the Department after January, 1983. It also provides extensive information regarding service activity, placement activity and legal status.~~
- ~~Masterfile contains historical information relating to cases which are not included in the RICHIST database. Individuals are cleared through this system when it is determined that this dated information may be relevant.~~

~~A clearance or "Person Search" is completed in RICHIST prior to a person working or serving in a role subject to a DCYF records clearance. Notification of the results of the clearance is provided to the applicant and employer or requesting organization, providing the applicant has authorized the release of information. RICHIST clearances are completed as part of the renewal process for all DCYF licenses and certifications.~~

~~The Clearance of Agency Activity Addendum, Disqualifying Information is a listing of indicated allegations of child abuse and/or neglect which disqualify a person from working or serving in a role subject to a DCYF records clearance. Most of the listed indicated findings of abuse and/or~~

~~neglect automatically disqualify an individual from acting in such a capacity. However, administrative discretion is allowed in a case where the sole indicated finding is Drug/Alcohol Abuse, Excessive/Inappropriate Discipline or Cut/Bruise/Welt. In limited situations, involving incidents in which there is no serious physical injury to a child, there can be an administrative determination that, notwithstanding an indication of one of these three allegations, the individual will not be disqualified from employment or licensing/certification. In instances where there are indicated allegations of child abuse and/or neglect, which are not included in the Clearance of Agency Activity-Addendum, Disqualifying Information, the applicant is not automatically disqualified from seeking employment, license or certification. The decision to hire remains with the employer. The decision to license or certify remains with the Department.~~

~~During the course of conducting a DCYF clearance, a staff person may discover information about the applicant, not relating to disqualifying child abuse and/or neglect, which he or she believes poses “a risk of physical injury by the person to himself or herself or others and that disclosure of the records is necessary to reduce that risk”. In this situation, the staff person consults with the Department’s Chief Legal Counsel to determine if disclosure of this information is permissible under RIGL 42-72-8, Confidentiality of Records.~~

~~Child Protective Services Investigative and Intake staff initiate and complete DCYF clearances relating to their assignments. Family Services, RI Training School, Juvenile Probation, Community Services and Behavioral Health and Adoption and Foster Care Licensing staff initiate and complete RICHIST clearances (residential facility operator or employee, child placing agency, relative and non-relative foster care licensing and relicensing, pre-adoptive placement, case participant and other non-employment background checks) relating to assigned case and/or provider. The Records Center staff provide Masterfile clearance, if required, and assistance, if needed, on complex cases.~~

~~Agency clearances for prospective child care operators and employees, Department of Human Service’s (DHS) programs, DCYF personnel (including volunteers, interns and DCYF employees) and individuals associated with other organizations requiring DCYF checks are completed by Records Center staff. The following Federal and State Statutes require clearances apply:~~

The Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248)
The Fostering Connections to Success and Increasing Adoptions Act of 2008, (Public Law 110-351)

~~The following state statutes apply:~~

RIGL 15-7-11 <u>Investigation and report as to adoptive home.</u>
RIGL 40-11-13 <u>Confidentiality of reports and records – Penalty for disclosure.</u>
RIGL 40-13.2 <u>Certification of Child Care and Youth Serving Agency Workers</u>
RIGL 40-13.2-2 <u>Qualification for childcare employment.</u>
RIGL 40-13.2-3.1 <u>CANTS (Child Abuse and Neglect Tracking System) check – Operators and employees.</u>
RIGL 40-13.2-7 <u>Rules and regulations.</u>
RIGL 42-72.1-3 <u>Powers and scope of activities.</u>
RIGL 42-72-8 <u>Confidentiality of records.</u>

**Related Procedure
and Addendum:**

Clearance of Agency Activity

Clearance of Agency Activity-Addendum, Disqualifying Information
Related Policy

Kinship Care
Licensing of Foster Care Homes

Clearance of Agency Activity

Procedure from Policy 700.0105: Clearance of Agency Activity

- A. ~~A clearance is completed or "Person Search" is completed in RICHIST prior to a person working or serving in a role subject to a Department records clearance.~~
- ~~1. Notification of the results of the clearance is provided to the applicant and employer or requesting organization, providing the applicant has authorized the release of information. RICHIST clearances are completed as part of the renewal process for all Department licenses and certifications. The RICHIST system contains all information relating to investigations and provides information about those cases opened or closed to the Department after January 1983. Assistance in accomplishing these tasks is available through RICHIST Help, How Do I, Agency Clearances.~~
 - ~~2. Masterfile contains historical information relating to cases which are not included in the RICHIST database. Individuals are cleared through this system when it is determined that this dated information may be relevant. Records Center staff provide Masterfile clearance and/or assistance, as needed.~~
 - ~~3. Notification of the results of the clearance is provided to the applicant and employer or requesting organization, providing the applicant has authorized the release of information.~~
 - ~~4. Department clearances are completed as part of the renewal process for all Department licenses and certifications.~~
 - ~~5. Documentation is as follows:
 - ~~a. All information obtained through the clearance is recorded on the Department form #035 and included in the hard copy record. If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.~~
 - ~~a. The clearance for an emergency kinship (child specific relative and non-relative) placement resource is documented on the Department form #035, Department Clearance Request/Results, in accordance with DCYF Policy 900.0025, Kinship Care.~~
 - ~~b. Child care facilities utilize the Department form #035A, Department Clearance Request/Results (Facility).~~~~
 - ~~6. In emergency situations, a complete check of this data cannot delay the processing of a referral. There may only be time to make the minimum clearance to determine if the subject of the report is currently active with the Department or has had prior Departmental involvement. The assigned Worker is responsible to ensure that a comprehensive records check is completed as soon as possible.~~
 - ~~7. During the course of conducting a Department clearance, a staff may discover information about the applicant, not relating to disqualifying child abuse and/or neglect, which he or she believes poses a risk of physical injury by the person to himself or herself or others.
 - ~~a. Staff may believe that disclosure of the records is necessary to reduce that risk.~~
 - ~~b. In this situation, the staff consults the Department's chief legal counsel to determine if disclosure of this information is permissible under RIGL 42-72-8, Confidentiality of Records.~~~~

A. Clearances Completed by Staff Assigned to the Case

B. Clearances are Completed by Staff Assigned to the Case.

- ~~1. Child Protective Services Investigative and Intake staff initiate and complete all DCYF Department clearances, including a RICHIST and Masterfile Check, relating to their assignments, including:
 - b-1. Staff are responsible for the following clearances:~~

- ~~i.-a.~~ Subjects of reports of child abuse and/or neglect to the Call Floor.
- ~~ii.-b.~~ Individuals referred to the ~~d~~Department for services.
- ~~iii.-c.~~ Adult members of household where ~~a~~ child active with ~~DCYF-the~~ Department resides.
- ~~iv.-d.~~ Individuals associated with ~~DCYF-Department~~ involved families.
- ~~e.~~ Emergency kinship (child specific relative and non-relative) placement resources.

~~e.~~

~~c. CPS Hotline or Intake worker completes a RICHIST Person Search and Masterfile check for all subjects of a referral.~~

~~The RICHIST system contains all information relating to investigations and provides information about those cases opened or closed to the department after January 1983.~~

~~Masterfile contains historical information relating to cases which are not included in the RICHIST database. Individuals are cleared through this system when it is determined that this dated information may be relevant.~~

~~d. In emergency situations a complete check of this data cannot delay the processing of a referral and there may only be time to make the minimum clearance to determine if the subject of the report is currently active with the dDepartment or has had prior agency involvement.~~

~~e.-f. The assigned CPI or Intake Worker is responsible to ensure that a comprehensive records check is completed as soon as possible. Clearances must be completed before a case is transferred to FSU. (see RICHIST Help, How Do I, Agency Clearances)~~

~~a. If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.~~

~~b. Worker/supervisor reviews the results of the DCYF Department clearance and follows procedures outlined in Section C below to determine if the information will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a DCYF Department records clearance.~~

~~c. The clearance for an emergency kinship (child specific relative and non-relative) placement resource is documented on the DCYF #035, DCYF Clearance Request/Results in accordance with DCYF Policy 900.0025, Kinship Care.~~

~~During the course of conducting a Department clearance, a staff person may discover information about the applicant, not relating to disqualifying child abuse and/or neglect, which he or she believes poses "a risk of physical injury by the person to himself or herself or others and that disclosure of the records is necessary to reduce that risk." In this situation, the staff person consults with the department's chief legal counsel to determine if disclosure of this information is permissible under RIGL 42-72-8, Confidentiality of Records.~~

2. ~~Family Services, RI and Juvenile Corrections (Training School and, Probation initiate and complete Department clearances, including a RICHIST and Masterfile Check, relating to their assignments, including:)~~

~~a. Staff complete the following RICHIST clearances relating to assigned case (see RICHIST Help, How Do I, Agency Clearances.~~

~~ii. Case related checks e.g., adult members of household where child active with DepartmentDCYF resides, individuals associated with DCYF Department involved families.~~

~~a.~~

~~iii.-b. Emergency kinship (child specific relative and non-relative) placement resources.~~

~~a. All information obtained through the clearance is recorded on the DCYF Department form #035 and included in the hard copy record. If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.~~

- ~~b. Records Center staff provides Masterfile clearance and/or assistance, if needed, on complex cases.~~
- ~~c. If the DCYF Department clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.~~
- ~~d. Worker/supervisor reviews the results of the DCYF Department clearance and follows procedures outlined in Section C below to determine if the information will disqualify a person from obtaining a license/certification or serving in any other role subject to a Department DCYF records clearance.~~
- ~~e. 3. The clearance for an emergency kinship (child specific relative and non-relative) placement resource is documented on the DCYF Department form #035, DCYF Department Clearance Request/Results in accordance with Policy 900.0025, Kinship Care.~~
- 6. Adoption and Foster Care Licensing and Community Services and Behavioral Health staff initiate and complete Department clearances, including a RICHIST and Masterfile Check, relating to their assignments, including the following RICHIST clearances (see RICHIST Help, How Do I, Agency Clearances relating to assigned case and/or provider.

Staff are responsible for the following clearances during:

- a. During licensing/certification and renewal of licensing/certification processes.
 - ~~a. Residential facility operators and employees.~~
 - ~~b. Child placing agency providers.~~
 - ~~c. Children's behavioral health providers.~~
 - ~~d. Relative and non-relative foster and adoptive parents and household members.~~
 - ~~e. Legal Guardians and household members.~~
 - ~~f. Visiting resources (a visiting resource is an individual who agrees to maintains regular contact, which may include overnight and weekend visitation, with a child in the DCYF care of the Department and is considered to be a prospective foster care resource.)~~
 - ~~g. Department checks must be made on any relative guardian and any adult living in the home of any relative guardian before the relative guardian may receive Title IV-E kinship guardianship assistance payments on behalf of the child.~~
 - ~~h. All information obtained through the clearance is recorded on the DCYF Department form #035 and included in the hard copy record. Child care facilities utilize the DCYF Department form #035A, DCYF Department Clearance Request/Results (Facility). If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.~~

~~i. Records Center staff provides Masterfile clearance and/or assistance, if needed, on complex cases.~~

- i. Foster Care and Adoption Licensing staff are also required to request from any other state, in which the prospective foster or adoptive parent or other adult household member has resided in the preceding five (5)

~~(5)~~ years, a check of any child abuse and neglect registry maintained by that state before the prospective foster or adoptive parent may be licensed.

- ~~i.~~ i. These checks must be made regardless of whether Title IV-E foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.
- ~~ii.~~ ii. Foster Care Licensing worker must review information received from the State Central Registry in each state that the prospective caretaker(s) and any other adult(s) living in the home have resided in the preceding five ~~(5)~~ (5) years.
- ~~iii.~~ iii. Worker must document the results of the check on the [DCYF Department form #035](#).
- ~~iv.~~ iv. If another state does not maintain a registry or if the state has an Administration for Children and Families (ACF) approved delayed effective date, worker must document on the [DCYF Department form #035](#) and this will not affect licensure.
- ~~v.~~ v. If another state does maintain a registry and is unwilling to provide this information, a license may not be issued until the information is received. Worker must document on the [DCYF Department form #035](#) and inform the Licensing Administrator or designee, who will notify the ACF regional office.

~~Department checks must be made on any relative guardian and any other adult living in the home of any relative guardian before the relative guardian may receive Title IV-E kinship guardianship assistance payments on behalf of the child.~~

- ~~k.~~ k. If the DCYF ~~Department~~ clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.
- ~~l.~~ l. Worker/supervisor reviews the results of the DCYF ~~Department~~ clearance and follows procedures outlined in Section C below to determine if the information will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a DCYF ~~Department~~ records clearance.
- ~~m.~~ m. Specific procedures relating to processing and notification for employment related clearances are outlined below in D, Clearances for Employment Purposes – Facility Operators/Employees.
- ~~n.~~ n. j. Specific procedures relating to processing and notification of clearances for foster care licensing, including emergency kinship care are outlined in [DCYF Policy 900.0025, Kinship Care](#) and [DCYF Policy 900.0020, Licensing of Foster Care Homes](#).

~~B.4.~~ B.4. Clearances Completed by Records Center Staff

~~3.~~ 3. Records Center staff complete the following [DCYF Department](#) clearances:

- ~~a.~~ a. a. [DCYF Department](#) personnel (including consultants, volunteers, interns and Rhode Island Training School employees).
- ~~b.~~ b. b. Prospective child care operators and employees.
- ~~c.~~ c. c. [Department](#) ~~Department~~ of Human Service (DHS) programs program or staff.
- ~~d.~~ d. d. Individuals associated with organizations determined by [DCYF the Department administration](#) to require check.
- ~~e.~~ e. e. Requests from other states, including federally mandated child abuse and neglect registry checks.
- ~~f.~~ f. f. Records Center receives requests for clearance from [DCYF Department](#) staff and other agencies and organizations.

4.i. Requesting staff person completes Section I of the [DCYF Department form #035](#), [DCYF Department Clearance Request/Results](#) and forwards to the Record Center. [Child care/Childcare](#) facilities utilize the [DCYF Department form #035A](#), [DCYF Department Clearance Request/Results \(Facility\)](#).

5.ii. Records Center staff gathers information necessary to evaluate the clearance, ~~from RICHIST (see [RICHIST Help, How Do I, Agency Clearances](#) and, if needed, [Masterfile](#), enters [it information](#) in Section II of the [DCYF Department form #035](#) or [#035A](#), and returns the completed form to the requesting staff person, the appropriate unit or to the requesting agency.~~

iii. ~~The requesting staff person makes the final determination as described below and informs the appropriate individuals of the clearance outcome.~~

~~6. If the [DCYF Department clearance](#) reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.~~

~~7. Worker/supervisor reviews the results of the [DCYF Department clearance](#) and follows procedures outlined in Section C below to determine if the information will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a [DCYF Department records clearance](#).~~

~~8. The requesting staff person makes the final determination and informs the appropriate individuals of the clearance outcome. The completed [DCYF Department form #035](#) or [#035A](#) is included in the hard copy record. If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.~~

~~9. Specific procedures relating to processing and notification for employment related clearances are outlined below in D, [Clearances for Employment Purposes – Facility Operators/Employees](#).~~

~~C. If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST. The clearance for an emergency kinship (child specific relative and non-relative) placement resource is documented on the [DCYF #035, DCYF Clearance Request/Results](#), in accordance with [DCYF Policy 900.0025, Kinship Care](#).~~

~~D. If the Department clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate. The Worker/supervisor reviews the results of the Department clearance and follows procedures outlined below to determine if the information will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a Department records clearance.~~

~~C.E. [Disqualifying Information](#) – The [Clearance of Agency Activity-Addendum, Disqualifying Information](#), utilized for all Person Search checks conducted by the ~~De~~Department, lists indicated allegations of child abuse and/or neglect which disqualify a person from working, obtaining a license/certification or serving in any ~~other~~ role subject to a [DCYF Department records clearance](#).~~

- ~~1. Most of the indicated findings of abuse and/or neglect listed automatically disqualify an individual from acting in such a capacity.~~
- ~~2. Administrative discretion is allowed in a case where the sole indicated finding is Excessive/Inappropriate Discipline (#10), Cut/Bruise/Welt (#11) or Drug/Alcohol Abuse (#15) if there is no serious physical injury to a child. In these limited situations, there can be an administrative determination that, notwithstanding an indication of one of these three allegations, the individual should not be disqualified from employment or licensing/certification.~~

- a. This determination can be made by the Executive Director, Deputy Director, Associate Director, Assistant Director of Child Protective Services, Chief of Child Protective Investigations, Regional Director, ~~Chief of Program Development/Contracts~~, the Assistant Director of Community Services and Behavioral Health and the Licensing Administrator.
 - b. The Executive Director, Deputy Director, Associate Director, Assistant Director of Child Protective Services and Chief of Child Protective InvestigationsCPI are authorized to overturn the indicated finding.
 - c. If there is a difference of opinion between divisional administrators regarding the licensing of a placement based on one of these findings, the respective division heads review issues and make final determination.
- ~~3. During the course of conducting a DCYF Department clearance, if a staff person discovers information about the applicant, not relating to disqualifying child abuse and/or neglect, which he or she believes poses "a risk of physical injury by the person to himself or herself or others and that disclosure of the records is necessary to reduce that risk", the staff person consults with the Department's eChief Legal eCounsel to determine if disclosure of such information is permissible under RIGL 42-72-8.~~
- 4-3. All agency involvement will be reviewed and based upon such review, an individual with a history of DCYF Department involvement that is not automatically disqualifying may be denied working or serving in a role subject to a DCYF Department records clearance if it is determined that the conduct of the applicant impacts upon the fitness and suitability of the individual.
4. In instances where there are indicated allegations of child abuse and/or neglect, which are not included in the Clearance of Agency Activity Addendum, Disqualifying Information, the applicant is not automatically disqualified from seeking employment, license or certification. The decision to hire remains with the employer. The decision to license or certify remains with the Department.

D-F. Clearances for Employment Purposes—~~Facility Operators/Employees,~~

1. The following procedures apply to ~~individuals identified in Child Care Operators and Employees and Child Placing agencies~~ identified in RIGL 40-13.2-3.1.
 - a. Residential child care facility operators and child care facility employees who have supervisory/disciplinary authority over or routine contact with a child or children without the presence of others.
 - b. Nonresidential child care facility operators and employees who have supervisory/disciplinary authority over or routine contact with a child or children without the presence of others and children's behavioral health program operators and employees who have supervisory/disciplinary authority over or routine contact with a child or children without the presence of others.
 - c. Child Placing Agency operators and employees who have supervisory/disciplinary authority over or routine contact with a child or children without the presence of others and providers.
 - d. RI Training School Department employees who have supervisory/disciplinary authority over or routine contact with a child or children without the presence of others.
2. The DD department receives request for clearance (DCYF form #035 or #035A) with release of information signed by the applicant.
3. ~~The DCYF clearance is completed by the assigned worker assigned worker or Records Center staff completes the Department clearance or Records Center staff and documents results of the clearance are documented on the DCYF Department form #035 or #035A.~~

- a. If a clearance completed by Records Center was requested by a [DCYF Department](#) staff or unit, the #035 or #035A is forwarded to assigned worker or unit where it is determined if applicant is suitable for employment or licensing/certification.
- b. If a clearance completed by Records Center was requested by an outside agency, the Records Center administrator or designee forwards the results of the clearance to the requesting agency.
4. If the [DCYF Department](#) clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.
5. Worker/supervisor reviews the results of the [DCYF Department](#) clearance and follows procedures outlined in Section [EG](#) above to determine if the information will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a [DCYF Department](#) records clearance.
6. The [De](#)Department's Licensing Unit informs family home [child care](#)[childcare](#) applicants of any disqualifying information and of the right to appeal.
7. The following notifications of clearance results are provided to facility employers and applicants by assigned worker/supervisor.
 - a. The [DCYF Department form](#) #171, Employment Status Notification-Employer, is forwarded to the employer indicating the results of the clearance:
 - i. Indicated child abuse and/or neglect - Disqualifying Information.
 - ii. Indicated child abuse and/or neglect - Not automatically disqualifying.
 - iii. No record of indicated child abuse and/or neglect.
 - b. The [DCYF Department form](#) #171A, Employment Status Notification-Applicant, is forwarded to the applicant indicating the results of the clearance (i-iii below). If clearance reveals any indicated child abuse and/or neglect, the [DCYF Department form](#) #171A provides specific findings of i or ii below and the [DCYF Department form](#) #016, Request for Hearing is forwarded to applicant. A [c](#)Child-[c](#)Gare [c](#)Center applicant who has no record of indicated abuse and/or neglect (iii below) will be informed of the clearance results by the prospective employer.
 - i. Indicated child abuse and/or neglect - Disqualifying Information.
 - ii. Indicated child abuse and/or neglect - Not automatically disqualifying.
 - iii. No record of indicated child abuse and/or neglect.
8. The following notifications of clearance results are provided to requesting agencies by Records Center administrator or designee.
 - a. The [DCYF Department form](#) #171, Employment Status Notification-Employer is forwarded to the employer, except in situations involving DHS programs, indicating the results of the clearance:
 - i. Indicated child abuse and/or neglect - Disqualifying Information.
 - ii. Indicated child abuse and/or neglect - Not automatically disqualifying.
 - iii. No record of indicated child abuse and/or neglect.
 - b. When the requesting agency is DHS, the [DCYF Department form](#) #171A, Employment Status Notification-Applicant, is forwarded to DHS indicating the results of the clearance (i-iii below). DHS notifies the applicant of the clearance results.
 - i. Indicated child abuse and/or neglect - Disqualifying Information.
 - ii. Indicated child abuse and/or neglect - Not automatically disqualifying Information.
 - iii. No record of indicated child abuse and/or neglect.

G. Payment for Department clearance.

1. State law requires the following individuals must pay for the Department clearance; persons:
 - a. Seeking employment in licensed residential and/or child daycare programs.
 - b. Applying to become child caregivers/providers through private agencies.
 - c. Seeking to adopt children through private agencies.
 - d. Requesting an intra-state clearance for child welfare history from RI.
2. The fee for each instance of Departmental clearance is ten dollars (\$10.00).
 - a. Individuals required to pay for their Department clearance ~~many~~ make a check payable to: the General Treasurer, State of Rhode Island.
 - b. -This check is ~~and mailed to the Principal Pre-audit Clerk in: the Department~~s of Children, Youth and Families Management ~~and~~ Budget Office, ~~located at~~ 101 Friendship Street, Providence, RI 02909.

Clearance of Agency Activity-Addendum, Disqualifying Information

STATE OF RHODE ISLAND
~~DEPARTMENT~~DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
Clearance of Agency Activity - Addendum
Disqualifying Information

An applicant, who has been identified as an indicated perpetrator of a Child Protective Services (CPS) Investigation with a final finding of an allegation listed below, is disqualified from owning or seeking employment in a child care facility, receiving a license or certification to provide care for a child or serving in any other role subject to [DCYF-Department](#) clearance.

Indicated Abuse or Neglect Findings

Death
Brain Damage/Skull Fracture
Subdural Hematoma
Internal Injury
Malnutrition/Starvation
Drug/Alcohol Abuse*
Sexually Transmitted Disease
Sexual Intercourse
Sexual Exploitation
Sexual Molestation
Failure to Thrive

Indicated Abuse Findings

Burn/Scalding
Poisoning
Wound
Bone Fracture
Excessive/Inappropriate Discipline*
Cut/Bruise/Welt*
Human Bite
Sprain/Dislocation

* In limited situations, involving incidents in which there is no serious physical injury to a child, there can be an administrative determination that, notwithstanding an indication of one of these three allegations, the individual will not be disqualified from employment or licensing/certification.

In instances where CPS involvement is noted, but not specified above, the applicant is not automatically disqualified from seeking employment, license or certification. The decision to hire remains with the employer. The decision to license or certify remains with the [dDepartment](#).