

# Clearance of Agency Activity

Rhode Island Department of Children, Youth and Families

**Policy: 700.0105**

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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 are subject to DCYF clearance:

- Subjects of reports of child abuse and/or neglect to the Call Floor
- Individuals referred to the Department for services

- Adult members of household where child active with DCYF resides
- Individuals associated with DCYF 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 Department
- Child Placing Agency operators and employees who have supervisory/disciplinary authority over children without the presence of others
- DCYF employees, interns and volunteers
- Individuals associated with organizations determined by DCYF to require clearance

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.

**Related Procedure and Addendum:**

[Clearance of Agency Activity](#)

[Clearance of Agency Activity-Addendum, Disqualifying Information](#)

## Clearance of Agency Activity

### Procedure from Policy 700.0105: Clearance of Agency Activity

- A. Clearances Completed by Staff Assigned to the Case
  - 1. Child Protective Services Investigative and Intake staff initiate and complete all DCYF clearances relating to their assignments.
    - a. Staff are responsible for the following clearances:
      - i. Subjects of reports of child abuse and/or neglect to the Call Floor
      - ii. Individuals referred to the Department for services
      - iii. Adult members of household where child active with DCYF resides
      - iv. Individuals associated with DCYF involved families
      - v. Emergency kinship (child specific relative and non-relative) placement resources
    - b. CPS Hotline or Intake worker completes a RICHIST Person Search and Masterfile check for all subjects of a referral.
    - c. 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 Department or has had prior agency involvement.
    - d. 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](#))
    - e. 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.
    - f. Worker/supervisor reviews the results of the DCYF 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 records clearance.
    - g. 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](#).
  - 2. Family Services and Juvenile Corrections (Training School, Probation)
    - a. Staff complete the following RICHIST clearances relating to assigned case (see [RICHIST Help, How Do I, Agency Clearances](#)).
      - i. Case related checks e.g., adult members of household where child active with DCYF resides, individuals associated with DCYF involved families
      - ii. Emergency kinship (child specific relative and non-relative) placement resources
    - b. All information obtained through the clearance is recorded on the DCYF #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.
    - c. Records Center staff provides Masterfile clearance and/or assistance, if needed, on complex cases.
    - d. If the DCYF 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.

- e. Worker/supervisor reviews the results of the DCYF 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 DCYF records clearance.
  - f. 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 Policy 900.0025, Kinship Care.
3. Adoption and Foster Care Licensing and Community Services and Behavioral Health staff initiate and complete the following RICHIST clearances ([see RICHIST Help, How Do I, Agency Clearances](#) relating to assigned case and/or provider.
- a. Staff are responsible for the following clearances during licensing/certification and renewal of licensing/certification processes.
    - i. Residential facility operators and employees
    - ii. Child placing agency providers
    - iii. Children's behavioral health providers
    - iv. Relative and non-relative foster and adoptive parents and household members
    - v. Legal Guardians and household members
    - vi. Visiting resources (a visiting resource is an individual who agrees to maintain regular contact, which may include overnight and weekend visitation, with a child in DCYF care and is considered to be a prospective foster care resource.)
  - b. All information obtained through the clearance is recorded on the DCYF #035 and included in the hard copy record. Child care facilities utilize the DCYF #035A, DCYF 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.
  - c. Records Center staff provides Masterfile clearance and/or assistance, if needed, on complex cases.
  - d. 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) years, a check of any child abuse and neglect registry maintained by that state before the prospective foster or adoptive parent may be licensed. 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.
    - i. 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) years.
    - ii. Worker must document the results of the check on the DCYF #035.
    - iii. 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 #035 and this will not affect licensure.
    - iv. 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 #035 and inform the Licensing Administrator or designee, who will notify the ACF regional office.

- e. If the DCYF 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.
  - f. Worker/supervisor reviews the results of the DCYF 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 records clearance.
  - g. Specific procedures relating to processing and notification for employment related clearances are outlined below in D, Clearances for Employment Purposes - Facility Operators/Employees.
  - h. 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. Clearances Completed by Records Center Staff
1. Records Center staff complete the following DCYF clearances:
    - a. DCYF personnel (including consultants, volunteers, interns and Rhode Island Training School employees)
    - b. Prospective child care operators and employees
    - c. Department of Human Service (DHS) programs
    - d. Individuals associated with organizations determined by DCYF administration to require check
    - e. Requests from other states, including federally mandated child abuse and neglect registry checks.
  2. Records Center receives requests for clearance from DCYF staff and other agencies and organizations. Requesting staff person completes Section I of the DCYF #035, DCYF Clearance Request/Results and forwards to the Record Center. Child care facilities utilize the DCYF #035A, DCYF Clearance Request/Results (Facility).
  3. 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 information in Section II of the DCYF #035 or #035A and returns the completed form to the requesting staff person, the appropriate unit or to the requesting agency.
  4. If the DCYF 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 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 records clearance.
  6. The requesting staff person makes the final determination and informs the appropriate individuals of the clearance outcome. The completed DCYF #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.
  7. Specific procedures relating to processing and notification for employment related clearances are outlined below in D, Clearances for Employment Purposes - Facility Operators/Employees.
- C. Disqualifying Information - The [Clearance of Agency Activity-Addendum, Disqualifying Information](#), utilized for all Person Search checks conducted by the 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 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 CPI 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 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 Chief Legal Counsel to determine if disclosure of such information is permissible under RIGL 42-72-8.
  4. All agency involvement will be reviewed and based upon such review, an individual with a history of DCYF involvement that is not automatically disqualifying may be denied working or serving in a role subject to a DCYF records clearance if it is determined that the conduct of the applicant impacts upon the fitness and suitability of the individual.
- D. Clearances for Employment Purposes - Facility Operators/Employees
1. The following procedures apply to 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 employees who have supervisory/disciplinary authority over or routine contact with a child or children without the presence of others.
  2. The Department receives request for clearance (DCYF #035 or #035A) with release of information signed by the applicant.

3. The DCYF clearance is completed by the assigned worker or Records Center staff and results of the clearance are documented on the DCYF #035 or #035A.
  - a. If a clearance completed by Records Center was requested by a DCYF 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 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 clearance and follows procedures outlined in Section C 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 records clearance.
6. The Department's Licensing Unit informs family home child care 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 #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 #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 #171A provides specific findings of i or ii below and the DCYF #016, Request for Hearing is forwarded to applicant. A Child Care 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 #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 #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.

# Clearance of Agency Activity-Addendum, Disqualifying Information

STATE OF RHODE ISLAND  
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 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 Department.