DATE: July 23, 2010

TO: Regional Directors

FROM: Pete Digre, Assistant Secretary for Operations
       David L. Fairbanks, Assistant Secretary for Programs

THROUGH: Alan Abramowitz, State Director, Office of Family Safety

SUBJECT: Background Screening Clarification

ACTION REQUIRED: Disseminate to Child Protection Staff

DUE DATE: Effective Immediately

PURPOSE: The purpose of this memo is to clarify:
(1) Whether a criminal history background check is permissible when a child is being
considered for placement with a parent other than the current caregiver, and
(2) If and when criminal history background checks can be shared.

BACKGROUND: Fingerprinting of parents (and the running of criminal histories on
parents) is permitted under s. 39.0138(1), (5) and (6), F.S. Under prior statutes, the
Department advised the Florida Department of Law Enforcement (FDLE) that parents were
not to be fingerprinted. The Department’s Office of General Counsel has recently clarified
with FDLE that requests to fingerprint parents will be honored. The staff at the Hotline’s
Crime Intelligence Unit will be honoring requests, as well. Fingerprinting is permissible
effective immediately. Fingerprinting is now required prior to placement of a removed child
with a non-custodial parent. Fingerprinting of a parent is discretionary prior to
reunification, and for placements made through the Interstate Compact on the Placement
of Children. State and local criminal and abuse registry checks should also be completed
prior to reunification using the information on hand in the case record (i.e., do not call the
parent back in for fingerprinting).

While the disqualifying offenses under s. 39.0138(2) and (3), F.S., do not automatically
disqualify parents from consideration for placement, the court may consider such offenses
in placement consideration, s. 39.0138(6), F.S. The law allows that Florida and National
criminal background checks are PERMITTED prior to placement of a child with a parent.

Specific details of National Crime Information Center (NCIC) results (detailed national
arrest and conviction history records from outside Florida) must not be provided to or
shared with anyone other than authorized Department staff. Department employees are
not to disseminate specific details of an NCIC records check nor make reference to such record or details in the Florida Safe Families Network (FSFN).

The Florida Crime Information Center system (FCIC) criminal history records are generally public record and may be disseminated. The exception is any portion of the report which is identified as a sealed or expunged record. Sealed and expunged records are NOT public record and may not be disseminated outside of the Department. Only that portion of the criminal history record which is not “sealed or expunged” is public record and may be shared with Community-Based Care agencies and referenced in FSFN.

The Children and Families Operating Procedure 175-94 will be updated soon to reflect this directive.

**ACTION REQUIRED:** Please disseminate this guidance to all child protection staff.

**CONTACT INFORMATION:** For additional information, please contact Chris Compton at (850) 443 6646 or via email at chris_compton@DCF.state.fl.us or Travis Paulk at (850) 487 – 6159 or via email at travis_paulk@DCF.state.fl.

**cc:** Sheriffs’ Offices
CBC CEOs
Gerald Curington, General Counsel
Mary Cagle, Director of Children’s Legal Services
Walt Cook, Director, Florida Abuse Hotline