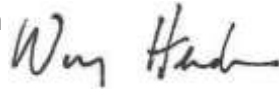


To: DCF/DMCPS Administrator
DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Wendy Henderson
Administrator



**Re: Fingerprint-Based Background Checks for Prospective Foster and Adoptive Parents:
COVID-19 Pandemic Update**

PURPOSE

This memo provides updated information on flexibility that has been provided with respect to the fingerprint-based background check requirements for prospective foster and adoptive parents due to the COVID-19 pandemic. The Department of Children and Families (DCF) Emergency Rule that was promulgated in spring 2020 that has provided flexibility to the fingerprint-based background check requirements for prospective foster and adoptive parents will expire, effective February 12, 2021.

BACKGROUND

The President issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak on March 13, 2020. The Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under §319 of the Public Health Service Act (42 U.S.C. §247d), in response to the COVID-19 pandemic. Additionally, the President issued major disaster declarations for many jurisdictions due to the COVID-19 pandemic.

States were provided authority under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121 et seq.) (Stafford Act) flexibility provisions issued by the federal Administration for Children and Families (ACF) to modify the requirements for the fingerprint-based background checks for prospective foster and adoptive parents required under federal law.

In May 2020, DCF promulgated Emergency Rule 2009, providing circumstances under which flexibility would be permitted as to the timeframe for the fingerprint-based background check requirements for prospective foster and adoptive parents.

INFORMATION SUMMARY

The authority to provide flexibility to the fingerprint-based background check requirements for prospective foster and adoptive parents under Emergency Rule 2009 will expire, effective February 12, 2021. With the expiration of this Act, all prospective foster and adoptive parents are required to have the fingerprint-based background checks conducted prior to the issuance of a foster home license or after a break in licensure per s. 48.685(2)(c) and DCF 56.055. Additionally, any foster home license that has been issued without the completion of the fingerprint-based background check due to the COVID-19 pandemic shall complete these checks as required under s. 48.685(2)(c) and DCF 56.055.

Local child welfare agencies may complete fingerprint-based background checks for prospective foster and adoptive parents through varying means, such as: partnering with local law enforcement agencies to capture fingerprints; utilizing a private entity (such as Fieldprint); or by training local child welfare agency staff to collect fingerprints themselves either electronically or on paper. The Department is not prescribing which of these methods must be used. However, the Department acknowledges that many local law enforcement agencies are unable to collect fingerprints at this time; therefore, agencies should consider alternative methods to collect fingerprints, including utilizing a private entity or collecting fingerprints themselves.

ACTION SUMMARY

Effective February 12, 2021, all prospective foster and adoptive parents are required to have the fingerprint-based background checks conducted prior to the issuance of a foster home license or after a break in licensure per s. 48.685(2)(c) and DCF 56.055. Additionally, any foster home license that has been issued without the completion of the fingerprint-based background check due to the COVID-19 pandemic shall complete these checks as required under s. 48.685(2)(c) and DCF 56.055.

CENTRAL OFFICE CONTACT: Out-of-Home Care Specialist
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MEMO WEB SITE: <http://dcf.wisconsin.gov/memos>