


DCF	COMMONWEALTH OF MASSACHUSETTS – DEPARTMENT OF CHILDREN AND FAMILIES	
	Policy Name: Background Record Check	
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BACKGROUND RECORD CHECK POLICY

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I. POLICY

The Department of Children and Families uses criminal and child welfare background record checks (BRC) as an information source to help support the assessment of child safety, understand caregivers' past and present capacities, and inform decision making. The Department completes checks at the local, state, and national level, including i-FamilyNet, Criminal Offender Record Information (CORI), and Sex Offender Registry Information (SORI).

The Department interprets criminal and child welfare history considering multiple factors, including the nature and time since the crime(s), the current characteristics and capacities of the individual, the needs and vulnerabilities of the child(ren), and the impact of implicit bias, discrimination, and racial inequity that may be reflected in the history. The Department recognizes that some communities are disproportionately impacted by past criminal justice and child welfare histories. It is important that the Department consider the potential influence of racial, ethnic, cultural, and other biases in the analysis of BRC results.

Criminal and child welfare history is one source of information that can provide insight into an individual's functioning and caregiving capacity, but it must be used as part of a larger assessment that includes evaluating information from multiple sources. The Department uses both information gathering and clinical judgement to evaluate the relevance of BRC findings in the determination of risk to child(ren) or in any decision making. The Department considers any information or documentation the individual shares about their history as well as information provided by references or obtained through other sources (e.g., a police report). Social Workers, with the support of their supervisors, review BRC findings and think critically about how child safety may be impacted by what is learned. Analysis of criminal and child welfare history takes place within the broader context of the Department's understanding of the individual, child(ren), and family's current and past functioning, and includes consideration of what actions the individual has taken to address areas of potential concern and mitigate risk.

II. PROCEDURES

A. DEFINITIONS/KEY TERMS

For the purposes of this policy, the following definitions are used:

- A. Adult** - Any individual age 18 years or older.
- B. Background Record Checks (BRC)** – Information obtained by searching an individual's criminal and child welfare history.
- C. DCF History** – Information from the Department's electronic case management system or physical case record (including the Record Center Index for archived records), indicating that an individual is or has been involved with the Department and comparable information from other states, US military bases, US territories or Indian reservations. Among other information, the electronic record identifies persons listed in the following registries:
 - **Central Registry** - A registry, maintained by the Department pursuant to [MGL c. 119, § 51F](#), containing identifying information on those children reported to the Department pursuant to [MGL c. 119, § 51A](#). The registry also includes identifying information regarding the reported children's parents and other family members and the outcome of any response (prior to February 28, 2016 called an investigation) which resulted from such a report, including the name of any individual(s) identified as responsible for the child abuse or neglect or any individual listed on the Registry of Alleged Perpetrators.
 - **Registry of Alleged Perpetrators** - A registry maintained by the Department. The criteria for being listed in this registry are:
 - **As of September 9, 1993:** The individual was identified by substantial evidence as responsible for the abuse and/or neglect in a response or an investigation conducted pursuant to [MGL c. 119, § 51B](#), in which the 51A report was supported and referred to the District Attorney.

- **Prior to September 9, 1993:** Following the support of a 51A report, (1) the individual was alleged to be responsible for the supported abuse or neglect and there was no available information to indicate otherwise, and (2) the allegation(s) about the individual should be further considered during case management, or the allegation(s) cause protective concerns about the individual as a caregiver.
NOTE: No referral to the District Attorney was required.

- D. CORI (Criminal Offender Record Information)** – Records and data (including conviction, arraignment and sealed record data, and juvenile arraignment, arrest and conviction data) in any communicable form compiled by a criminal justice agency which concerns an individual and relates to the nature or disposition of a criminal charge, an arraignment, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. CORI includes information regulated by the Department of Criminal Justice Information Services (DCJIS) regarding the criminal histories of persons within the Massachusetts court system.
- E. SORI (Sex Offender Registry Information)** – Information and classifications maintained by the Massachusetts Sex Offender Registry Board regarding persons who have been convicted or adjudicated of a sexual offense. SORI includes the type of sex offense(s) committed, the date(s) of conviction, the sex offender’s home and work/school addresses, and identifying information about the sex offender, such as age, height, and weight.
- F. National Crime Database** - the Department uses the National Crime Information Center (NCIC), databases maintained by the FBI, which allows eligible criminal justice agencies, including child welfare agencies investigating or responding to allegations of abuse or neglect, to conduct a nationwide search for criminal and sex offender records. For the purposes of ensuring child safety, the Department of Children and Families is considered a criminal justice agency.
- G. Household Member** – Any individual, regardless of age, who lives in the home, who moves into the home with the intent to make it their residence, or who is temporarily visiting for more than 30 calendar days. Children/young adults in Department care or custody are not considered household members of the foster/pre-adoptive home for the purpose of this policy.
- H. Non-Household Member** – Any individual who is present in the home on a recurring/routine basis; AND they have a significant relationship with the parent(s) and/or household members, the nature of which creates the potential for unsupervised contact with children in the home (non-custodial parents, significant others, relatives, or close friends); OR they are present in the home for the purpose of serving in a caregiving role (e.g., babysitters).
- I. Visiting Resource** – Any adult who has a pre-existing relationship with a foster child and the foster child visits their home on a recurring/routine basis.
- J. Kinship Placement** – An individual(s) licensed or approved to provide 24-hour out-of-home care for children in the custody or care of the Department, who are either: (1) related by blood, marriage or adoption; (2) fictive kin including another individual(s) to whom the child and/or parent(s) ascribe the role of family based on cultural and affectional ties or individual family values; or (3) another individual(s) identified by the parent(s), child and/or the Department as a foster family for a specific child(ren) (e.g., schoolteacher, parent of friend, member of family’s religious community).
- K. Hosting Regional/Area Office/Director** – The Regional/Area Office/Director responsible for the foster/pre-adoptive family applicant or licensed foster/pre-adoptive family. This is normally determined by where the family lives.
- L. Placing Regional/Area Office/Director** – The Regional/Area Office/Director responsible for a case in which a child needs placement.

B. ROLES AND RESPONSIBILITIES

Area Director/Area Program Manager/Regional Managers are responsible for:

- Supporting the units they oversee in carrying out the responsibilities of this policy and in the decision making required by the policy;
- Assisting Social Workers and Supervisors in understanding and evaluating BRC results and categorization; and
- Where applicable, make the final approval decisions on foster/pre-adoptive/kinship families and visiting resources.

BRC Unit Member is responsible for:

- Processing background record checks assigned to them in a timely manner.

BRC Unit Director and/or Supervisor is responsible for:

- Assigning background record check requests to BRC Unit Members;
- Assisting BRC Unit Members in understanding and evaluating BRC process and categorization;
- Processing background record checks as needed; and
- Supporting BRC Unit Members in carrying out the responsibilities of this policy.

Foster Care Social Worker (*Kinship, Foster Family, License and Training, Recruiter, ADLU*) is responsible for:

- Submitting BRC requests through the family's electronic case record for household and non-household family members during the recruitment, assessment, and licensing of new Kinship, Foster, or Pre-Adoptive families;
- Submitting BRC requests through the family's electronic case record during the ongoing support of a licensed Kinship, Foster, or Pre-Adoptive families;
- Utilizing BRC results when assessing safety and caregiving capacity;
- Informing the individual of their BRC results (as appropriate);
- Attending Licensing Review Team meetings; and,
- Participating in Regional Clinical Reviews as required.

Licensing Review Team is responsible for:

- Making final approval decisions for initial caregiver assessments and licensing of Kinship, Foster, and Pre-Adoptive families with Discretionary BRC results.

Social Worker (*Screening, Response, Ongoing*) is responsible for:

- Submitting BRC requests through the family's electronic case record for consumer family household and non-household members as needed;
- Submitting BRC requests through the family's electronic case record for potential Visiting Resources who have a relationship with the child;
- Utilizing BRC results when assessing the safety and caregiving capacity of the Visiting Resource;
- Informing the individual of their BRC results (as appropriate);
- Attending Licensing Review Team meetings as needed; and,
- Participating in Regional Clinical Reviews as required.

Regional Director/Designee is responsible for making final approval decisions on foster/pre-adoptive/kinship families and Visiting Resources:

- On the Registry of Alleged Perpetrators;
- On SORI Level I, II, III, or Unclassified results;
- On Discretionary CORI results when they include open or pending crimes in the 5-Year Disqualifying category; and
- On Discretionary CORI results when they include crimes against children or crimes of a sexual nature.

Regional Manager over License and Training Social Worker Unit is responsible for:

- Making final approval decisions for post-licensing assessments on Foster, Pre-Adoptive, and Kinship families with a Discretionary CORI finding.

Supervisors for Social Workers in applicable positions are responsible for:

- Supporting the social worker in carrying out the responsibilities of the BRC policy and in decision making required by the policy;
- Assisting the Social Workers in understanding the BRC results and categorization; and,
- Attend Licensing Review Team meetings and Regional Clinical Reviews as needed.

C. PROCEDURES: COMPLETING A BACKGROUND RECORD CHECK FOR PROTECTIVE INTAKE AND PROTECTIVE CASE PRACTICE

Consent

Requirements

1. The Department is not required to inform individuals or obtain consent prior to completing a BRC during intake, response, and case management; however, the Department may choose to inform the individual prior to completing the BRC.

When to Request a BRC

2. *During Intake and Response:* Background record checks are required to be completed for:
 - A caregiver who is alleged to be responsible for abuse and/or neglect; A household member age 15 or older; and
 - A non-household member age 15 or older who is otherwise connected to the allegation of abuse and/or neglect.
3. *During Open Cases:* Background record checks are required to be completed when:
 - A new person age 15 or older becomes a member of the household;
 - A new non-household member age 15 or older who is anticipated to be an ongoing, routine, potentially unsupervised caregiver (e.g., caregiver's new romantic partner) is identified;
 - An adult who has a pre-existing relationship with a foster child comes forward to be considered as a potential Visiting Resource; and
 - A parent, caregiver, or non-household member for whom a criminal history and child welfare history check was not completed during Screening and Response.
4. Background record checks may be completed for household members under the age of 15 on a case-by-case basis if the Social Worker identifies that there is a cause for concern.
5. A missing child registry check should be completed for all children/youth under the age of 18.

Request and Process a BRC

7. The Department staff member submits a request through the electronic case record to the Department's BRC Unit.
8. Upon receipt of the request, the BRC Unit completes a BRC search based on the nature of the request and the individuals involved. A BRC for protective intake, response, and case management consists of a CORI, SORI, and a DCF History check.
9. For Intake and Response BRC requests,
 - National Crime Data Base (NCDB) checks are mandatory
 - Missing child registry checks should be completed for children/youth under the age of 18.

10. For protective case management, NCDB and missing child registry checks are discretionary and must be requested by the Social Worker.
 11. The BRC Unit categorizes the results in accordance with Appendix A and uploads the supporting documents for any CORI, SORI, NCDB, and missing child registry checks reviewed and assessed.
 12. The BRC Unit returns any request that does not have the required information and includes an explanation of what is needed to complete it.
 13. Following BRC categorization and upload, the results are returned to the requestor through the electronic case record.
- Evaluate Findings**
14. *Evaluating Findings in Protective Intake:* During the intake and response process, the Screener and Response Worker considers BRC results in their assessment of risk and safety of the child(ren) and uses it to inform decision making and safety planning.
 15. *Evaluating Findings in Protective Case Practice:* During ongoing case management, the Social Worker's evaluation of the current concerns of abuse or neglect is made in the context of the history of the family by identifying consistent and recurring characteristics or behaviors that elevate danger or risk of future harm to a child. It is important to review the criminal and child welfare history when assessing changes in a family member's behavior and actions to understand how this history is impacting their current functioning and ability to provide safety for the child(ren). Throughout the Department's involvement, new information learned about the family is incorporated into the clinical formulation about the individual and family's functioning.
- Assess How BRC results Impact Social Worker Safety**
16. The Department also uses BRC results to inform decisions about Social Worker safety. Contact with individuals at all phases of casework practice is planned with the safety of Social Workers and family members as a primary consideration. Whenever a Social Worker has a concern about their personal safety, the Social Worker notifies the Supervisor and Area Program Manager so that a plan is developed to address the Social Worker's safety. (See [Workplace Violence Prevention Policy](#)).
- Share BRC results with the Subject of the BRC**
17. Department staff should share and discuss the BRC findings with the subject, unless sharing the findings could result in safety concerns for the children, family members, or Department staff. Open and transparent dialogue regarding BRC findings has great clinical value and informs risk assessment.
- Complete Documentation**
18. For further detail regarding guidelines for sharing BRC results, see Appendix B.
 19. Department staff summarize and document the BRC findings and how they impact child safety in the electronic record.

D. PROCEDURES: COMPLETING A BACKGROUND RECORD CHECK FOR FOSTER, PRE-ADOPTIVE, AND KINSHIP HOMES

The Department completes background record checks when conducting an assessment to license or continue to license a Foster, Pre-Adoptive, and Kinship family. The summary of how results impact child safety is documented in the initial Caregiver Assessment, Annual/Interim Assessment, or in dictation if the BRC was completed outside of the context of an assessment.

Background record checks may be completed at any point if a safety or clinical concern arises. They may be completed for household and non-household members under the age 15 on a case-by-case basis if the Social Worker identifies that there is a cause for concern.

Consent Requirements

1. Written consent is required prior to completing a BRC on an individual associated with a Foster, Pre-Adoptive, or Kinship family, including household members and non-household members. The Department may accept verbal consent prior to receiving signed consent, when completing an immediate kinship placement and prior written consent is not possible or would pose an obstacle to emergency placement.
2. As part of obtaining consent, the Department will verify the subject's identification by examining a suitable form of identification, which has a photo of the individual, or by reviewing the subject's birth certificate or social security card. If the Department is unable to verify a photo identification, birth certificate or social security card, the subject should submit a BRC consent that has been notarized.
3. During the Application Review process, the Department notifies the Foster, Pre-Adoptive, or Kinship family of the types of background record checks the Department will conduct and obtains their agreement to cooperate with the process.

When to Request a BRC

4. When working with a Foster, Pre-Adoptive, and Kinship family, BRC results are reviewed when completing:
 - The Application Review;
 - The initial Caregiver Assessment prior to licensing; and
 - Each Annual or Interim Assessment, and Assessment Update for a new household or non-household member.
5. Background record checks are required to be completed for:
 - A household member age 15 or older; and
 - A non-household member age 15 or older.
6. Background record checks may be completed:
 - For a household or non-household member under age 15 on a case-by-case basis if there is an identified cause for concern; and
 - When a safety or clinical concern arises and the Department decides that updated BRC results is warranted.

Request and Process a BRC

7. A DCF staff member submits a BRC request through the electronic case record to the Department's BRC Unit.
8. Upon receipt of the request, the BRC unit completes a BRC search based on the nature of the request and the individuals involved. A BRC for foster families consists of a CORI, SORI, a DCF History Check, and fingerprint-based criminal history. Fingerprint-based checks are only required during the initial Caregiver Assessment and every two years thereafter.
9. The BRC Unit then categorizes the results in accordance with Appendix A and uploads the supporting documents for any CORI, SORI, and fingerprint check reviewed and assessed.
10. The BRC Unit will return any requests that do not have the required information and include an explanation of what is needed to complete it.
11. Following BRC categorization and upload, the results are returned to the requestor through the electronic case record.

**Lifetime
Disqualifying
Crimes**

12. When an individual's BRC findings include a conviction or pending charge for the crime in the Lifetime Disqualification category, the individual will be informed that they are ineligible to care for a child in the Department's care or custody.
13. The Department cannot review an open or pending charge for a crime in the Lifetime Disqualification category until there is a final disposition on the charge. Lifetime disqualifying crimes can only be considered if the final disposition results in a non-conviction.

**5-Year Disqualifying
Crimes**

14. When an individual's BRC findings include a conviction for a crime in the 5-year Disqualification category and less than 5 years has passed since the arraignment date, the individual will be notified of their ineligibility. After 5 years, the crimes are categorized as discretionary.

**Open and Pending
5-Year Disqualifying
Crimes: Enhanced
Review**

15. When an individual's BRC findings include an open or pending charge for a crime in the 5-Year Disqualification category, they are Discretionary and require an Enhanced Review. The individual may only be approved under limited circumstances and only if the charge has been assessed as part of a new Caregiver Assessment, Annual Assessment, or Post-Licensing Assessment, and the individual:
 - has a pre-existing relationship with the foster child(ren) as kin or as a previous or current foster parent, pre-adoptive parent, or household member of the foster, pre-adoptive, or kinship family to the child(ren);
 - plans to have a continuing or lifelong relationship with the child(ren); and
 - has demonstrated to a satisfactory extent the ability to safely care for the foster or pre-adoptive child(ren).

**Discretionary
Findings**

16. When an individual's BRC findings indicate a criminal record, regardless of the disposition, that includes any crime not in the Lifetime or 5-Year Disqualification categories, they are Discretionary. The approvals necessary for Discretionary BRC findings are explained in Appendix A.
17. When reviewing criminal history records, Department staff will consider the following factors in making its decision whether to approve the request for foster care placement, adoption or kinship care as required by G.L. c. 119, s. 26A and G.L. c. 210, s. 3B: (1) time since the incident; (2) age of the BRC subject at the time of the incident; (3) the type, seriousness, nature, and specific circumstances of the incident; (4) number or frequency of incidents; (5) information in a police report about the incident if obtainable within a reasonable time and/or discussions with a police officer familiar with the facts surrounding the incident; (6) the relationship of the incident and the capacity of the foster family to care for child(ren); (7) the current and future needs of the foster child to be placed and the probable effect that the incident would have on the foster family's ability to fulfill those needs; (8) the findings and recommendations of the social worker assigned by the Department to discuss the facts surrounding the incident with the BRC subject and the foster family; (9) the relationship between the BRC subject and the foster child(ren), if any; (10) if applicable and appropriate, discussions with the child to be placed regarding the child's current and past relationship with the foster family; (11) relevant evidence of rehabilitation or lack thereof; (12) opinions of community members about the BRC subject; (13) recommendations given to the Department by personal or employment references chosen by the BRC subject or otherwise received; (14) recommendations the BRC subject's parole or probation officer, if any; and (15) other relevant information, including information submitted by the foster family or

requested by the Department. When assessing all criminal and child welfare history, the Department will also consider other factors as clinically relevant.

(See *Licensing of Foster, Pre-Adoptive and Kinship Families Policy* and *Safe and Supported Placements Policy*)

Share BRC results with the Subject of the BRC

18. The Department will share BRC results with the subject of the BRC before discussing their criminal and child welfare history, and before making licensing decisions based on the findings of the BRC. Results will be discussed in a manner that accounts for the structural and systemic factors that have contributed to their criminal and/or child welfare history. The discussion will center on how the results may impact risk, safety assessment, and decision making. The Department gives the individual an opportunity to provide an explanation and/or documentation to consider. The Department can only share BRC results with other household members with the individual's consent. If the individual is under 18, the Department will share findings with the child's parent/guardian. For further guidance regarding the sharing of BRC information, see Appendix B.

19. When sharing the BRC information, Department staff must tell the individual about the source of the BRC and provide the individual with information about how to correct their criminal record, if they believe that the criminal record is inaccurate.

Review and Approve Findings in the Licensing Review Team

20. Unless the foster home is closed prior to the completion of the Caregiver Training and Assessment due to a disqualifying BRC result or other safety or clinical concern, BRC results are reviewed as part of a Licensing Review Team (LRT). The LRT examines the BRC results about foster parents and objectively considers whether any findings may interfere with the foster parent's ability to provide a physically and emotionally safe environment for children.

Utilizing BRC results in an Annual or Interim Assessment

21. An updated background record check is completed as part of an Annual Assessment and may be conducted during an Interim Assessment. The DCF staff evaluates the results within the broader context of their understanding of the individual and their circumstances to help inform decisions about child safety.

22. If the results have not changed since the previously completed assessment and the information has been reviewed and approved, the home can be re-licensed with or without stipulations, as applicable, based on the previous submission.

E. PROCEDURES: GUIDELINES FOR SECURE MANAGEMENT OF BRC RECORDS

To protect the confidentiality rights of individuals, Federal and State laws provide rules for the maintenance and sharing of criminal history records, including BRC history obtained through fingerprint-based checks of the national crime databases. The Department securely maintains BRC records obtained during intake, response, case management, or foster home licensing, in the appropriate clinical case or foster home electronic record. The Department will only print a copy of the BRC record to share the information with the subject of the BRC, as described above in section D, procedure numbers 14 and 15. Any printed BRC records that are not provided to the subject of the BRC will not be retained by the Department and will be destroyed. BRC results will only be summarized in case dictation by indicating the category of the findings obtained, the number of charges, and the time passed since the charges occurred.

The sharing of CORI data is carried out with regard for the individual's privacy and in accordance with the table found in Appendix B.

Appendix A

Categorization and Review of Background Record Checks for Foster Care Licensing

When evaluating Foster, Pre-adoptive, or Kinship families for licensure or evaluating an individual to act as an unsupervised caregiver/visiting resource for a child in the Department's care or custody, a review and approval of the BRC results is required as noted in the tables below.

The crimes described below are to be construed as including all violations of Massachusetts law or like violation in another state, the United States, or a military, territorial or tribal authority.

Crimes that Result in a Lifetime Disqualification

Individuals will not be approved to provide care for a child if any household member has been convicted of or has charges pending for one of the following felonies. Adjudicated Juvenile Delinquency charges do not result in a Lifetime Disqualification.

LIFETIME DISQUALIFYING CRIMES	MGL
ASSAULT AND BATTERY UPON A CHILD	c. 265, § 13J
ASSAULT WITH INTENT TO RAPE	c. 265, § 24
ASSAULT WITH INTENT TO RAPE A CHILD	c. 265, § 24B
ENTICEMENT OF A CHILD UNDER 18 TO ENGAGE IN PROSTITUTION, HUMAN TRAFFICKING OR COMMERCIAL SEXUAL ACTIVITY	c. 265, § 26D
HUMAN TRAFFICKING	c. 265, §§ 50-53
INCEST	c. 272, § 17
INDECENT ASSAULT AND BATTERY	c. 265, §§13B, 13F, 13H
INDECENT ASSAULT AND BATTERY ON CHILD UNDER 14, AGGRAVATED	c. 265, § 13B1/2
INDECENT ASSAULT AND BATTERY ON CHILD UNDER 14, AGGRAVATED, SUBSEQUENT OFFENSE	c. 265 § 13B ¾
INDUCING A MINOR INTO PROSTITUTION	c. 272, § 4A
MURDER	c. 265, § 1
CHILD PORNOGRAPHY RELATED OFFENSES	c. 272, § 29A, 29B, 29C
PROSTITUTION, DERIVE SUPPORT FROM CHILD	c. 272, § 4B
PROSTITUTION/SOLICITATION WITH PERSON UNDER 14	c. 272, § 53A(c)
RAPE	c. 265, § 22
RAPE OF CHILD WITH FORCE	c. 265, § 22A
RAPE OF CHILD WITH FORCE, AGGRAVATED	c. 265, § 22B
RAPE OF CHILD WITH FORCE, AGGRAVATED, SUBSEQUENT OFFENSE	c. 265, § 22C
RAPE AND ABUSE OF A CHILD	c. 265, § 23
RAPE AND ABUSE OF A CHILD AGGRAVATED BY AGE	c. 265, § 23A

RAPE AND ABUSE OF A CHILD BY PREVIOUS OFFENDERS	c. 265 § 23B
UNNATURAL ACTS WITH A CHILD UNDER 16	c. 272, § 35A

Crimes that Result in a 5-Year Disqualification

An individual will not be approved to provide care for a child if any household member has been convicted of one of the following felony assault and battery or drug-related offenses within the past 5 years. Adjudicated Juvenile Delinquency charges do not result in a 5-Year Disqualification. The five-year period begins from the date of arraignment.

5-Year Disqualifications	MGL
A&B DANGEROUS WEAPON	c.265 § 15A
A&B, DANGEROUS WEAPON, VICTIM 60+	c.265 § 15A(a)
A&B ON ELDER OR PERSON WITH DISABILITY	c. 265 § 13K
A&B, INTIMIDATION, RACE/COLOR/RELIGION	c. 265 § 39
A&B ON PERSON WITH AN INTELLECTUAL DISABILITY	c.265 § 13F
AGGRAVATED ASSAULT	c. 265, § 13A(b)
ARMED ASSAULT W/ INTENT TO MURDER OR ROB	c.265 § 18(b)
ARMED ASSAULT W/ INTENT TO MURDER OR ROB, VICTIM 60+	c.265 § 18(a)
ARMED ASSAULT, DWELLING, W/ FELONY INTENT	c.265 § 18A
ASSAULT BY DANGEROUS WEAPON	c.265 § 15B(b)
ASSAULT BY DANGEROUS WEAPON, VICTIM 60+	c. 265, § 15B(a)
ASSAULT W/ INTENT TO MURDER OR MAIM	c.265 § 15
CIVIL RIGHTS VIOLATION, BODILY INJURY	c. 265, § 37
DELIVER DRUGS TO PRISONER	c.268 § 28
DISTRIBUTE CONTROLLED SUBSTANCE, MINOR	c.94C § 32F
INDECENT A&B ON DISABLED PERSON 60+	c. 265 § 13K
MANUFACTURE/DISTRIBUTE CLASS A SUBSTANCE	c.94C § 32
MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE	c.94C § 32A
MANUFACTURE/DISTRIBUTE CLASS C SUBSTANCE	c.94C § 32B
MANUFACTURE/DISTRIBUTE CLASS D SUBSTANCE	c.94C § 32C
MFG/DIST/DISP/TRAFFICK/POSS W/INT CONTROL SUBST W/IN 300 FT SCHOOL	c.94C § 32J
MFG/DIST/ DISP/TRAFFICK/POSS W/INT CONTROL SUBST W/IN 100 FT PARK/PLAYGROUND	c.94C § 32J
M/V HOMICIDE, UNDER INFLUENCE ALCOHOL/DRUGS, NEGLIGENT OR RECKLESS	c.90 § 24G(a)
POSSESS CLASS A SUBSTANCE, INTENT TO DISTRIBUTE/MANUFACTURE	c.94C § 32(a)

5-Year Disqualifications	MGL
POSSESS CLASS B SUBSTANCE, INTENT TO DISTRIBUTE/MANUFACTURE	c.94C § 32A(a)
POSSESS CLASS C SUBSTANCE, INTENT TO DISTRIBUTE/MANUFACTURE	c.94C § 32B(a)
POSSESS CLASS D SUBSTANCE, INTENT TO DISTRIBUTE/MANUFACTURE	c.94C § 32C(a)
POSSESS CONTROLLED SUB W/ INTENT DISTRIB, SUBSQ OFFENSE	c.94C § 32(b)
TRAFFICKING IN CARFENTANIL	c. 94C § 32E(c ¾)
TRAFFICKING IN COCAINE OR CLASS B SUBSTANCE	c.94C § 32E(b)
TRAFFICKING IN FENTANYL	c. 94C § 32E(c ½)
TRAFFICKING IN HEROIN OR CLASS A SUBSTANCE	c.94C § 32E(c)
TRAFFICKING IN MARIJUANA	c.94C § 32E(a)(2)-(4)
UNARMED ASSAULT, INTENT TO ROB	c.265 § 20

Crimes that Result in a Discretionary Categorization

Any pending charge in the 5-Year Disqualifying category or any other crime not listed in the Lifetime or 5-Year Disqualifying categories, regardless of disposition, are categorized as discretionary. Crimes will be categorized as Discretionary after five years have passed from the date of arraignment. Any open or pending charges for crimes listed in the 5-Year Disqualifying category will require an enhanced review in a Regional Clinical Review before any discretionary approval may be issued by a Regional Director.

Review and Approval of Criminal History for Departmental Foster Homes

Outcome Name	Final Reviewer Approval Needed*	Description of Population and Approval Requirements
Lifetime Disqualification	N/A - Disqualified	Individual is disqualified based on being convicted of a crime, or having an open or pending charge that falls in the lifetime disqualification category outlined by Massachusetts state law. <i>(See Lifetime Disqualification table above for further details)</i>
5 Year Disqualification	N/A - Disqualified	Individual is disqualified based on being convicted of a crime that falls in the 5-year disqualification category outlined by Massachusetts state law. <i>(See 5-Year Disqualification table above for further details)</i>
Open/Pending 5-Year Disqualifying Crime: Enhanced Review	Hosting Regional Director (NO Designee)	In limited circumstances, an individual with a criminal record that includes an open or pending charge for a crime in the 5-Year Disqualification category may be approved only if the individual meets the requirements in Section D, #15 above. Before a final decision to approve or deny, the individual's criminal record must be reviewed in a Regional Clinical Review. If the individual is being assessed as part of an initial Caregiver Assessment, the Regional Clinical Review and Licensing Review Team meeting can be combined. The Regional Clinical Review/Licensing Review Team meeting should include relevant clinical specialists, assess the impact of the crime(s) on the individual's caregiving capacity, and assess the individual's ability to safely care for the child(ren) in the Department's care and custody. The Regional Director determines whether to approve or deny the individual or foster family after completion of the meeting.

		(See <i>Licensing of Foster, Pre-Adoptive and Kinship Families Policy</i> for more information about the approval process during initial Caregiver Assessment and the Licensing Review Team.)
Discretionary	Hosting Regional Director or Designee	Individual has a criminal record, regardless of disposition that involves: <ul style="list-style-type: none"> • A crime of a sexual nature; or • A crime involving children. (See <i>Licensing of Foster, Pre-Adoptive and Kinship Families Policy</i> for more information about the approval process during immediate kinship placement, the initial Caregiver Assessment, and post-licensing assessments.)
Discretionary	Licensing Review Team for the initial license. The Regional Manager over the Licensing and Training Social Worker Unit, or ADLU unit as applicable, for post-licensing assessments.	Individual has a criminal record, which is not related to a crime of a sexual nature or a crime involving children, regardless of disposition that involves: <ul style="list-style-type: none"> • Any crime listed in the five-year disqualification table where more than five years have passed; or • Any other crime. (See <i>Licensing of Foster, Pre-Adoptive and Kinship Families Policy</i> for more information about the approval process during immediate kinship placement, the initial Caregiver Assessment, and post-licensing assessments.)
No Record Found	N/A	Individual does not have a criminal history.

**NOTE for Contracted Provider Agencies: Any criminal findings will require reviewer approval by the Executive Director (or Designee), and criminal findings in the Open/Pending 5-Year Disqualifying Crime: Enhanced Review category must also be reviewed and approved by a Central Office Clinical Review Team.*

Criteria for SORI Review

SORI HISTORY CHECK

Outcome Name	Final Reviewer Approval Needed*	Description of Population
SORI Level I, II, III or Unclassified	Hosting Regional Director (NO Designee)	Individual is listed on the Sex Offender Registry. In Massachusetts, individuals required to register as a Sex Offender are categorized by likelihood that they will re-offend. A Level I offender is at Low Risk of re-offending, Level II is Moderate Risk, and Level III is High Risk. An Unclassified offender means that the individual has registered but their classification review hearing has not been held yet.

**NOTE for Contracted Provider Agencies: Any SORI findings will require reviewer approval by the Executive Director (or Designee)*

Criteria for DCF History Review**DCF HISTORY CHECK**

Outcome Name	Final Reviewer Approval Needed*	Description of Population
Alleged Perpetrator Listing	Regional Director/Designee	Individual is listed on the Registry of Alleged Perpetrators. This is a registry maintained by the Department that records the name and identifying information for persons the Department has found to be responsible for certain incidents of abuse and neglect. A person will be listed on the registry if: <ol style="list-style-type: none"> (1) The Department determines that a report of abuse or neglect is supported; (2) There is substantial evidence that the individual is responsible for the incident of abuse or neglect; and (3) The Department referred the matter of the supported report to the appropriate District Attorney.
DCF History	Licensing Review Team for initial Caregiver Assessment; Manager over the Licensing and Training Social Worker Unit, or ADLU unit, as applicable, for Post-Licensing Assessments.	Individual has any Child Welfare history information.
No Child Welfare History	N/A	Individual does not have Child Welfare history information.

**NOTE for Contracted Provider Agencies: Any Alleged Perpetrator Listing or DCF History findings will require reviewer approval by the Executive Director (or Designee)*

Appendix B

Table of Guidelines for Secure Sharing of BRC Data

The sharing of BRC data is carried out with regard for the individual's privacy and in accordance with the guidelines specified below.

Holder of CORI/SORI Data (DCF/Contract Staff Member)	Individual Receiving BRC Data	Re:	Extent of Information Shared
Child's SW/Supervisor/APM Foster Care Social Worker/ Supervisor/APM	BRC Subject	BRC Subject	Can share full detail of BRC data (in writing and verbally) with the individual who is the subject of the CORI data, regardless of their age.
Child's SW/Supervisor/APM Foster Care Social Worker/ Supervisor/APM	Prospective Foster/Pre-Adoptive Parent	Spouse or Household Member Age 18+ BRC Subject of Any Age	Can share full detail regarding the BRC subject who is a spouse or another adult (age 18 years or older) household member only with a signed authorization for release of the information from the CORI subject. Without signed authorization, can verbally inform (without referencing specific BRC data) that the reason a particular action is being taken is because of information learned about the BRC subject.
Child's SW/Supervisor/APM Foster Care Social Worker/ Supervisor/APM	Prospective Foster/Pre-Adoptive Parent	Household Member BRC Subject under Age 18	Can share full detail regarding the BRC subject who is a household member under age 18 years only with a signed authorization for release of the information from the child's parent or legal guardian. <i>[Contact Legal staff if parent/guardian is not available.]</i> Without a signed release of information authorization, can verbally inform (without referencing specific BRC data) the prospective foster/pre-adoptive parent that the reason a particular action is being taken is because of information learned about the BRC subject.

Holder of CORI/SORI Data (DCF/Contract Staff Member)	Individual Receiving BRC Data	Re:	Extent of Information Shared
Child's SW/Supervisor/APM Foster Care Social Worker/ Supervisor/APM	Prospective Foster/Pre-Adoptive Parent	BRC Subject who is Child under Age 18 in Department Care or Custody being Considered for Placement	<p>Can share full detail regarding the BRC subject who is a child under age 18 in Department care or custody who is being considered for placement, only with a signed authorization for release of the information from the child's parent or legal guardian. <i>[Contact Legal staff if parent/guardian is not available.]</i></p> <p>Without a signed release of information authorization, can verbally inform (without referencing specific BRC data) the prospective or current foster/pre-adoptive parent of information learned about the BRC subject.</p>
Child's SW/Supervisor/APM Foster Care Social Worker/ Supervisor/APM	Current Foster/Pre- Adoptive Parent or Other Substitute Care Provider or Caregiver (e.g., residential care or childcare provider)	Spouse or Household Member BRC Subject of Any Age	See guidance above for "Prospective Foster/Pre-Adoptive Parent"
Child's SW/Supervisor/APM Foster Care Social Worker/ Supervisor/APM	Current Foster/Pre- Adoptive Parent or Other Substitute Care Provider or Caregiver (e.g., residential care or childcare provider)	BRC Subject under Age 18 who is in Department Care or Custody	<p>Can verbally share with the child's caregiver only the information the caregiver needs to know to protect the child or other individuals residing in the home, as determined by the Social Worker and Supervisor.</p> <p>Can share full detail regarding the BRC subject who is a child under age 18 years who is in Department care or custody only with a signed authorization for release of the information from the child's parent or legal guardian. <i>[Contact Legal staff if parent/guardian is not available.]</i></p>
Child's SW/Supervisor/APM Foster Care Social Worker/ Supervisor/APM	Parent/Legal Guardian of CORI Subject under Age 18	BRC Subject under Age 18	No signed authorization to release information is necessary from a BRC subject, who is a child younger than age 18 years, to share full detail of

Holder of CORI/SORI Data (DCF/Contract Staff Member)	Individual Receiving BRC Data	Re:	Extent of Information Shared
			BRC data with the child's parent or legal guardian.
Child's SW/Supervisor/APM Foster Care Social Worker/Supervisor/APM	Collateral Contact	BRC Subject (Adult Age 18±; Child under Age 18)	Can verbally share BRC results with a collateral contact only with a signed release of information from the adult BRC subject or from the parent or legal guardian of a BRC subject who is a child under age 18 years. <i>[Contact Legal staff if parent/guardian is not available.]</i>