

March 31, 2020

**Developmental Disabilities Division
Criminal Background Checks**

Coronavirus (COVID-19) Frequently Asked Questions

Q1 Are background checks still being processed?

The Criminal Background Check Unit (CBCU) will continue processing background checks.

The CBCU is working diligently to limit delays in turn-around times for background check results with as little disruption as possible. While we continue our efforts, we are mindful of the impact that other agencies are experiencing and recognize that delays in responses are likely to occur.

North Dakota Bureau of Criminal Investigations have made adjustments to their staffing which will allow for continued processing of background check requests. They will keep the CBCU apprised of any changes within their agency as well as with the FBI.

Q2 Can background check results be shared between multiple agencies to meet background check requirements?

In the current revised PI 10-03 it states, if a prospective or current employee has had a background check completed within the past 12 months by another DD licensed provider agency, the hiring DD licensed provider agency may choose to accept this background check. A copy must be obtained and placed in the employee personnel file. If the background check has any crimes or negative actions that required review by the Department, supporting correspondence from the Department showing a hiring decision must also be included in the personnel file.

Q3 We are concerned that delayed turn-around in background check processing will make it harder for us to hire new staff, in the case of workforce shortages. Will DHS waive background check requirements?

At this time, there are no waivers of background check requirements. Any changes to these requirements will be posted to this site.

Instructions and required forms for background checks that are processed by the CBCU can be found at <http://www.nd.gov/dhs/services/childfamily/cbcu/index.html>. Click on the type of background check needed (example Foster Care Related) and follow the instructions on the next page.

If you need assistance opening the Personal Authorization for Criminal History Record

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Information Inquiry Form (SFN 829), please submit an email with your name and phone number to dhsfcscbc@nd.gov and a member of the CBCU will contact you.

Q4 We are concerned that many state agencies that are either closed or are only dealing with the COVID – 19 at this point when we are trying to get information regarding the out of state Child Abuse and Neglect background checks. Will there be any waiver for the out of state requirements?

In response to COVID-19, the use of the self-disclosure form (SFN 1792) will be acceptable for a state whose offices may be closed or not responding due to COVID-19.

This will need to be verified by contacting the state, keeping documentation to justify the state is closed or not responding due to COVID-19, and make note on the form that it is being used for this special situation. This will only be acceptable during the COVID-19 emergency.

All North Dakota checks are still required per policy.

Q5 I need an abuse and neglect check completed. Are you still processing those types of requests?

The CBCU continues processing child abuse/neglect index inquiries for public agencies and private non-profit agencies that have agreements with DHS/CFS to conduct Child Abuse and Neglect Index checks.

Q6 I have self-directed in-home support services. Do I need to wait until I receive my background check results before I can start working?

A person who is providing self-directed in-home support must submit a background check application to the fiscal agent but will be allowed to start providing service BEFORE receiving the results of the background check. If the background check comes back with an adverse result, the employer must cease use of the employee immediately.

Q7 If a provider hires a legal decision maker to temporarily work with a client, will they be required to adhere to the background check policy?

Yes, the policy still applies.

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