

These background checks are meant to protect children who have been neglected and/or abused. Your wish to help them walk the good path is an honorable thing, and if you do have a criminal or Child Protective Service record, it is important to know that not all spotted records keep you from foster parenting. Be aware that there are processes and situations that will allow you to still help a child.

For more information on Child Protective Service background checks, criminal background checks, or about the foster parent licensing process, please contact your local Child and Family Services office or e-mail: askaboutfostercare@mt.gov.



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Child and Family Services

Becoming a Foster Parent



What You Need to Know About Child Protective Service Checks and Criminal Background Checks

So you want to become a foster parent. You're excited at the chance to help your community and a child in need. Then you see the licensing paperwork, and two words stick out: background checks. You start to rethink your choice. Questions and worries fill your head: *Why does the state need my fingerprints? I do have a few spots on my record. Maybe I can't be a foster parent after all.*

It might come as a surprise, but only these serious crimes will absolutely keep you from getting a foster parent license:

- crimes involving violence such as homicide; rape; sexual assault; aggravated assault; assault on a minor, officer, or with a weapon; kidnapping; aggravated kidnapping; prostitution, robbery or burglary
- crimes pertaining to children or families, including but not limited to child abuse or neglect, incest, child sexual abuse, ritual abuse of a minor, felony partner or family member assault, child pornography, child prostitution, internet crimes involving children, felony endangering the welfare of a child, felony unlawful transactions with children, or aggravated interference with parent-child contact
- conviction of abuse, sexual abuse, neglect, or exploitation of an elderly person or a person with a developmental disability

If none of these crimes are on your record, you may be able to foster parent. In order to make sure that you can give a safe home to a foster child, though, the licensing worker will have to do two different background checks.

The first check is to look at your Child Protective Service (CPS) history. The licensing worker looks at any Child Protection history about you in Montana. If you have lived in a state other than Montana, the worker will also look at your history in the states you used to live. Every adult in your household will also have his/her history checked. You will be told if the worker finds anything that shows you or any person in your home might be a risk to children.

If any of these come up in the background check, the licensing worker might have reason to deny licensure:

- 1) A substantiation of child abuse/neglect on you or any adult in your household.
- 2) A history that shows that you or any adult living in the home:
 - Had a child in their care adjudicated by a court as a youth in need of care
 - Had a child involuntarily removed from their care
 - Had children placed in foster care
 - Had their caregiver rights to a child terminated

If you have a CPS history, you can talk about your experience with your licensing worker. Your licensing worker could then bring your case to the Department Regional Administrator, who, after carefully reviewing the conditions of your CPS history, may be able to give a license that lets you foster a specific child.

The second check is of your criminal history. You and any adult household member will be asked to give

fingerprints and information on any criminal history so that the licensing worker can make sure that any children placed in your home will be safe. A motor vehicle check will also be done.

If you do have a criminal record that does not have any serious crimes, time passed since the crime and the type of crime are considered before your licensing worker makes a decision about licensing you as a foster parent.

If these crimes are on your record, but they happened at least five years ago, you could still be licensed:

- Physical assault;
- battery; or
- any drug or alcohol related felony conviction

Having one of the convictions below may not keep you from becoming a foster parent. Each case is looked at by the Division, who, using their best judgment, could give licensure:

- misdemeanor partner/family member assault
- misdemeanor endangering the welfare of a child
- misdemeanor unlawful transaction with children
- crime involving an abuse of the public trust