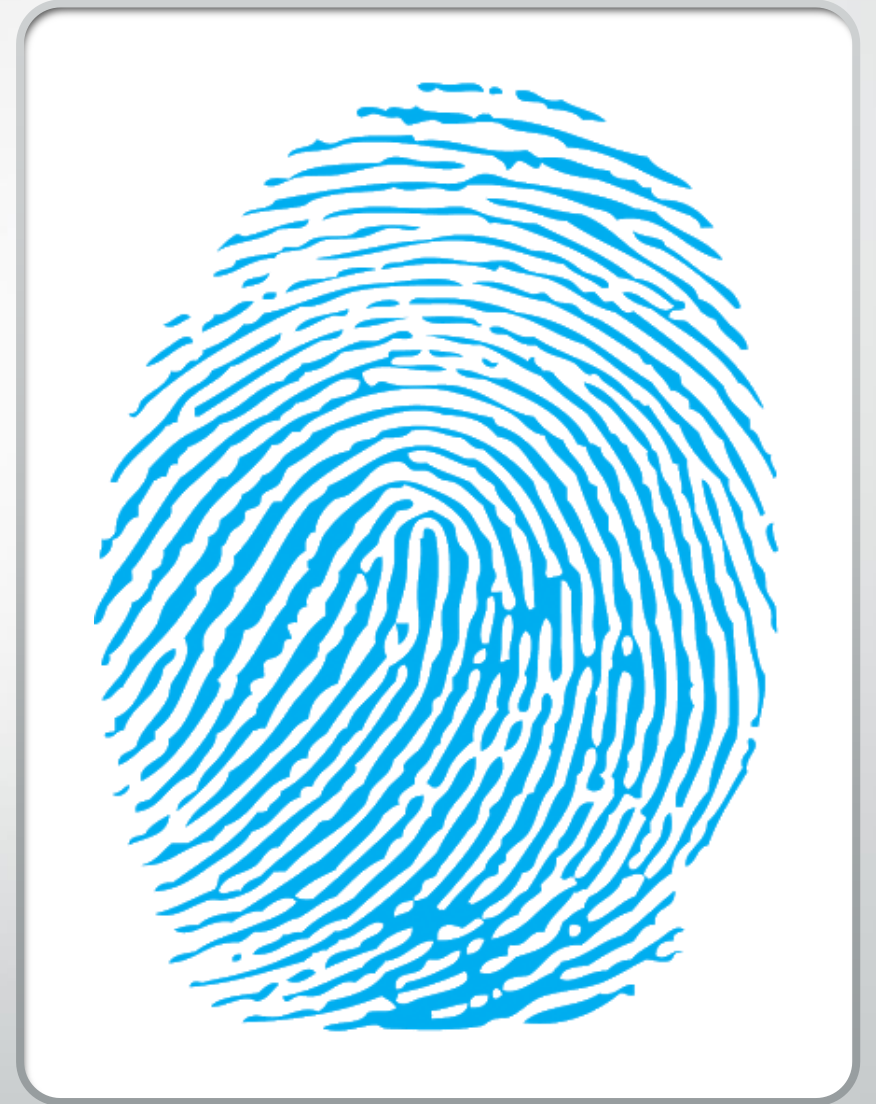


Fingerprint and Background Check Process



Comprehensive Background Checks

Comprehensive Background Checks are broader in scope than Criminal Records Checks, ensuring more thorough vetting to uncover past criminal, sexual, abuse, or neglect offenses that require exclusions from access to licensed Adult Day Services Centers.

Comprehensive Background Check Searches

- National fingerprint-based criminal files (NICS)
- TN fingerprint-based criminal files
- TN child abuse and neglect registry (DCS)
- TN Vulnerable Persons Registry (VPR)
- TN sex offender registry
- National sex offender registry

Who Needs a Background Check?

- Anyone who works in an adult care services licensed by Tennessee Department of Human Services (DHS) with unsupervised access to adults, no matter what age, MUST complete a background check Tenn. Code Ann. §71-2-403
- This includes:
 - All new employees or volunteers who are counted in the staff/adult participant ratio and those volunteers who have unsupervised access to the adult participants in adult day services centers who serve as a volunteer for more than 36 hours in one calendar year.

Fingerprinting Process

- Prior to getting fingerprinted, ALL applicants must complete the Adult Day Services Criminal/Juvenile History & State Registry Review Disclosure Form: <https://www.tn.gov/content/dam/tn/human-services/hs/hs-2680-ADSDisclosureForm.pdf>
- ALL applicants must complete this form.
 - This form must be kept in the applicant's file at the Adult Day Services Facility for licensing purposes. Rule 1240-07-10-.12

Tennessee Department of Human Services
Adult Day Care Services Criminal/Juvenile History & State Registry Review Disclosure
 Fingerprint Registration Website & Call Number: <http://www.adstags.com> 1-866-226-2937

IF YOU FALSIFY INFORMATION ON THIS FORM, YOU WILL BE SUBJECT TO CRIMINAL PROSECUTION.

Note to Applicant: Log on to www.adstags.com or call 1-866-226-2937 to register and pay for your background check, and to schedule an appointment to provide your fingerprint sample. Be prepared to provide the information on this form when you register online or by phone. You must bring a valid state or federal photo ID (driver's license, passport, military ID). The fingerprint technician will give you a receipt after you have submitted your fingerprint sample, and you must return this receipt to the agency. The agency must attach the receipt to this form, which must be filed with the agency's staff records.

DHS ORI #: TN DHS 0002
 TRANSACTION TYPE: DT

Part 1 Applicant Information:	
Name of Agency:	Last Name
First Name	First Middle Name
Full Provider ID (FERN) # (including extension / suffix):	Please list any other names you have ever used, including maiden name:
Street Address of Agency:	Date of Birth:
Start Date & Position Verification (information in this box to be completed by the agency director):	Social Security Number:
Prospective Start Date: / /	Home Address:
Position:	City:
I acknowledge that the law requires a fingerprint application to be submitted for this individual and attest that the information within this box is accurate.	State:
Agency Director Signature	County:
Date	Zip Code:
TCR # (from receipt):	Daytime Phone:
Fingerprint Date: / /	Alternate Phone:
For Drivers ONLY: Will the duties of the person identified in Part 1 include driving for the agency? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide the following Driver's License # _____ State of _____	
List work history for the last five (5) years. If you need more space, use a separate sheet of paper.	
Employer Name	From To Your Position

Continued on Next Page

DHS staff should check the "Forms" section of the internet to ensure the use of current versions. Forms may not be altered without prior approval. Distribution: Adult Day Care Agency RGA: Pending Page 1 of 3

Part 2 Information for Criminal/Juvenile History background check and State Registry Review:

Name	Height	Weight	SSN
Hair Color	Eye Color	Race	Sex
			<input type="checkbox"/> Male <input type="checkbox"/> Female

Part 3 Additional Questions:

Employment with an adult care agency depends upon the outcome of the criminal/juvenile history background check and state registry review. This means that if a criminal or juvenile history background check determines that you have been convicted, or have pled guilty or no contest to certain crimes, or a juvenile court has found that you committed an offense that would be an excludable crime if you were an adult, or if you have certain pending criminal or juvenile charges, or you are indicated on the Department of Children's Services Indicated Abuse Perpetrator Registry, the Department of Health's Abuse Registry, the Tennessee Bureau of Investigation's Sexual Offender Registry, you will not be able to work in, volunteer at, provide substitute services to, reside in, or have any access whatsoever to the agency. You must answer the following questions even if your records, including juvenile records, were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or lawyer, told you that you no longer have a record.

Have you EVER:

1. been arrested, cited, or detained by any law enforcement officer (including military police)? Yes No
2. been charged with committing any crime or offense as a juvenile or an adult? Yes No
3. been convicted/found to have committed, pled guilty or pled no contest to any crime or juvenile offense? Yes No
4. been arrested for, charged with, convicted/found to have committed, pled guilty or pled no contest to DUI or DWI? Yes No
5. been placed in an alternative sentencing or rehabilitative program as a juvenile or an adult (For example: diversion, deferred prosecution, withheld adjudication)? Yes No
6. received a suspended sentence, been placed on probation, or been paroled? Yes No
7. been in jail, prison, or a juvenile/youth detention facility? Yes No
8. been charged with the violation of an order of protection? Yes No
9. been listed on the FBI sexual offender registry or sexual offender registry in any other state? Yes No
10. been listed on the TN Department of Health vulnerable persons registry? Yes No
11. been listed on the TN Department of Children's Services' indicated abuse perpetrator registry for abuse or neglect? Yes No

You must complete the following table if you answered "YES" to any of the questions in 1 through 11 of Part 3 above: (if you need more space, please use a separate sheet)

What was the criminal charge, juvenile offense, or registry listing?	Date	Location	Outcome or Disposition
/ /	/ /	/ /	/ /

Please explain any circumstances that should be considered in determining whether to allow you to work in, volunteer at, provide substitute services to, reside in, or have any access whatsoever to the center/agency:
 The penalty for falsification of the information required on this form is criminal prosecution and can result in a jail sentence of up to eleven (11) months and twenty-nine (29) days or a fine of up to twenty-five hundred dollars (\$2500), or both.
 I certify, under penalty of law, that the information I have provided is complete and accurate. I authorize the release of any adult criminal or juvenile offense or any abuse registry records, or any information in the records, and any disclosures made in this form, to the agency at which I will be employed and to the Department of Human Services and any person or entity it may designate to assist in the review of my criminal/juvenile or abuse registry history.

Applicant Signature _____ Date _____
 Note: Please see information about the privacy rights of noncriminal justice applicants on the next page.

DHS staff should check the "Forms" section of the internet to ensure the use of current versions. Forms may not be altered without prior approval. Distribution: Adult Day Care Agency RGA: Pending Page 2 of 3

The information on this page serves as written notification that your fingerprints will be used to check the criminal history records of the FBI. If you have a criminal history record, and you wish to complete or challenge the accuracy of the information in the record, please follow the procedures outlined below.

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification¹ that your fingerprints will be used to check the criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.²

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.³

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

¹ Written notification includes electronic notification, but excludes oral notification.
² See 28 CFR 50.12(b).
³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d).

DHS staff should check the "Forms" section of the internet to ensure the use of current versions. Forms may not be altered without prior approval. Distribution: Adult Day Care Agency RGA: Pending Page 2 of 3



Scheduling Fingerprint Appointment

- To schedule the applicant's fingerprint appointment, go to: www.identogo.com or call **1-855-226-2937**.
 - When scheduling the appointment, provide the information listed on the applicant's Adult Day Services Criminal/Juvenile History & State Registry Review Disclosure Form.
 - A payment is required before completing the registration – TN Department of Human Services does not cover this payment.
 - The applicant must bring a state or federal I.D. (driver's license, passport, military I.D., etc.) to their fingerprint appointment.
 - Once finished, the fingerprint technician will hand the applicant a receipt. This receipt must be given to the adult care agency for proof of fingerprinting and kept in the applicant's file.

IdentoGO Center
4510 Terrace Avenue
Huntington, WV 25705-175

IdentoGO
By MorphoTrust USA

Date: 08/11/2014@11:15 AM
Applicant: JOHN S. SMITH
UE ID: U11F-193H9F
Service: WV CONCEALED CARRY
Fee: \$9.95
Paid: \$9.95
Method: CARD (1111)
Auth Number: 123

Check the status of your service at:
<http://uenroll.identogo.com>



Excludable Crimes

General crimes that would exclude an applicant from working in adult day services centers are listed below:

- Physical, sexual, or emotional abuse or neglect of an adult or child.
- Any crime of violence against any human being.
- Any offense involving the manufacture, sale, distribution or possession of any illegal drug (including lesser offenses).
- If the applicant is found listed on the Vulnerable Person's Registry.
- Any offense that presents a threat to the health, safety or welfare of adults or children.
- financial exploitation or misuse of funds or theft from any person.

Waivers and Appeals

- If an applicant is excluded, they will receive an exclusion letter in the mail.
- If the applicant can prove extenuating circumstances that clearly warrant an exception from the automatic exclusion and is legitimate, they may apply for a waiver or an appeal.
 - However, ***Pending Crimes**: DHS will *not, under any circumstances*, grant a waiver while a criminal charge, juvenile proceeding, or perpetrator indication is pending. Individuals with a record showing a “pending” status of any type will not be granted a hearing before the Committee.*
- **Burden of Proof**: the burden is *on the appellant* to prove the extenuating circumstances which clearly warrant an exception.

Waivers and Appeals (cont)

- Types of information that may be provided for Burden of Proof include:
 - Statements by the appellant and/or a representative of the appellant;
 - Statements from witnesses, e.g., a character witness who can speak regarding the appellant's activities since the last criminal violation;
 - Documentary evidence, e.g., certificate of completion for a treatment program, employer recommendations, etc.
- If there's no pending charges, the applicant must write a letter regarding the circumstances surrounding the charge, and why they would like to be granted a waiver and submit it to DHS along with proof extenuating circumstances.

Waivers

- For those who opt to request a Waiver Hearing, there is a Waiver Advisory Committee to assist DHS in the waiver decision. Committee members include law enforcement personnel, persons experienced in child protective services, persons experienced in child development issues, childcare providers, and persons representing elder care issues.
- After the informal meeting, the Advisory Committee will make their recommendations to the DHS Licensing Director. The DHS Licensing Director will make the final decision of whether to approve the Waiver or not.
- If the waiver is DENIED, the applicant will receive instructions on how to appeal the decision and receive an Administrative Hearing.

Appeals

- If the waiver request is denied, the appellant will be sent a notice letter, which will include instructions on how to appeal the denial and receive an Administrative Hearing.
- Should the applicant choose to request an Appeal or Administrative Hearing rather than a Waiver Hearing, they must provide proof extenuating circumstances that challenge the accuracy of the report of the Criminal Background Report by showing:
 - The conviction is improperly classified as an excludable offense;
 - Show that you are not the person identified on the record.

QUESTIONS?

- If you have any questions regarding the fingerprint/background check process, or waiver hearing, you may contact the Out-of-State Background Unit at:
 - Phone: 615-253-4170
 - Email: CCBackground.dhs@tn.gov