

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 negative records keep you from foster parenting.

For more information on Child Protective Service background checks, criminal background checks, or about the foster parent licensing process, please call 1-866-9FOSTER or [CLICK ON](#)

<https://www.adoptuskids.org/adoption-and-foster-care/how-to-adopt-and-foster/getting-started/request-to-be-contacted>.



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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.*

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 IN THE LAST FIVE YEARS AT A MINIMUM . **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 recommend 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 driving history 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 resource family specialist makes a decision about licensing you as a foster parent.

These serious crimes will prevent you from getting a foster parent license:

- felony crimes involving violence such as homicide, spousal abuse, felony partner-family member assault, and felony aggravated assault, but not including other assault and battery;
- acts and other crimes against children such as child abuse or neglect, endangering the welfare of a child, incest, child sexual abuse, ritual abuse of a minor, child pornography, child prostitution, internet crimes involving children, and felony unlawful transactions with children;
- felony conviction for a drug related offense, including but not limited to use, distribution, or

possession of controlled substances, criminal possession of precursors to dangerous drugs, criminal manufacture of dangerous drugs, criminal possession, manufacture or delivery of drug paraphernalia, or driving under the influence of alcohol or other drugs if within the previous five years;

- other crimes such as misdemeanor assault and battery, including misdemeanor partner-family member assault, robbery or burglary if convicted within the previous five years; or
- crimes against older persons or developmentally disabled persons such as abuse, sexual abuse, neglect, or exploitation.

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 approve licensure:

- misdemeanor unlawful transaction with children
- crime involving an abuse of the public trust