

Research Update:
Federal Background Check
Requirements

Relevant Statutes

- **Title IV-E of Social Security Act (42 U.S.C. § 671)**
- 1997: Amended by Adoption and Safe Families Act (P.L. 105–89)
- ^Background checks for payments
- 2003: Keeping Children and Families Safe Act (P.L. 108-36)
- ^Background checks for household members
- 2006: Amended by Adam Walsh Act (P.L. 109-248)
- ^Background checks for non-payment placement

42 U.S.C. § 671(a)(20)(A)(i)

- “Felony conviction for child abuse or neglect,
 - for spousal abuse,
 - for a crime against children (including child pornography),
 - or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery,
-
- if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted”

42 U.S.C. § 671(a)(20)(A)(ii)

- “In any case involving a child on whose behalf such payments are to be made in which a record check reveals
 - a felony conviction for physical assault,
 - battery,
 - or a drug-related offense,
-
- if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted”

Compare to Iowa Code § 237.8(2)(a)(3)

- “(a) Within the five-year period preceding the application date, a drug-related offense.
- (b) Child endangerment or neglect or abandonment of a dependent person.
- (c) Domestic abuse.
- (d) A crime against a child, including but not limited to sexual exploitation of a minor.
- (e) A forcible felony”

See:

- Child Welfare Information Gateway. (2009). *Criminal Background Checks for Prospective Foster and Adoptive Parents: Summary of State Laws*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau
- Child Welfare Information Gateway. (2019). *Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau