



ADMINISTRATION FOR **CHILDREN & FAMILIES**

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

FIELD GUIDANCE – September 7, 2021

RE: Field Guidance #20 – Home Study Processing

GUIDANCE

Excepting Enhanced Background Check Requirements for Certain Category 1 Cases

Under current policy, the Office of Refugee Resettlement (ORR) may release a child to a sponsor after the sponsor has initiated certain background check requirements (e.g. submitted fingerprints; submitted paperwork for a child abuse and neglect (CA/N) check)), but prior to ORR receiving the results of those background checks. See ORR Policy Guide, 2.5.2, and UC MAP section 2.5.1 (“Quick Glance: Release of UC Prior to Receiving Fingerprint Check Results”) for more information. Additionally, pursuant to [ORR Policy Guide Section 2.4.2 Home Study Requirements](#), and the UC Manual of Procedures (MAP) Section 2.4.2, case managers are required to receive background check results prior to submitting a *Release Request* with a recommendation to perform a home study.

As noted in ORR [Field Guidance #10](#), ORR prioritizes the placement of unaccompanied children (UC) with parents and legal guardians available to provide care and custody in the United States. In order to ensure the prompt processing and placement of children with appropriate parents or legal guardians, ORR is implementing variances to its standard background check process for certain Category 1 cases whose sponsors are undergoing a home study, pursuant to [ORR Policy Guide Section 2.5.1 Background Check Requirements](#); the UC MAP Section 2.5.1; and to applicable portions of Field Guidance #10.

Under this guidance, Category 1 cases whose sponsors are undergoing a home study, where there are no specific safety concerns with the sponsor or a member of the sponsor’s household, are not required to undergo mandatory enhanced background checks that are generally required for cases referred for a home study (e.g. FBI National Criminal History Check, based on digital fingerprints or digitized paper prints, and CA/N checks). Case managers, case coordinators and the ORR/Federal Field Specialists (FFS) may use the recommendation and decision process to determine whether specific child welfare concerns related to the safety of the release are impacted such that the initiation of and reception of enhanced background checks are warranted in individual cases. If the FFS deems that a state criminal history repository check and/or local police check is necessary due to an identified unresolved criminal arrest or issue, the case is not eligible for processing under this guidance.

Background Checks Conducted Concurrently to a Home Study

Background checks for any case referred for a home study may be conducted concurrently to the referral and home study process itself. Unless results of the background check are required prior to the initiation of the home study for a specified safety reason, ORR expects the home study to be conducted pending receipt of background check results.

Evaluation after 60 days

ORR will evaluate the effects of this guidance within 60 days and extend it or modify as appropriate.

INSTRUCTIONS

1. Upon identification of a Category 1 sponsor as a home study case, the case manager notifies the FFS and case coordinator and requests the FFS for further guidance to determine whether the initiation of enhanced background checks are necessary when a home study recommendation is made. In the notification to the FFS, the case manager provides any specific evidence or information relevant to assessing whether the sponsor or a member of the sponsor's household presents a potential child welfare or safety concern based on information from the *UC Assessment/UC Case Review, Sponsor Assessment*, interviews, stakeholder information, or other assessment.
2. Upon clarification and approval from the FFS that the case is eligible for processing under Field Guidance #20, the case manager documents the Category 1 sponsor's eligibility for undergoing the home study without the need for initiating the FBI National Criminal History Check (and associated fingerprinting) and CA/N check as specified by this field guidance in the UC's *Case Review* and in the *Release Request*.
3. Nothing in this guidance prevents the case manager, case coordinator, or FFS from later determining that enhanced background checks are required, and that results of those checks must be received prior to release from ORR care due to a child welfare or safety concern related to the case. See, [ORR Policy Guide Section 2.5.1](#) and UC MAP Section 2.5.1.