

## **Background Checks: How to Perform a Check and Use the Results**

Anytime a child is violated, shock, horror, and blame follow. When such an incident happens while that child is in the care of a church or religious organization, the impact to both the victim and the organization can be emotionally, financially, and legally devastating.

Due to the emotion surrounding such crimes and the unfavorable publicity for religious organizations, it is recommended, and in many cases required, that every organization have a written and followed plan that calls for background checks. These checks should be conducted on every employee and volunteer who works with, or has contact with children or youth. The purpose of background checks is to protect children and youth who are entrusted to your care and to preserve the mission and ministry of the organization.

### **Process for Conducting Background Checks**

Prior to conducting a background check, written permission must be obtained from the prospective employee or volunteer. Then, local and national organizations that conduct background checks should be contacted. Once the background check is completed and reviewed on a prospective employee or volunteer, your organization must decide if it is going to hire the applicant or allow him or her to volunteer. If the person has offenses on his or her record, it is up to the organization to decide whether the individual should be hired. When making this decision, the following offenses should be taken into consideration:

**Failure to disclose criminal history.** This includes convictions and deferred adjudication (sentencing).

**Probation.** Consider if the person is currently, or has been, on probation for a crime.

**Pending charges.** Even if the court has not heard the charge, this should be disclosed.

**Adjudicated cases.** Take into consideration if the person has been convicted or sentenced for any of the following offenses (examples of disqualifying offenses from PA statute):

- Criminal homicide
- Aggravated assault or assault with a deadly weapon
- Rape or sexual assault, including statutory rape or assault
- Kidnapping or unlawful restraint
- Other crimes of violence
- Harassment or stalking

- Indecent assault
- Indecent exposure
- Endangering or injuring the welfare of a child
- Involuntary deviate intercourse
- Felonies related to prostitution, obscene, and other sexual material or performances
- Offenses involving corruption of minors, including child prostitution and child pornography
- Sexual abuse of a child
- Recent convictions involving theft or alcohol or drug offenses.
- Crimes going against the mission of the organization.

In making your decision, it may be helpful to check with the local school district and/or other organizations serving children and youth in your area to see what offenses disqualify an individual from working with youth in their organization.

### **Maintain Confidentiality**

Again, the hiring of an individual is done at the discretion of the organization, but should not be completed until all of the facts are known about the person. Any information collected should be kept confidential except to the person or committee making the selection. And, all background checks, records, and follow-ups should be kept confidential in the applicant's personal file.

Although there is more work involved in conducting background checks, the minor inconvenience and cost of these checks is worthwhile if it means you can play a role in maintaining a child's innocence and protecting your workers, leaders, and church from negative publicity or civil and criminal litigation.

I would like to thank the GuideOne Center for Risk Management, LLC. for advising on this document.

This material is for information only and is not intended to provide legal or professional advice.

You are encouraged to consult with your own attorney or other expert consultants for a professional opinion specific to your situation.