

# National Service Criminal History Checks



June 2008

- **Who is Covered?**

- o Senior Companions and Foster Grandparents

- o AmeriCorps State/National (including Education Award Program) participants who, on a recurring basis, have access to children, persons age 60 and older, or individuals with disabilities

- o Grant-funded staff in those programs with such access

---

# PROCES S

---

- **Two required searches**

1. State Criminal Registry Check

1. National Sex Offender Public Registry Check

- **When Check is Required**

1. State Criminal Registry Check – prospective

- National Sex Offender Public Registry -([www.nsopr.gov](http://www.nsopr.gov)) – current and prospective
-

# HOW OFTEN?

---

- SCP & FGP – Once, for anyone applying to your program after the effective date of the final rule
  - AmeriCorps S/N – Once, for each term of service (no additional check required for consecutive terms in the same program)
-

# REQUIRED PROCEDURES

---

- Verify applicant's identity
  - Obtain applicant's written authorization to conduct State criminal registry checks and to share the results within the program
  - Participation contingent upon criminal history review
  - Opportunity to challenge results
  - Confidentiality of results
-

# REQUIRED DOCUMENTATION

---

- Written verification of applicant's identity
  - Results of the criminal history checks must be maintained, unless prohibited by State law
  - Written documentation that the grantee conducted the required checks and considered the results in selecting or retaining the individual
-

# DISQUALIFICATION

---

- An individual who is subject to a State sex-offender registration requirement may not serve in a covered position
-

# ALTERNATIVE SEARCH PROCEDURES

---

- Good cause exception, or substantially equivalent or better information through an alternative process
  - Corporation must approve in writing
  - A grantee using an alternative process must still conduct an NSOPR check
-

# OTHER DISQUALIFICATION CRITERIA

---

- Grantees are not precluded by this rule from establishing other disqualification criteria (e. g. violent offenses)
  - Consideration of arrest information
  - There are many factors to consider when determining an individual's suitability
-

# USE OF INTERMEDIARIES

---

- Grantee may use an intermediary to ascertain and assess an individual's criminal history or sex offender status
  - Grantee remains responsible for ensuring compliance
-

# APPLICANT SELECTION

---

- A grantee must conduct an NSOPR check before the individual begins to serve
  - No unsupervised access to vulnerable populations while State criminal registry results are pending
-

# COSTS

---

- Reasonable and necessary grant expense
  - Generally, may not charge individual applicants
  - Failure to comply
    - May adversely affect grant funding
    - May result in disallowed costs related to disqualified individual
-

# ADDITIONAL SAFEGUARDS

---

- Personal interview
  - References
  - Past employment or service
  - Driving records
  - Child Abuse Registry
  - Elder Abuse Registry
-

# TECHNICAL ASSISTANCE

---

- Northwest Regional Educational Laboratory – Current T&TA Provider
  - National Conference
  - CNCS Website - [http://www.cns.gov/for\\_organizations/manage/history\\_checks.asp](http://www.cns.gov/for_organizations/manage/history_checks.asp)
  - Resource Center – [www.nationalservice.gov/volunteer-member-staff-management/screening](http://www.nationalservice.gov/volunteer-member-staff-management/screening)
-

- H. R. 5606; S.2756 - Child Protection Improvements Act of 2008 (pending)

Will amend the PROTECT Act and expand eligibility for criminal history checks to more “youth-serving” organizations through National Center for Missing and Exploited Children (\$25 FBI fingerprint check)

---