



## GuideOne Center for Risk Management Fact Sheet: Background Checks: How to Perform a Check and Use the Results

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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.

SafeChurch's chosen provider of background checks is Employment Screening Resources (ESR), which has negotiated low-cost background checks. ESR is accredited by The National Association of Professional Background Screeners (NAPBS®) for employee screening background checks.



By using ESR for all your background checks, your church has access to cost effective, easy-to-access, and timely searches.

ESR offers many different checks, including multi-state, state criminal, state sexual offender, employment, and motor vehicle checks to name a few. For complete screening information, go to the SafeChurch Home page; and select Background Checks. You will find all the necessary information to access this discounted service. Or call SafeChurch at 1-800-747-2154; and a trained service representative will be happy to assist you.

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).

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This material is for informational purposes only. It is not intended to give specific legal or risk management advice, nor are any suggested checklists or actions plans intended to include or address all possible risk management exposures or solutions. You are encouraged to retain your own expert consultants and legal advisors in order to develop a risk management plan specific to your own activities. For more information, contact the GuideOne Center for Risk Management at (877) 448-4331, ext. 5118 for Church and Schools, or ext. 5175 for Senior Living Communities.



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- ❑ **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
    - Non-remote 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.