

Criminal Background Check Assurances and Verification

A National Criminal History Records Check (one which checks all 50 states and Federal criminal records) must be conducted for anyone involved in unsupervised contact with children attending your program. This applies to employees as well as volunteers. Once the report is obtained, an annual renewal must be provided so long as the employee and volunteer is still with your organization.

Vendor affirmatively represents and agrees, under the penalties of perjury, that:

- Consistent with applicable law and Family League of Baltimore policy, Vendor has and enforces written policies requiring National Criminal History Records Checks of individuals who may come into contact with unsupervised children serviced under this Contract;
- Vendor has carefully assessed its obligations and responsibilities under this Contract and has identified below all staff and volunteers who may come into contact with unsupervised children being served by Vendor under the Contract;
- No other staff or volunteers will come into contact with unsupervised children served by Vendor under this Contract;
- Prior to permitting the identified staff and/or volunteers to come into contact with unsupervised children under this Contract, Vendor has received a written National Criminal History Records Check for each individual identified and verified that the identified staff and volunteers have not been convicted of an offense which would otherwise disqualify them from having unsupervised contact with children in this Contract;
- Each identified staff and volunteer has been continuously employed by or volunteered with Vendor with no break in service since Vendor first received the National Criminal History Records Check for that individual;
- Vendor is not aware of any information which conflicts with the National Criminal History Records Check;
- Vendor will notify Family League of Baltimore promptly if any identified staff or volunteer cease being employed or volunteering for Vendor;
- Vendor will notify Family League of Baltimore promptly if any identified staff or volunteer are convicted of an offense which disqualifies them from having unsupervised contact with children in this Contract;
- Vendor will immediately remove any staff or volunteer convicted of an offense which disqualifies them from having unsupervised contact with children from providing any services under this Contract or having unsupervised contact with children;
- Upon request, Vendor agrees to provide verification to Family League that any and all written National Criminal History Records Checks have been performed and will make such verifications available for inspection by the State or other government entity.

Please list the name of each staff member and volunteer within your organization and provide the date of the National Criminal History Records Check was completed. In addition, please indicate whether your program will be using the Maryland Criminal Justice Information System (CJIS) as a repository or if you will be using an equivalent alternative system for conducting & monitoring your national criminal background checks.

Guidelines for Reviewing Criminal Background Investigations

The Family League has prepared the following guidelines to assist you in considering criminal background reports relative to applicants who have received conditional offers of employment, employees and other volunteers. Under no circumstances is this intended to be legal advice or to absolve you from any responsibilities which may arise from your obligations to perform criminal background searches. If you have any doubts concerning your obligations, please seek the assistance of legal counsel.

For each employee and volunteer who comes in contact with children, you must have state and federal criminal background investigations. Information contained in such investigations is confidential. When reviewing the state and federal criminal background investigations, please look for the following:

- Confirm the existence of a document authorizing the vendor to conduct federal and state criminal background investigations.
- Confirm the name, address and social security number of the employee.
- Confirm the existence of state and federal criminal background investigations.
- Confirm that state and federal criminal background investigations are completed timely and periodically.

Before you request the background information there are additional procedures the Fair Credit Reporting Act (FCRA) requires. Baltimore City Law requires that you can only request the background check if you have conditionally made an offer of employment first. Family League also requires background checks performed on any volunteers who will have contact with youths.

- Tell the person you might use the information for decisions about his/her employment or working with youths. This notice must be in writing and in a stand-alone format. The notice must be separate from an employment application.
- Get the written permission to do the background check. This can be part of the document you use to notify the person that you will get the report.
- Certify to the company from which you are getting the report that you notified the applicant and got their permission to get a background report, complied with all of the FCRA requirements, and won't discriminate against the applicant or employee, or otherwise misuse the information in violation of federal or state equal opportunity laws or regulations.

When reviewing state and criminal records, please look for the following information:

- Determine if the state and federal criminal background investigation reports contain any criminal offenses.

- Review records specifically for the following offenses: abduction; abuse or neglect of an adult; child abuse; child selling; confinement of an unattended child; contributing to certain conditions of a minor delinquency; hiring, soliciting, engaging, or using a minor for the purpose of manufacturing distributing, or delivering a controlled dangerous substance; incest; indecent exposure; kidnapping; maiming or mayhem; murder; pornography; rape; sex offenses; sodomy; unnatural or perverted practices; religious or ethnic crimes; and any other crimes involving children. A list of other possible disqualifying offenses is attached. **If you see any offense for which you are unsure whether the person is appropriately suited to perform the tasks requested by you, please consult with counsel and/or The Family League.**

Upon discovery of a disqualifying offense by particular employee, you should immediately suspend any unsupervised contact with youth. Consultations and discussions between the vendor and the Family League with regard to state and federal criminal background investigations are strongly encouraged.

Under the FCRA, when taking an adverse action (for example, not hiring an applicant or firing an employee) based on background information obtained through a company in the business of compiling background information, you are required to take various steps. Before you take an adverse employment action, you must give the applicant or employee:

- a notice that includes a copy of the consumer report you relied on to make your decision; and
- a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which you should have received from the company that sold you the report.

By giving the person the notice in advance, the person has an opportunity to review the report and explain any negative information.

After you take an adverse employment action, you must tell the applicant or employee (orally, in writing, or electronically) that he or she was rejected because of information in the report; the name, address, and phone number of the company that sold the report; that the company selling the report did not make the hiring decision, and cannot give specific reasons for it; and that he/she has a right to dispute the accuracy or completeness of the report, and to get an additional free report from the reporting company within 60 days.

DISQUALIFYING OFFENSES CATEGORIES

Homicides Includes:

- Murder
- Voluntary or involuntary manslaughter
- Criminal, negligent, or vehicular homicide
- Infanticide
- Assisted suicide
- Attempted murder

Sex-related offenses includes:

- Prostitution
- Rape
- Sexual assault (including aggravated)
- Statutory sexual assault
- Sexual battery (including aggravated)
- Indecent assault (including aggravated)
- Sexual abuse
- Sodomy
- Incest
- Crimes against nature

Offenses against a dependent or vulnerable individual Includes:

- Causing injury to a child or dependent/vulnerable adult (to include disabled, developmentally disabled, elderly, ruled to be not competent)
- Crime against a child
- Violation of Adoption and Safe Families Act
- Child abuse or cruelty to children
- Child molestation
- Enticing a child for indecent purposes or indecent solicitation of a child
- Sexual exploitation of a child
- Indecent or aggravated indecent liberties with a child
- Concealing death of a child
- Endangering the welfare of children
- Dealing in infant children; sale or purchase of a child
- Corruption of minors
- Abandonment or endangerment of a child
- Crimes against nature involving children
- Custodial misconduct (including sexual misconduct)
- Knowing or reckless abuse or neglect of patients
- Failure to provide for a functionally impaired person
- Abuse, neglect, exploitation, or mistreatment of a vulnerable adult
- Failure to report battery, neglect, or exploitation of a vulnerable adult
- Causing injury to a person 60 years or older
- Abuse of residents of penal facilities
- Violation of a position of trust