

## SEARCH Resolution 99-27

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

August 1, 1999

### **Procedures for Volunteers for Children Act Checks**

**WHEREAS**, on October 9, 1998, the President signed into law S. 2022, the Crime Identification Technology Act of 1998 (“CITA”), Pub. L. No. 105-251;

**WHEREAS**, Subtitle B of Title 2 of CITA is the Volunteers for Children Act (“VCA”);

**WHEREAS**, VCA amends the National Child Protection Act (“NCPA”) to provide that if a state has not adopted procedures (by statute or regulation) to require organizations providing care to children, the elderly or the disabled (“Qualified Entities”) to contact authorized state agencies to request a national background check of applicants or employees of Qualified Entities, then the state may still process such a request based on the VCA;

**WHEREAS**, Qualified Entities and authorized state agencies have raised numerous questions about the interplay of the VCA and NCPA including:

- Whether authorized state agencies must conduct research to resolve any missing dispositions prior to making the results of the background check available to a Qualified Entity;
- Whether authorized state agencies must make a determination as to whether the applicant or employee has been convicted of, or is under pending indictment, for a crime that bears upon the applicant or the employee’s fitness for the safety or well-being of children, the elderly or the disabled and convey that determination to the Qualified Entity; or
- Whether authorized state agencies can make the entire results of a national background check search available to a Qualified Entity and, if so, pursuant to what, if any, restrictions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: federal legislation and/or other initiatives should enable, but not require, states to conduct background checks under the VCA which would —

- Permit authorized state agencies to provide the entire criminal history record obtained from a national search directly to Qualified Entities;
- Conduct background checks on applicants, employees, and volunteers of Qualified Entities;
- Require that Qualified Entities obtain the written consent of applicants, employees, or volunteers before conducting a background check;

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- Require that Qualified Entities provide a copy of the background check results to the applicant, employee, or volunteer for review and/or dispute prior to making a decision regarding the status of the individual; and
- Require that Qualified Entities adhere to the same privacy, security, and other safeguards as governmental entities in the state adhere to when they receive the results of national criminal history record checks.