



IOWA™

Commission on  
Volunteer Service

## Safer Practices

Screening & Selecting Volunteers  
to Serve Vulnerable Persons in Iowa



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## BACKGROUND AND GOALS

On January 22, 2014, Governor Terry E. Branstad announced that the Iowa Commission on Volunteer Service (ICVS) and the Iowa Department of Public Safety Division of Criminal Investigation (DCI) would lead a stakeholder group tasked with developing ways to streamline and improve the background check process for volunteers in organizations and schools serving vulnerable populations throughout Iowa.

This stakeholder group was comprised of representatives from organizations across Iowa that engage volunteers to serve vulnerable populations. Through a series of meetings and discussions, the group developed guidance for volunteer organizations who are interested in adopting safer practices in their programs that serve vulnerable populations. The guidance suggests decision making models and provides direction regarding what information is available, how the information could be accessed, and how the information might be used in determining whether a prospective volunteer is a good fit for the vulnerable population being served. The information also can be useful to organizations that serve other populations, but the focus of the stakeholder group was on minimizing risk for vulnerable persons. The guidance is not designed to set any standards for background investigations, or to establish minimum requirements. Each organization is in the best position to determine standards for their own organization. The framework for decision making is designed to assist organizations in making informed decisions regarding their selection of volunteers to serve vulnerable populations.

## STAKEHOLDER GROUP MEMBERS

**Nancy Dunkel**

Co-Chair  
Dyersville Area Community  
Foundation

**Terry Maloy**

Co-Chair  
Iowa Association of County Extension  
Councils

**Betty Boccella**

Central Iowa RSVP

**Lauren Finke**

Volunteer Center of Cedar Valley

**Michelle Greenough**

Orchard Place

**Scott Hansen**

Big Brothers Big Sisters of Johnson  
County

**Adam Lounsbury**

Iowa Commission on Volunteer Service

**Anne M. Owens**

Story County Volunteer Center

**Allison Piazza**

Easter Seals Iowa

**Todd Poci**

Muscatine Senior Resources

**Jody Schaffer**

San Francisco AIDS Foundation

**Eric Whitney**

Des Moines Public Schools

## WHAT IS A VOLUNTEER ORGANIZATION AND A VOLUNTEER?

### **Definitions for the purpose of these suggestions for safer practices:**

*Volunteer Organization* - A volunteer organization is a Charitable Nonprofit that has a 501(c)(3) designation from the Internal Revenue Service (IRS), a Veterans Organization with 501(c)(19) designation, a school, an institution of higher education, a governmental entity or any voluntary organization sponsored by or working on behalf of such entities for a defined charitable purpose.

*Volunteer* - A volunteer is an individual who performs services in furtherance of the humanitarian, educational, or service mission of a volunteer organization and is not an employee or independent contractor of the organization as defined by the Fair Labor Standards Act (FLSA) and Internal Revenue Service (IRS).

## WHO IS A VULNERABLE PERSON?

### **Definition for use with this guidance on background checks for volunteers serving with vulnerable populations:**

*Vulnerable Person* - means: 1) a person under 18 years of age; 2) an adult whose ability to perform the normal activities of daily living or to provide for his or her own care or protection from abuse, neglect, exploitation or improper sexual contact is impaired on a short term or long term basis due to a mental, emotional, physical or developmental disability or dysfunction, brain damage, or the infirmities of aging; or 3) a person who is in circumstances that place that person at risk of abuse, neglect, exploitation or improper sexual contact. A vulnerable person may be a fellow volunteer, program employee, or beneficiary of the service. (See FAQ for examples)

## WHAT DOES THE LAW SAY THAT MY ORGANIZATION MUST DO?

Iowa law does not mandate background checks for the majority of volunteer positions. Some Iowa and federal laws mandate specific screenings for certain state or federally supported programs or regulated services (such as National Service Programs, childcare centers, etc.). The suggestions provided here do not remove or change any requirement prescribed by law, and every volunteer organization has a duty to understand and comply with the requirements for the volunteers who may fit within the state or federal mandates.

Even though Iowa law is silent on background check standards for many types of volunteer positions, many organizations choose to conduct some type of investigation in hiring, because an organization could be held liable for failing to use ordinary care in hiring employees and volunteers, and in many circumstances, the law may view volunteers in the same way as employees. The standards of ordinary care can create a duty to ask questions before allowing a volunteer to serve, and the questions to be asked may depend on what the volunteers would be expected to do during their service. The risks involved with vulnerable populations may increase the types of inquiries that should be made before engaging volunteers. The guidance provided by the stakeholder group is not intended to create a new standard of care or to modify an existing standard of care. Instead, the guidance is designed to provide a structure for decision-making by identifying the factors that an organization might consider in setting policy and implementing practices.

These suggestions focus on initial screening questions, but the obligations of employers and organizations go beyond the initial screening assessment. Monitoring, supervising, auditing and taking action to implement policies and practices designed to ensure safety are at least as important as initial screening assessments. When vulnerable populations are affected, they may be at greater risk of harm and may be less able to advocate for their own interests. The organizations may have a greater obligation to protect the vulnerable populations, and the requirements for both employees and volunteers may be different. Standards of care are not set out explicitly for many volunteer positions. There are, however, some statutory provisions that can provide insight into the screening assessment that may be warranted when a volunteer has contact with vulnerable populations. Each volunteer agency must set its own standards and policies. These statutory requirements may provide guidance for organizations whose employees and volunteers are involved in similar activity.

**Iowa Administrative Code § 272.2(17); 282 -20.3(3)**

**Board of Educational Examiners (BOEE) licensees (teachers, administrators, business managers, guidance counselors, etc.) & license renewals**

Checks to be Conducted & Frequency	Consideration Policy
<p><i>At application:</i></p> <ul style="list-style-type: none"> <li>• Background investigation by the Division of Criminal Investigation of the Department of Public Safety</li> <li>• Completed fingerprint packet to facilitate a national criminal history background check</li> <li>• Sex offender registry</li> <li>• Central registry for child abuse</li> <li>• Dependent adult abuse records</li> </ul> <p><i>At renewal:</i></p> <ul style="list-style-type: none"> <li>• Sex offender registry</li> <li>• Central registry for child abuse</li> <li>• Dependent adult abuse records</li> </ul> <p>Licenses are valid for 1-5 years</p>	<p><i>For those convicted of a crime or with founded child abuse, the board shall consider:</i></p> <ul style="list-style-type: none"> <li>• The nature and seriousness of the founded abuse or crime in relation to the position sought</li> <li>• The time elapsed since the crime was committed</li> <li>• The degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime</li> <li>• The likelihood that the person will commit the same abuse or crime again</li> <li>• The number of founded abuses committed by or criminal convictions of the person involved</li> </ul> <p>Certain forcible felonies and sexual abuse offenses involving a child are mandatory disqualifications/ revocations.</p>

**Iowa Code § 321.375(2)(3)**

**School Bus Drivers**

Checks to be Conducted & Frequency	Consideration Policy
<p><i>Prior to hiring:</i></p> <ul style="list-style-type: none"> <li>• Iowa court information system available to the general public</li> <li>• The sex offender registry</li> <li>• The central registry for child abuse</li> <li>• The central registry for dependent adult abuse</li> </ul> <p>An employer shall follow the same procedure every five years upon the renewal of an employee’s or contract employee’s school bus driver’s license issued by the Department of Transportation valid for the operation of a school bus.</p> <p>An employer shall pay for the cost of the registry checks and maintain documentation demonstrating compliance.</p>	<p><i>Immediate suspension and termination hearing:</i></p> <ul style="list-style-type: none"> <li>• Commission of or conviction for a public offense as defined by the Iowa criminal code if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student</li> <li>• Listed in the sex offender registry, the central registry for child abuse information, or the central registry for dependent adult abuse information. A termination hearing for this finding shall be limited to the question of whether the school bus driver was incorrectly listed in the registry.</li> </ul>

**Iowa Code § 279.69**

For purposes of this section, “school employee” means an individual employed by a school district or an accredited nonpublic school, as applicable, including a part-time, substitute, or contract employee. School cooks, custodians, paraprofessionals, administrators not licensed through the BOEE.

Checks to be Conducted & Frequency	Consideration Policy
<p><i>Prior to hiring:</i></p> <ul style="list-style-type: none"> <li>• The Iowa court information system available to the general public</li> <li>• The sex offender registry</li> <li>• The central registry for child abuse</li> <li>• The central registry for dependent adult abuse</li> </ul> <p>A school district shall implement a consistent policy to follow the same procedure for each school employee at least every five years after the school employee’s initial date of hire.</p> <p>A school district or accredited nonpublic school shall not charge an employee for the cost of the registry checks conducted pursuant to this subsection. A school district or accredited nonpublic school shall maintain documentation</p>	<p><i>Grounds for the immediate suspension from duties of a school employee, pending a termination hearing by the board of directors of a school district:</i></p> <ul style="list-style-type: none"> <li>• Being listed in the sex offender registry, the central registry for child abuse, or the central registry for dependent adult abuse. A termination hearing shall be limited to the question of whether the school employee was incorrectly listed in the registry.</li> </ul>

demonstrating compliance with this subsection.	
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**Iowa Admin. Rule 441-109.6(6)**

**Childcare center employees, volunteers, and others who participate in or otherwise have contact with children receiving services from the center.**

Checks to be Conducted & Frequency	Consideration Policy
<p><i>Before the person's involvement with childcare</i></p> <ul style="list-style-type: none"> <li>• Iowa child abuse and criminal records, including the sex offender registry</li> <li>• National criminal history checks based on fingerprints</li> </ul> <p><i>Frequency:</i></p> <ul style="list-style-type: none"> <li>• Iowa records checks shall be repeated at a minimum of every two years and when the Department of Health and Human Services or the center becomes aware of any possible transgressions</li> <li>• The national criminal history check shall be repeated every four years and when the Department of Health and Human Services or center becomes aware of any new transgressions committed by that person in another state</li> </ul>	<p><i>Mandatory prohibition for:</i></p> <ul style="list-style-type: none"> <li>• Founded abuse determined to be sexual abuse</li> <li>• Placement on the sex offender registry</li> <li>• Felony child endangerment or neglect or abandonment of a dependent person</li> <li>• Felony domestic abuse</li> <li>• Felony crime against a child</li> <li>• Forcible felony</li> <li>• Arson (when it's a felony)</li> <li>• Misdemeanor child abuse or endangerment convictions</li> <li>• Sexual assault</li> <li>• Child pornography</li> <li>• Refusal to consent to the check or knowingly makes a false statement about past convictions</li> </ul> <p><i>Mandatory time-limited prohibition for five years for:</i></p> <ul style="list-style-type: none"> <li>• Conviction of a controlled substance offense under Iowa Code chapter 124</li> <li>• Founded child abuse determined to be physical abuse</li> </ul> <p><i>Evaluation required for all other transgressions. The evaluation shall consider:</i></p> <ul style="list-style-type: none"> <li>• The number of transgressions committed by the person</li> <li>• The nature and seriousness of the transgression in relation to the position sought or held</li> <li>• The time elapsed since the commission of the transgression</li> <li>• The circumstances under which the transgression was committed</li> <li>• The degree of rehabilitation</li> <li>• The likelihood that the person will commit the transgression again</li> </ul>

**Iowa Admin. Rule 441-119 / Iowa Code § 135c.33**

**Personnel employed by health care facilities and students in educational training programs for nurses and certified nurse aides.**

Checks to be Conducted & Frequency	Consideration Policy
<p><i>Prior to employment:</i></p> <ul style="list-style-type: none"> <li>• Department of Public Safety criminal history check</li> <li>• Department of Health and Human Services child and dependent adult abuse record checks</li> <li>• Signed acknowledgement of checks and inquiry about convictions or founded abuse in Iowa or any other state</li> </ul> <p>An evaluation is required for those convicted of a crime or founded for abuse under a law of any state.</p> <p><i>Current employees and students - if the entity receives credible information of a record that has not been considered:</i></p> <ul style="list-style-type: none"> <li>• Current criminal or dependent adult or child abuse record check (as applicable)</li> </ul> <p>An evaluation is required for those with a criminal conviction (other than a simple misdemeanor) or abuse record if the entity intends to continue the individual's employment/enrollment.</p>	<p><i>Considerations of the evaluation:</i></p> <ul style="list-style-type: none"> <li>• The nature and seriousness of the crime or founded abuse in relation to the position sought or held</li> <li>• The time elapsed since the commission of the crime or founded abuse</li> <li>• The circumstances under which the crime or founded abuse was committed</li> <li>• The degree of rehabilitation</li> <li>• The likelihood that the person will commit a crime or founded abuse again</li> <li>• The number of crimes or instances of founded abuse committed by the person involved</li> </ul> <p><i>Evaluation conclusions may include:</i></p> <ul style="list-style-type: none"> <li>• The person may be employed/enrolled with no restrictions</li> <li>• The person may be employed/enrolled with restrictions</li> <li>• The person may be employed/enrolled with restrictions specific to a position</li> <li>• The person may not be employed by the entity or enroll in the training program</li> </ul> <p>Restrictions shall be based upon what is necessary for the protection of those receiving care.</p>

## WHY USE SAFER PRACTICES?



### INFORM

Safer practices can help organizations make informed decisions on an appropriate level of screening to protect the populations they serve.

### TO ASSESS



Agencies may assess risk based on the level of regular unsupervised contact that volunteers are likely to have with Vulnerable Persons and also may assess the qualifications and motivations of potential volunteers.



### TO QUALIFY

Safer practices can set out clear guidance about the standards that the agency requires or intends that its volunteers meet.

### TO EDUCATE



Safer practices can be used to educate staff, volunteers, parents and guardians, and vulnerable persons on the warning signs of abuse and provide guidelines for appropriate interaction or intervention with vulnerable persons.



### TO REVIEW

Safer practices can enhance the continuity and quality of a program through regular examination of volunteers' qualifications through criminal background checks and subsequent reviews. Additionally, safer practices offer an opportunity to review and update policies and procedures.

## WHAT ARE THE SAFER PRACTICES FOR IMPLEMENTING A BACKGROUND CHECK POLICY FOR VOLUNTEERS?

### **Develop Organization-Specific Policies and Procedures for Background Checks**

Comprehensive and coordinated policies help ensure that potential volunteers are treated fairly and that procedures are used consistently. Policies also help to provide continuity to a program. Your policies might include information about which volunteers will be screened and how volunteers will be screened – whether by application, interview, or a combination – what kind and the minimum number of references that will be required, and whether your organization will require additional information for specific positions. Additionally, organizations should decide whether or how often to re-check their volunteers. You may also want to include your standards for accepting volunteers, including the types of offenses that may disqualify an applicant from volunteering or the criteria you will use to review an applicant’s criminal record.

Organizations should consider developing specific internal policies regarding who will have access to background check results, who is responsible for maintaining records, and where and how long records are kept. Additionally, the policy should address evaluation, dismissal, separation, and a grievance process for employees and volunteers. Volunteer-utilizing organizations should consult legal counsel and subject matter experts when developing policies and procedures, so that the policies and procedures match the work being done and the potential risk to the organization and to the clients of the organization.

When applicants for volunteer positions are informed of the background check requirements for their position and receive a copy of the results from any checks conducted, this can provide the volunteer with an opportunity to dispute or request corrections to records that may have errors due to duplicate names or identity theft. If your organization conducts background checks directly, you can set your own policies about disclosure. If you contract with a vendor for these services, the Fair Credit Reporting Act (FCRA) requirements may be triggered, and you are responsible for ensuring compliance with those requirements. (See Appendix B. “Using Consumer Reports: What Employers Need to Know”).

### **Create Detailed Volunteer Position Descriptions**

Detailed position descriptions allow potential volunteers to determine whether an opportunity fits their interests, skills, and schedule. For organizations, detailed descriptions of volunteer responsibilities are necessary to determine appropriate risk and screening levels, and to ensure that they are applied fairly. Screening standards that are very strict or very lenient can have an impact on how many volunteers the organization determines to be “qualified” to serve. The organization must determine what standards are reasonably required to meet the needs of the population served. Careful development of the screening process can protect vulnerable populations, and also encourage qualified volunteers to give their time to a good cause.

### **Ask Volunteers to Complete an Application**

A thorough written application can be a valuable screening tool. An application may ask for personal information including name, address, phone, e-mail, social security number; emergency contact information; recent employment/ volunteer information; areas of interest and availability; driver’s license/ insurance information when appropriate; medical conditions or special needs; references; inquiries to past criminal offenses; and notification that volunteers may be asked for background or fingerprint checks (in compliance with Iowa law). Asking potential volunteers for their signature to affirm that they have given truthful information may suggest that the organization will follow up on the information and may take action if false information is provided. An open-ended question about the

motivation behind volunteering for the organization also may provide valuable information in assessing whether the volunteer is an appropriate fit for the volunteer position.

### **Conduct Volunteer Background Checks**

While the law does not mandate that all potential volunteers have background checks, the safer practice may be to make assessments based on clear, reasonable risk and screening levels.

Suggested considerations regarding background or fingerprint checks:

- Decide which positions will require background checks and when you need the information – whether immediately after receiving the application, or just prior to accepting a volunteer into the program.
- Obtain written authorization of potential volunteers before conducting background checks. In some circumstances, the Fair Credit Reporting Act (FCRA) may be triggered. The FCRA may require notification of the applicant s when receiving any written, oral, or other communication of any form by a consumer reporting agency that is expected to be used in whole or in part in establishing the individual’s eligibility for employment. One type of report that may be covered under this law is a criminal conviction report. While volunteers are not “employees,” Iowa standards require a signed consent form in order to receive the full Iowa criminal history records, and a separate consent is required to obtain the FBI check. There are costs associated with many types of background checks. It is legally permissible for the employer to cover the cost of the background check, or to require a volunteer to pay for the cost of the background check. The agency can make the policy determination of whether to ask volunteers to pay or to commit agency resources to the payment of the background check cost.
- Under Iowa law, organizations are not allowed to share criminal history information from DCI or FBI with other organizations. This is sensitive personal information and should be stored securely and should not be shared with persons who are not authorized to have the information.
- Review the results of the background checks and consider whether the findings will enter into your decision on the applicant’s eligibility for the volunteer position.
- Organizations may consider developing a policy that outlines additional criteria to be considered when evaluating an applicant’s criminal history, such as evidence of rehabilitation, evidence of success in other similar volunteer positions, etc.

### **Conduct Interviews**

Conducting interviews can be especially helpful when placing volunteers interested in positions requiring an ongoing, unsupervised relationship with a child. Effective interviewing techniques include open-ended questions, good listening skills, and a clear understanding of the questions interviewers are permitted to ask under existing federal and state regulations. In-person interviews generally are the most effective way to learn about the person. Telephone or virtual interviews do not always reveal the more subtle cues that can lead to a better-informed decision. Of course, cultural differences may be more noticeable in an in-person interview, and the interviewer should not allow cultural bias to enter into the assessment of the volunteer applicant. Consultation with or training from subject matter experts is optional but can provide valuable guidance in making assessments about a volunteer’s interactions with vulnerable populations.

### **Ask for References and/or Endorsements**

References can help organizations confirm personal and professional information provided by the potential volunteer and may offer an objective opinion of that person’s qualifications. References who are not related to the applicant may be more likely to provide objective assessments of the applicant, and references who can articulate the nature, length, and consistency of their contact with the applicant may provide better context for assessing the applicant. Document all contacts with the applicant’s

references. This information also may be sensitive and confidential and should be shared only with persons who are authorized to have the information and should be stored in a secure location.

## HOW DO WE DETERMINE WHICH SAFER PRACTICES & SCREENING LEVELS TO APPLY TO OUR AGENCY & VOLUNTEER POSITIONS?

Organizations utilize volunteers to serve vulnerable populations in a wide range of situations, from those that place volunteers in situations where they have regular unsupervised access to vulnerable persons to those that may only provide incidental or non-predictable contact to any vulnerable population. Even when your programming may not call for unsupervised activities with vulnerable individuals, there may be exceptions (e.g., a volunteer tutor removing a child from a noisy classroom). The safest practice is to recognize all levels of possible contact when considering the screening practices your organization uses.

Keep in mind that volunteer positions may present risks in other areas of organizational management, such as for volunteers with access to agency finances or volunteers providing transportation services. While this guidance does not address those areas of risk, organizations should be aware that different risk management protocols for those areas may be warranted.

It may not be possible for every organization to use all the suggested safer practices, but a failure to provide adequate screening assessments may put vulnerable populations at risk and may put the organization at risk for civil liability.

To help assess which safer practices might be applied to your program:

- Evaluate each of your organization's volunteer positions to determine the potential or expected level of contact that each volunteer is likely to have with vulnerable persons.
  - Is contact predicted (such as a classroom or mental health facility volunteer) or would it be just incidental (for example, park clean up or clerical volunteering with no expected access)?
  - Is contact regular/recurring (sustained with same vulnerable persons) or is it one time only?
  - Does the contact occur under supervision, or are there situations when a volunteer may be alone with the vulnerable individual?
  - Does the position give access to the vulnerable individual which exceeds the access available to any member of the public? Does the position give access to information about the individual that could be useful to someone with predatory intent?
- Based on the results of your evaluation, assign a "risk level" for each volunteer position providing access to vulnerable persons. When the risk is greater, the safer practice is to provide a more comprehensive screening process. Keep in mind that management practices may enhance initial screening assessments, and that a failure to provide adequate supervision may result in civil liability.
- Assess the screening practices you currently use and whether they meet your needs.

## RISK & SCREENING LEVELS

In setting up a decision-making structure, it may be best to set up a structure for assessing risk, and separately set up a decision-making structure to identify the appropriate screening level. There are no established rules for determining risk levels for most volunteer positions, nor are there any established requirements for screening for most volunteer positions. Each organization should examine its own

activities and determine risk levels and assess what type of screening is warranted, given the capacity to supervise volunteers who spend time with vulnerable populations.

## **Risk**

In considering questions of risk, the volunteer organization that serves vulnerable populations may want to consider several factors:

- What are the specific vulnerabilities of the population? Some vulnerable persons are able to care for themselves, some cannot. Some vulnerable persons are able to communicate clearly, some are unable to communicate all, and some have limited communication skills. Some vulnerable persons are at special risks at certain times or in certain circumstances. Some vulnerable persons are seldom or never able to report breaches of trust, and sometimes vulnerable persons have reasonable opportunities to report breaches of trust. Identifying the specific vulnerabilities of the population served can highlight the times, places, and circumstances when risk can reasonably be expected to be highest.
- What are the most likely forms of violations of trust for the vulnerable population served? Some people are at risk for physical or sexual abuse, others are at greater risk for financial abuse.
- What types of supervision, monitoring, or accountability are present or reasonably available? Sometimes volunteers will work exclusively or primarily with employees. In some circumstances, there may be video or audio surveillance or recording of activities. Sometimes there are multiple persons present while serving the vulnerable population. Sometimes other caretakers are present. Sometimes multiple vulnerable persons are regularly present and may be better able to report unusual activities. If volunteers' activity will be regularly monitored or supervised, the level of risk to the vulnerable population may be reduced. If volunteers' activity is regularly evaluated, the level of accountability of the volunteer service may be higher and the risk may be lower.

A valid risk assessment will take into account the particular vulnerabilities of the population served, in order to determine the depth of background investigation that is warranted in the specific circumstances.

## **Screening**

Procedures and policies for screening should reflect the assessment of risk to the vulnerable population. In general, the higher the risk, the more demanding the screening process.

Screening can include the collection and interpretation of several types of information:

- Official computerized criminal history (CCH): provides documentation of actions taken by official government agencies – arrest, conviction, or other disposition in a court case. Iowa information is available from the Division of Criminal Investigation (DCI) at the Iowa Department of Public Safety. National records checks may be obtained from the Federal Bureau of Investigation (FBI), when authorized by law. Organizations must work with the Iowa Department of Public Safety to determine their eligibility for and to gain access to FBI records. There is a fee for access both the Iowa and FBI records.
  - For more information contact the Criminal History Record Dissemination Unit of the Division of Criminal Investigation at the Iowa Department of Public Safety.
  - See Appendix E. for a copy of the State of Iowa Criminal History Record Check Request Form.
  - See Appendix F for the User and Waiver Agreements from DCI for National Criminal History Record Checks by Qualified Identities.
  - Official state criminal history records from other states may be available by contacting the other state's criminal records repository. Organizations operating in border states or screening a volunteer who recently relocated from another state may wish to secure the other state records.

- Some vendors offer national searches of public arrest records or court records that may catch low-level dispositions not contained in the results from DCI. Keep in mind that some checks may not distinguish persons with similar names.
- Official child abuse registry and dependent adult abuse registry information provides documentation regarding reports investigated by the Iowa Department of Health and Human Services. There may be a fee associated with these records. Some authorized users may be able to access Iowa abuse records and criminal history records through the Single Contact Repository (SING).
  - Department of Health and Human Services forms for requesting child and dependent adult abuse registry information can be found here under the “Background Checks” section or Appendix C Authorization for Release of Child and Dependent Adult Abuse Information (Iowa HHS).
  - Find out more about the Single Contact Repository (SING) here.
- Official sex offender registry information is maintained by the Iowa Department of Public Safety and provides information about convicted sex offenders who are currently registered as sex offenders on the Iowa registry. The National Sex Offender Public Registry/Website provides free access to information from all states’ sex offender registries.
  - Iowa Sex Offender Registry: [www.iowasexoffender.com](http://www.iowasexoffender.com)
  - National Sex Offender Public Website: [www.nsopw.org](http://www.nsopw.org)
- Iowa Courts Online provides access to official court records for all levels of offenses in Iowa. Some information is free. Other information is available for a fee.
  - Iowa Courts Online: <https://www.iowacourts.state.ia.us/>
- Other court records from state or federal courts may be available through vendors.
- Professional licensure searches in Iowa can be conducted free of charge via the [LicensedinIowa.gov](http://LicensedinIowa.gov) website. The Single Contact Repository (SING) from the State of Iowa also allows for checks of licensure in the public health field.
  - Search [www.licensediniowa.gov](http://www.licensediniowa.gov)
  - [Find out more about the Single Contact Repository \(SING\).](#)
- Driving records can be obtained, either free or with a fee. The Motor Vehicle Division of the Iowa Department of Transportation (DOT) maintains and distributes Iowa driving records.
  - For more information on obtaining Iowa driving records from the DOT click [here](#).
  - See Appendix D. Request of Motor Vehicle Records (Iowa DOT).
- Credit history information may be available in some circumstances.
- Insurance claim history may be available in some circumstances.
- International criminal history records can be difficult to obtain and there may be little standardization in the records received from vendors. However, a valid Social Security Number is not required for Iowa DCI or FBI fingerprint checks, so these checks may still be run on citizens of other countries who have been residing in Iowa.

Based on the assessment of risk, the policy can match up the types of screening that best fit the vulnerabilities of the specific population in order to minimize risk. Policies should also be established regarding supervision and monitoring that reduce risk of harm to the vulnerable population. This example of a decision-making matrix illustrates how an Iowa organization might identify risks and develop minimum screening requirements.

	Criteria	Minimum Screening
<b>None</b>	No additional access to vulnerable populations is provided via the volunteer opportunity	None (beyond the organization’s standard volunteer application process)
<b>Low Risk</b>	<ul style="list-style-type: none"> <li>No predictable or expected regular contact with vulnerable populations</li> <li>Limited access to vulnerable populations</li> <li>Limited access to personal information</li> <li>Activities held in facilities with public access</li> </ul>	<ul style="list-style-type: none"> <li>Check government issued photo I.D. to confirm identity and date of birth</li> <li>National Sex Offender Public Registry Check (Annual)</li> </ul>
<b>Medium Risk</b>	<ul style="list-style-type: none"> <li>Predictable non-regular access and contact to vulnerable populations and:</li> <li>Parents or family actively involved</li> <li>Two or more authorized individuals supervising</li> <li>No regular ongoing interaction between volunteer and vulnerable persons</li> <li>No changing of clothing</li> <li>Volunteer has no physical contact with vulnerable persons</li> </ul>	<ul style="list-style-type: none"> <li>Check government issued photo I.D. to confirm identity and date of birth</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>Iowa Courts Online Check of all known names or aliases (if results produce inconclusive results a follow up check through the Iowa DCI is recommended). Check all charges and the final disposition of those charges (Every 2 years)</li> <li>National Sex Offender Public Registry (Annual)</li> </ul>
<b>High Risk</b>	<ul style="list-style-type: none"> <li>Activities held in private homes</li> <li>Activities held in an isolated setting</li> <li>One-on-one contact between the volunteer and the vulnerable individual</li> <li>Interaction between volunteer and specific child spanning a long period of time</li> <li>Changing of clothes, bathing, toileting, or overnight stays</li> <li>Volunteer has close physical contact with vulnerable persons</li> <li>Volunteer is a person who by the nature of their position creates a presumption of trust and/or authority</li> <li>Volunteer is in a position that would give access to personal property or could influence financial decisions of individuals</li> </ul>	<ul style="list-style-type: none"> <li>Check government issued photo I.D. to confirm identity and date of birth</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>Iowa DCI Criminal History check of all known names and aliases (every 2 years)</li> <li>National Sex Offender Registry Check</li> <li>Iowa Child Abuse Registry</li> <li>Iowa Adult Abuse Registry</li> </ul>

Other risk factors & suggestions for all levels of risk:

- In border areas or when volunteer has a known prior state of residence, consider a check in that state via the other state's online court record database or repository, a national criminal history screening, or a check of the adjacent county court records (depending upon the overall risk level).
- For volunteers that drive vulnerable clients or vulnerable populations, consider an Iowa DOT driver history, and potentially a driving history of any other known state of residence.
- If volunteer has access to personal property or could influence financial decisions, consider a credit check.
- Consider other screenings given specific circumstances (such as license verifications, education records, etc.).

## WHAT DO THE BACKGROUND RESULTS MEAN?

Interpreting the results of a background check plays an important role in the process. Reviewers should know the nature of the information provided, the relative certainty that the information is appropriately correlated to the applicant, the overall accuracy and reliability of the information provided, and the significance of the information in the background. The reviewer should be able to identify whether the information provided is adequately associated with the particular applicant (not someone with a similar name), and should know whether the information is current, and should be able to identify what the information means (for example, an arrest does not necessarily mean that there was a conviction beyond a reasonable doubt).

When reliable and accurate data is available, the decision maker can then determine whether a specific volunteer applicant meets the risk/screening criteria requirements. If the decision-making structure adequately describes the particular vulnerabilities and needs of the population served, the decision-maker can match up the strengths and weaknesses of each applicant in meeting those criteria. The decision-maker should be able to articulate the connection between the information about the applicant, the job expectations, and the potential risks to the population.

Not every negative part of the background screening will be disqualifying. It is appropriate for the decision maker to consider mitigating factors, so long as the vulnerabilities of the population being served are adequately protected. Individualized assessments of an individual's records in relation to the volunteer responsibilities are important for helping the organization balance the need to eliminate individuals whose records present an unacceptable risk to vulnerable populations while avoiding unnecessary exclusion of individuals who may have a record but may still be qualified volunteers.

In order to avoid discrimination in the consideration of background checks, the Equal Employment Opportunity Commission (EEOC) suggests that employers be prepared to show that their standards for criminal history exclusions for employees are "job related and consistent with business necessity." Similar guidelines can be applied to volunteer positions. The EEOC suggests that the safer way to demonstrate that a policy on background check screening is allowable is if the organization develops a targeted evaluation process considering at least the nature of the crime, the time elapsed, and the nature of the position. Blanket exclusions from service may not meet this EEOC standard. For more information, see the EEOC's guide: "What You Should Know About the EEOC and Arrest and Conviction Records" (Appendix A).

In some cases, state or federal laws or regulations may impose restrictions on who can serve. Organizations can set their own standards for assessing whether a volunteer meets the criteria established by the organization. It may be most useful for the organization to articulate the risk level and the corresponding baseline criteria for eligibility for each position.

Of course, it is appropriate to seek assistance from attorneys, insurance providers and subject matter experts who can help the decision-makers in forming policies and procedures, in making assessments of prospective volunteers, and in managing and supervising the volunteers selected.

## MANAGING VOLUNTEERS

The initial screening of volunteer applicants can reduce the risk of harm to vulnerable populations, but screening is not the only obligation of a responsible organization. Supervision and management of both volunteers and employees may be the most effective way to prevent, deter or identify possible harm to vulnerable populations.

Organizations are in the best position to know who is most vulnerable, and how that vulnerability could result in undetected harm. Although screening may reduce risk, it does not eliminate it. Consistent vigilance, training and reporting may be just as important, and sometimes more important, than good screening assessments.

An organization's response – or lack of response – to warning signs or to reports of misconduct can have a significant impact on the vulnerable persons' safety. The vast majority of volunteers will not pose a significant threat to vulnerable populations, but each organization must be vigilant in ensuring that vulnerable people in the organization's care are protected from the small minority of volunteers who could be in a position to do harm. The organization's policies and practices in supervising and reviewing the work performed by employees and volunteers can set the tone for the organization, communicate clear expectations for conduct, demonstrate vigilance in monitoring interactions with vulnerable populations, encourage reporting of any alleged misconduct, and illustrate that high standards will be expected and enforced.

## IN CONCLUSION

The safety and well-being of the programs' employees, volunteers, and the populations the organization seeks to assist, are important considerations for everyone. Screening volunteer applicants may reduce the risk of harm to vulnerable populations and can be an important first step in providing safe and secure support for people who can benefit from the work of well-motivated volunteers.

Iowa Commission on Volunteer Service and the Iowa Department of Public Safety will continue to work toward the ultimate goal of volunteer program safety and integrity, and their staff and legal representatives will continue to strive to provide volunteer programs in Iowa with the current safest practices for utilizing volunteers to serve vulnerable populations.

## FREQUENTLY ASKED QUESTIONS

### **What should be included in a detailed volunteer position description?**

For each position or volunteer role develop a detailed description, which could include:

- Title
- Purpose of the position
- Location (if known)
- Key responsibilities
- Sample tasks or activities
- Who the volunteer reports to
- Length of appointment or time commitment, if known or applicable (it is important to make any volunteer appointment terminable at any time at the will of the program)
- Required qualifications
- Support provided (what the volunteer can expect from the organization)

### **How should I choose Interview or Reference Questions for Volunteer Roles?**

Reference an HR professional about specific interviewing tactics and procedures your organization abides by. Standardizing interviews and asking questions tailored to your organization's needs in a way that makes comparison easier is good risk management practice.

### **What should I do with current volunteers if I implement a new screening procedure or bring in vulnerable populations as volunteers?**

If you are implementing a new screening procedure or bringing in vulnerable populations as volunteers, it's important to not forget about your current volunteers. It may be necessary to screen them with the new procedures, as well as new volunteers. To do this effectively, we recommend:

- Explaining the procedures to the volunteers and the reasons behind implementing them.
- Inviting the current volunteers to also participate in the screening process to show all families in the program the importance we place on providing a safe, secure environment for the volunteers.
- Completing an application form and a behavioral expectations form should be sufficient for existing volunteers. Conducting reference and background checks is not likely to be necessary. However, if you have a concern about any one volunteer, all volunteers should be asked to follow the same procedures (so no individual is singled out).

### **What should I know about engaging youth volunteers?**

Young volunteers bring new, exciting energy and can become lifelong volunteers to an organization. Young people that wish to give back to their community should be given opportunities to do so. Allowing minors to volunteer with your organization requires a greater degree of care to protect them from foreseeable harm. Greater reasonable care may include more extensive screening and training for all volunteers to ensure young volunteers are entering a safe environment. Furthermore, most courts view contracts that minors enter into as 'voidable,' so the program may need to require a legal guardian to cosign waivers, releases, and other such documents along with the youth volunteer. Developing a policy requiring signed permission slips detailing the activities young volunteers will engage in documents parent/guardian confirmation that the child possesses the necessary abilities to volunteer

safely.

Please see Appendix G Youth Volunteer Screening Process Examples.

See also Iowa Code 237A.5 for record checks in Childcare Facility Settings.

### **What should I know about engaging volunteers with disabilities?**

Iowa has a strong commitment to inclusion and supports volunteers with disabilities who wish to serve. Volunteers with disabilities can support nonprofit organizations and their service should not be overlooked. Nonprofit organizations failing to accommodate potential volunteers with disabilities prevents a large demographic from assisting their organization. The American with Disabilities Act provides an outline nonprofits can follow to ensure their volunteers are accommodated.

Background checks and consistent screening processes developed by an organization should continue to be used for volunteers with disabilities. Keep in mind that certain disabilities may prevent the participation of volunteers in the organization's standard screening process. Physical barriers that make fingerprinting difficult or the inability to consent to a background check due to intellectual disabilities present a few of the challenges. Best judgement should be used to ensure all volunteers are screened properly while accommodating volunteers with disabilities.

Providing all volunteers with detailed position descriptions and clear expectations gives them the opportunity to decide whether they are equipped with the necessary skills for the position. Assumptions of the capabilities of volunteers with disabilities should not be made.

### **What should I know about engaging Disaster Relief Volunteers?**

Although disaster brings urgency and a need for timely volunteer assistance, screening and risk management practices remain vital. Spontaneous volunteers (unaffiliated, untrained, and unscreened individuals that arrive to disaster scenes to offer assistance), although helpful, come with risk when they forgo comprehensive background checks and proper training. Asking volunteers to describe their skills, passions, and comfortability helps to avoid putting volunteers in risky situations. Providing clear and detailed position descriptions is vital to informing all volunteers of their duties and expectations. Even during disaster, when volunteer opportunities are providing access to vulnerable populations, screening practices and training should be implemented to the extent possible.

### **Who needs to have a background investigation?**

The Iowa Code requires background investigations for certain licensed and non-licensed professionals, particularly for those who work with children and vulnerable adults. Please see the *"What Does The Law Say That My Organization Must Do"* section above in the document.

Even when there is no statutory mandate, however, some agencies make a policy decision to require background investigations for persons who will be working closely with vulnerable populations, particularly when the work is unsupervised. The attorney who represents the agency can provide specific advice regarding the civil liability related to background investigations.

These policies should remain consist for volunteers serving remotely and virtually.

## **When conducting a background investigation, what sources should be checked?**

There is no simple answer to this question. The guidance provided in the “Safer Practices” publication is designed to provide general guidance to decision makers. Each agency must examine its own needs, its own policies and practices, the populations that the agency serves, and the financial capacity of the agency to conduct background investigations.

## **How do I know what the information in a background investigation means?**

A good background investigation will include enough information to be able to assess what it means. Ideally, the background investigation will be both accurate and reliable. Accuracy refers to the certainty that the information involves the person who has submitted the application (i.e., is this the same Lee Smith?). Reliability refers to the certainty that the agency providing the information has properly documented the information that is relevant to the background (i.e., does the agency consistently track and record the information that is relevant to the background?).

The primary questions to ask about the background investigation information:

- What sources of information were checked?
- How was the individual identified in each of the sources, to be more certain that it is the same person?
- Are personal identifiers (such as social security number, date of birth, driver’ license, or fingerprints) used to distinguish one person from another, to ensure accuracy of results?
- How reliable is the information provided?
- How recently has the information been updated?

## **Where do the records for the background check come from, and what do they mean? How do I know that the background information involves the person who has applied, and not someone else?**

Some records are “official” records, maintained by government agencies. Some of these government records are fingerprint-based, which is the strongest type of identifier.

- Criminal history or sex offender information from the Division of Criminal Investigation (DCI) is based on official records that can be verified via fingerprint-based identification and are updated with each new encounter.
- Identifying information for criminal actions filed with the courts, available from Iowa Courts Online, is provided by law enforcement (which can verify the information via fingerprints) and are updated as events occur.
- Some licensing information is fingerprint-based, and some licensing information is based on other identifiers. It can be updated with each new licensing cycle, if that is the practice of the licensing agency the license is maintained.
- Some immigration documents are fingerprint-based and are updated if the individual complies with legal requirements.

Primary identification documents typically include:

- United States Passport or Passport Card or Naturalization Certificate
- US state-issued or tribal-issued driver’s license
- US state-issued or tribal-issued government identification card
- US military identification card
- Social Security card
- Birth Certificate

- Court-decreed Name Change

The Iowa Department of Transportation provides a summary of identification documents required to obtain an Iowa driver's license: <https://iowadot.gov/mvd/driverslicense/new-iowa-residents>

The United States Department of Homeland Security includes a complete list of primary identification cards for international travel: <http://www.tsa.gov/traveler-information/acceptable-ids>

Other records are based on government-issued identifiers, such as birth records, social security numbers or driver's license numbers that are designed to be confidential, or at least not readily available to the public.

- DOT driving records include information based on official records that are not fingerprint-based but are based on verifiable identification records.
- Iowa Department of Health and Human Services (HHS) information is based on multiple identifiers.
- Voter registration records generally base identity on multiple identifiers.
- Passports issued to American-born individuals are based on multiple primary documents.
- Weapons permits in Iowa are based on driver's license information or non-operator government-issued identification card.

Other non-governmental records also may be reliable, particularly when they are based on unique identifiers that can be verified via official records.

- Insurance records generally base identity on multiple identifiers.
- Employment records generally base identity on multiple identifiers.

Some records may not provide specific identifiers, and there is a greater risk that the information may involve someone other than the applicant.

- Media reports may be based on official records or may be based on other information.
- Social media sites often do not include multiple identifiers and generally do not require verification of identification.

## **How should background findings be assessed, in terms of risk to vulnerable persons?**

In general, the assessment should examine information about the identity of the person, the accuracy of the information, the reliability of the source, and information about patterns of behavior that are relevant to the work to be performed.

Assessing background information requires a careful analysis of the source of the information and the likelihood that it involves the applicant (not someone with a similar name). Reliability depends on how the information is collected and whether it is based on key personal identifying information. An isolated incident could be disqualifying, if it is relevant to the work that the individual will perform and there are no other mitigating factors. A pattern of behavior that is relevant to the work the individual will perform is more likely to suggest that the individual is not a good fit for the volunteer job.

See the “Safer Practices” guide for a more detailed discussion.

## **In a criminal history check, what does “no record” mean?**

“No record” does not necessarily mean that the individual has never had any criminal encounters. It only means that a search of the specific criminal history database returned no record. Each state has a database, and each state sends some of its information to the FBI for a national criminal history check. The fact that there is “no record” on file means that the criminal history check run on that day, using that criminal history database, returned no record. Other databases may have criminal records on the individual. Or, the applicant may have managed to avoid being caught, or may have been able to avoid arrest or prosecution. “No record” does not mean that the person is blameless or harmless. Decision makers should examine many factors before making the final determination about whether an applicant is appropriate for placement with the agency in a particular job.

## **What information is publicly available?**

Many records are publicly available:

- Court records generally are public, although some records may be “expunged,” that is, removed from the court records
- Sex offender registry records often are public
- Jail and prison records, including mug shots, may be public
- Professional licensure or certification often is publicly available
- Memberships in private organizations, or service on government committees, may be publicly available
- Academic institutions that the individual attended may provide information about alumni
- Social media sites often provide information to the public

## **Does criminal history predict future behavior?**

Not necessarily. Prediction is always difficult. Patterns of behavior may be predictive, until they are not. The fact that a person has no “official” criminal record does not mean that the person is “blameless” or “harmless.” Similarly, the fact that a person has a criminal history record does not necessarily mean that they are dangerous. People who are motivated to change can change. And some people can appear to change and yet remain a threat to others. Knowing more information may help to identify potential risks, but there is no magic formula for identifying dangerous people or for disqualifying people who may harm vulnerable populations.

## **What mitigating factors might be appropriate in assessing background information?**

Which factors may be considered “mitigating” factors will depend on the agency and the duties of the position. Just as patterns of behavior can be used to assess an applicant’s history negatively, so too, a change in the pattern of behavior may indicate that the individual has changed and has, for some time, exhibited behavior that will not put vulnerable populations at risk. Each agency must make its own determination about what “mitigates” an otherwise unfavorable background investigation.

See the “Safer Practices” guide for a more detailed discussion.

## **What legal restrictions are in place regarding criminal history and other background information?**

The sharing of information may be limited by law. For example:

- To obtain criminal history from the DCI or FBI, a specific written waiver is required. The Criminal History information cannot be shared with other agencies.
  - Details: <https://dps.iowa.gov/divisions/criminal-investigation/criminal-history/record-check-forms>
- To obtain a credit history, a specific written waiver is required.
  - Details: <https://www.ftc.gov/business-guidance/resources/background-checks-what-employers-need-know>
- To obtain information from the child abuse or dependent adult abuse registry, the requester must have legal authority to access the information.
  - Details: <https://ccmis.dhs.state.ia.us/providerportal/DocumentViewer.aspx?ID=22>
- Many other sources of information require a written waiver to obtain information.

Note that some sources of information also limit how the information can be used, whether it can be shared with other agencies, and whether the subject of the background must be notified if the information is provided to others.

An attorney can address the specific questions.

## **Who has authority to review background investigation information?**

Employer decision makers have authority to review the background information. The Safer Practices document discusses this issue. Each agency should consult with an attorney about the best practices for that agency.

## **Can results be disseminated, that is, shared outside the organization?**

Many background investigation checks have restrictions on further sharing of the information. For example:

- DCI criminal history information cannot be shared with others, according to Iowa Code § 692.2(5).
- Child abuse and dependent adult abuse information cannot be shared with others, according to Iowa Code § 235A.17.
- National criminal history information from the FBI provides the applicant the right to a copy of the criminal history and the right to challenge that information before an adverse decision is

made.

- How should information obtained in the background investigation be stored?

Sensitive information about employees and volunteers should be protected from inadvertent disclosure to persons who are not authorized to see the information. Thus, background information should be stored in a location that has limited access, except to authorized personnel. Criminal history information and personnel files should be stored securely. Often, lawyers suggest that background investigation material be stored separate from personnel files, and that access to files be limited to employees who have successfully completed a background check that is equivalent to or higher than the file they are allowed to access. A lawyer can provide advice regarding the use and storage of the various types of information.

### **Are computerized criminal history records from other states the same as Iowa's?**

No. Each state has different standards for criminal history records, and each state has different criminal statutes, and each state has developed its computerized criminal history at different rates. This means that there may be wide variation among the states. There is no central description of the differences. It is best to obtain information from each state regarding what records are kept and for how long.

### **Doesn't the federal criminal history check also include the same information that a state criminal history check would provide?**

No. State standards vary widely, and the federal standards for criminal history do not directly match the standards of any single state. There are variations among the states regarding what information can or must be shared with the FBI, and the standards have changed over time.

### **How can I access professional licensing registries to see if a person is validly licensed?**

Most licensing agencies have information available on their websites, or they provide guidance regarding access to the information. For example:

- Department of Inspections, Appeals, & Licensing provides access to multiple licenses:  
<https://dial.iowa.gov/records>
- Other licenses related to businesses appear at IASourceLink:  
<http://www.iasourcelink.com/resources/licensing>
- Contractor registrations are maintained online: <https://www.iowadivisionoflabor.gov/contractor-registration>
- Iowa Department of Inspections, Appeals, & Licensing are available online:  
<https://dial.iowa.gov/i-need/licenses/medical/nursing-professional-midwifery/nursing-licensure/verify-license-status>
- Educational license information can be obtained online:  
<https://educate.iowa.gov/educator-licensure/license-search>

### **What information is available about juveniles?**

Per Iowa law, most juvenile records are confidential. Confidential juvenile court records cannot be included in Iowa criminal history results. A signed release authorization is not sufficient to obtain this information.

## **Can I access driver's license and motor vehicle registration information?**

The Iowa Department of Transportation provides guidance online for an individual to obtain a certified copy of their own driving record: <https://iowadot.gov/mvd/driverslicense/records>

## **How can I obtain information about court records?**

Iowa Courts Online is accessible to the public, at no charge, for most of the information contained in the court docket. Some docket information is available only by way of a paid subscription.

The actual documents filed in court are available only to subscribers through the Electronic Docket Management System (EDMS): <https://www.iowacourts.state.ia.us/efile/>

The information available at no cost from Iowa Courts Online includes:

- Full name
- Date of birth
- Filings in the case (docket information)
- Criminal charges and disposition
- Financial information (costs, fines, surcharges, restitution, support/alimony)
- Bonds posted

## **What are the differences between information from Courts Online and DCI Criminal History Information?**

Some information that is accessible from Iowa Courts Online is not included in the DCI Criminal History check, and vice versa. The primary differences can be summarized as follows:

### *Simple Misdemeanors*

- DCI Criminal History
  - Criminal history records may not include simple misdemeanors, because local law enforcement agencies are not required to submit them.
  - If local agencies submit information for enhanced-punishment offenses, it may include information about a previous misdemeanor. DCI will add that previous simple misdemeanor to the Criminal History.
- Iowa Courts Online
  - All simple misdemeanors appear in Iowa Courts Online

### *Deferred Judgments*

- DCI Criminal History
  - Deferred judgment status appears on Criminal History records while the deferred judgment is “pending,” but once the deferred judgment is successfully completed and the record is expunged, access to the information is restricted. The subject of the request can provide a waiver to include deferred judgment information.
- Iowa Courts Online
  - Like Criminal History records, while the deferred judgment is “pending,” it appears in Iowa Courts Online. Once expunged, it is not accessible via Iowa Courts Online.

### *Dismissal of Charges or Acquittal*

- DCI Criminal History
  - When a charge is dismissed by the court, or when a defendant is found not guilty (“acquitted”), the information about the case is removed from Criminal History records.
- Iowa Courts Online
  - Even when the charge is dismissed by the court, and even when the defendant is found not guilty (“acquitted”), the information remains on the court records available via Iowa Courts Online.

### *Identity*

- DCI Criminal History
  - All information maintained in DCI Criminal History records is supported by fingerprint identification. No criminal history can be created without fingerprints, and no arrest information can be added to a record without positive identification via fingerprints.
- Iowa Courts Online
  - Court information is based on name and date of birth. No fingerprint-based information is available to the court.

### **If a volunteer will be asked to testify in court, does that change the criteria for a background investigation?**

It may. Witnesses who testify may be “impeached” at trial in some circumstances. This means that the judge or jury can take into account the criminal history that may have an impact on the credibility of the witness. That is, the decision maker may look at criminal history in deciding whether or how much weight to put on that person’s testimony. Generally, felony convictions and convictions for crimes involving honesty (perjury, theft, fraud, etc.) during the previous 10 years can be used to impeach the credibility of a witness.

An attorney can provide specific advice regarding information about impeachable offenses.

### **What information can be obtained from the Sex Offender Registry?**

The DCI provides a complete list of Frequently Asked Questions: <http://www.iowasexoffender.com/faq>

### **How can I learn more about criminal history?**

The DPS provides a complete list of Frequently Asked Questions: <https://dps.iowa.gov/frequently-asked-questions>

## What is SING?

The Single Contact Repository (SING) provides authorized agencies internet access to Iowa Criminal History information held by the Department of Public Safety/Division of Criminal Investigation. SING is only available to qualified agencies with DCI approval.

## GLOSSARY

A more complete glossary of legal terms is included in the Iowa State Bar Association's publication, "Covering Iowa Law and Courts: A Guide for Journalists," which is available online: [https://cdn.ymaws.com/sites/iowabar.site-ym.com/resource/resmgr/news\\_media/2014\\_covering\\_iowa\\_law\\_&\\_cou.pdf](https://cdn.ymaws.com/sites/iowabar.site-ym.com/resource/resmgr/news_media/2014_covering_iowa_law_&_cou.pdf)

**Acquittal:** When a defendant is found not guilty, the legal term for that event is "acquittal."

**Adjudication:** A formal judgment on a legal matter. In juvenile court, a juvenile is not "arrested," but rather is "taken into custody," and the final disposition upon a finding of guilt is not a "conviction," but rather is an "adjudication."

**Appeal:** Legal process to challenge a ruling by a district court.

**Arrest:** Seizing a person or taking a person into custody.

**Assault:** Iowa crime that includes striking or threatening to strike a person without justification.

**Certified:** Confirmed as true, accurate or genuine. Government agencies and educational institutions can provide "certified" copies that are based on official records kept by that agency or institution.

**Charge:** A formal accusation made by the government, alleging that an individual has violated a criminal law. In Iowa, charges may include a citation in lieu of arrest (such as traffic tickets), a Complaint and Affidavit (charging a simple misdemeanor), a Trial Information (filed by the county attorney for any charge other than a simple misdemeanor), or a Grand Jury Indictment (filed when a local grand jury votes to indict an individual for the commission of a crime).

**Child:** Iowa law provides two different definitions of a child. In juvenile law, "child" means a person under age 18, according to Iowa Code § 232.2(5). In criminal law, "child" means a person under the age of 14, according to Iowa Code § 702.5.

**Child Abuse:** Generally, child abuse refers to intentional or neglectful physical, sexual or emotional injury inflicted upon a child. Several crimes would fit within that general definition under Iowa law.

**Computerized Criminal History (CCH):** A system or database that collects information about official actions, including arrests, convictions, dismissals, or other court actions.

**Concurrent:** Sentences served simultaneously, as if they were one sentence. When a judge orders sentences to be "concurrent," it means that each sentence begins running at the time the defendant goes to jail or prison. The total length of the sentence is the longest of the concurrent sentences imposed.

**Confidential:** information that cannot be disclosed to the public but may be disclosed to persons who are authorized to receive it.

**Consecutive:** Two or more criminal sentences that are to be served one after the other.

**Conviction:** The formal declaration that a person is guilty of a criminal offense, either by jury verdict, decision by the court, or guilty plea.

**Defendant:** In a criminal case, the person who is charged with committing a crime.

**Deferred Judgment:** After a finding of guilt, a judge may defer judgment, that is, delay the entry of a final judgment of guilt. Usually the deferred judgment is accompanied by probation conditions. If the probation is successfully completed, the deferred judgment may be “expunged” (removed) from court records. Under Iowa law, only two deferred judgments are permitted in a lifetime.

**Deferred Sentence:** After a finding of guilt and entry of final judgment, a judge may defer sentencing and place the criminal defendant on probation. If the defendant violates the conditions of probation, the defendant may then be sentenced to a jail or prison term. When a deferred sentence is imposed, judgment has been entered, it is not possible to expunge the conviction.

**Disposition:** Final determination by a judge, either by dismissal, deferred judgment, entry of judgment, or imposition of sentence. In a juvenile action, the disposition is the final determination by the juvenile judge regarding the allegations against the juvenile.

**Docket:** An official court record listing cases before the court and filings made in the case. It does not include the documents themselves, but simply the listing of documents filed.

**Dismissed:** The voluntary termination of a criminal case, or the decision by a court that a criminal charge cannot proceed. A dismissal “with prejudice” means that charges cannot be brought again. A dismissal “without prejudice” means that charges may be brought at a later time.

**Expungement:** Removal of a court record so that it is not publicly available. The Iowa court will maintain a confidential record of expunged records, accessible to a limited number of authorized personnel.

**Felony:** A public offense classified by statute as a felony, according to Iowa Code § 701.7. Felonies range from a D felony (5-year maximum) to a C felony (10-year maximum) to a B felony (25-year maximum) to an A felony (life without parole). The terms for felonies may vary for some crimes. A felon who is sentenced to incarceration is held in a state prison facility rather than a county jail.

**Fraud:** Generally, fraud means a knowing misrepresentation of the truth, or concealment of a material fact, which induces another person to act.

**Impeach:** A legal term describing methods used to call into question the integrity or veracity of a witness who has sworn to tell the truth. Formal rules of evidence allow the use of some prior convictions to “impeach” a person testifying as a witness under oath. These “impeachable” offenses generally include felonies and convictions for crimes that bear on truth or veracity, such as perjury, theft or fraud.

**Indictable Offense:** In Iowa, an indictable offense is any offense other than a simple misdemeanor. A grand jury can return an indictment on such offenses, so they are “indictable.” Under Iowa law, the county attorney has the authority to file a “trial information” instead of taking the case to a grand jury.

**Jail:** Detention facility operated by a local authority, usually the county sheriff. A person whose maximum sentence length is less than one year can be incarcerated in a jail.

**Judgment:** A judge’s final, formal entry of a decision that a criminal defendant is guilty. Once entered, a judgment remains final unless the conviction is reversed on appeal. In a civil case, the “judgment” is the final determination of the case, which usually identifies the money damages owed by one party to another party.

**Minor:** Person under age 18. In the context of beer, wine or alcoholic beverages, an underage person includes minors (under age 18) and persons between 18 and 21. A “minor in possession” charge may include persons under age 21.

**Misdemeanor:** A public offense classified by statute as a misdemeanor, according to Iowa Code § 701.8. Misdemeanors range from a simple misdemeanor (30-day maximum) to a serious misdemeanor (1-year maximum) to an aggravated misdemeanor (2-year maximum). A sentence of incarceration of less than one year can be served in the county jail. A sentence of incarceration for a year or more must be served in a state prison facility.

**Ordinance:** An enactment by a local government, which can carry criminal penalties or civil sanctions.

**Parole:** Supervised release of a prison inmate.

**Plea or Guilty Plea:** A formal determination by a court, based on a statement by a criminal defendant, stating the guilt of the defendant, or agreeing that sufficient facts could be proven to show guilt of a crime. It is possible for a criminal defendant to plead guilty without admitting guilt, so long as the prosecution can establish sufficient facts to support the charge.

**Probation:** A sentence in which a convicted person is released from confinement, with supervision by a probation officer.

**Prison:** Detention facility administered by the State of Iowa. A person whose maximum sentence length is more than one year can be incarcerated in a state prison.

**Protective Order:** Judicial order that prohibits a person from engaging in identified behavior or requires a person to fulfill an obligation. Most “protective orders” in Iowa involve a finding of domestic abuse, and may include a stay-away provision, as well as requirements to vacate a residence, pay child support, or comply with specified child visitation requirements. A protective order is one form of an “injunction,” which is simply a court order that requires or prohibits the taking of some action.

**Public Offense:** A public offense is an act prohibited by statute that is punishable by a fine or imprisonment, according to Iowa Code § 701.2.

**Revoked:** Officially cancelled or invalidated. A driver’s license or a professional license may be revoked, which means that it is invalid. In a criminal case, when a person is granted probation instead of a jail or prison sentence, the probation may be revoked if the conditions of probation are violated, and the judge could sentence the person to incarceration in jail or prison.

**Sealed:** Court order that requires that records remain secret from the public. When juvenile records are sealed, all agencies with copies of the juvenile records must destroy them.

**Sentence:** The punishment imposed on a criminal defendant after a finding of guilt.

**Sexual Abuse:** In Iowa, the term “sexual abuse” refers to felony-level sex offenses. Iowa does not have a crime of “rape,” but instead calls it “sexual abuse.”

**Sex Offense:** Using the terminology of the Sex Offender Registry statute, “sex offense” means an indictable offense for which a conviction has been entered, as defined in Iowa Code § 692.102.

**Sex Offender Registry (SOR):** A system or database that collects information about persons convicted of sex offenses, based on statutes that identify which offenses are “qualifying” offenses that require entry into the Sex Offender Registry database.

**Single Contact Repository (SING):** System that allows qualified individuals or agencies to access multiple databases.

**Suspended:** To bar a privilege, office, or position for a period of time. A license may be suspended. A judge may suspend the imposition of a jail or prison sentence and place the criminal defendant on probation. A judge also may suspend payment of a fine.

## APPENDICES

- A. [What You Should Know About the EEOC and Arrest and Conviction Records \(EEOC\)](#)
- B. [Using Consumer Reports: What Employers Need to Know \(FTC\)](#)
- C. [Authorization for Release of Child and Dependent Adult Abuse Information \(Iowa HHS\)](#)
- D. [Request of Motor Vehicle Records \(Iowa DOT\)](#)
- E. [State of Iowa Criminal History Record Check Request Form \(Iowa DCI\)](#)
- F. Iowa User Agreement for National Criminal History Record Checks by a Qualified Entity (Iowa DCI)
  - i. Please email our office at [dcirecordchecks@dps.state.ia.us](mailto:dcirecordchecks@dps.state.ia.us). Request a Qualified Entity Application and Iowa User Agreement.
- G. Youth Volunteer Screening Process Examples

## Appendix G: Youth Volunteer Screening Process Examples

It is important for organizations with youth volunteers that work with vulnerable population, including other youth, to have an established process by which they examine the safety and suitability of their youth volunteers. Youth volunteers need to be properly screened, trained, and monitored, just like adult volunteers. Additionally, like when involving adult volunteers, screening policies and procedures must be in place before beginning recruitment.

While the screening process of youth is similar to that of adult volunteers, including detailed position descriptions, volunteer applications, references, an interview, and orientation, there are slight differences to recognize.

### Orientation

The content for these should be tailored to the age of your youth volunteers.

### Application

An application for youth volunteers will not differ substantially from one for adults, but organizations will need to be sure that materials are age appropriate and that all directions for how to apply are detailed and clear. As mentioned above, most court's view contracts that minors enter into as 'voidable,' so the organization may need to require a legal guardian to cosign waivers, releases, and other such documents along with the youth volunteer.

### Reference Checks

Since criminal and other record checks are generally not an option for screening youth volunteer applicants, obtaining parent/guardian, personal, employment, and/or school-based references on each applicant can be very important.

### Background Checks

Juvenile criminal records are usually sealed to anyone except the youth, his/her parent or guardian, and appropriate law enforcement and juvenile justice entities. Thus, youth volunteer programs must rely on other evidence to assess the youth applicant's appropriateness as a volunteer that works with vulnerable populations. In addition to adult references and parental permissions, you may be able to access, with parent permission, school records that will show disciplinary actions taken. Alternatively, you may be able to have school counselors provide references asserting that the student either has, or does not have, any disciplinary actions in their school history.

Most young people do not have juvenile court involvement, and of those who do, the number who have committed crimes that would represent a threat to your program is very small. Indications of behavioral problems in young people's history are likely to surface through reference checks and school records. However, because criminal records cannot be checked, it is vital that organizations that work with vulnerable populations keep unsupervised time between youth and vulnerable populations to an absolute minimum.

If you plan to do a driving record check, get permission from the youth. The same rules for driving checks on adults will apply for youth.

1. Note that young workers' driving restrictions on the job vary by age.
  - a) **Workers age 16 and under** in non-agricultural jobs may not drive for work.

- b) **Workers age 17** may drive in non-agricultural jobs, but are limited by time and task.
2. Before *hiring* a young worker to drive:
- a) Check that the applicant has a state license valid for the type of driving their work will require.
  - b) Check the applicant's driving record for moving violations, impaired driving, and license suspensions.
  - c) Make sure the applicant has completed a state-approved driver education course (if the driver is under age 18).
3. Before assigning a young worker to drive:
- a) Make sure the driving assignment follows state graduated driver licensing (GDL) laws (e.g., restrictions on night driving and transporting other teens).
  - b) Provide driver training at the time of hire that includes making young drivers aware of the safety features of the vehicle they will be driving.