

Best Practices for Screening Volunteers who Work with Children in Ohio

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Best Practices for Screening Volunteers who Work with Children in Ohio

On March 22, 2001, Amended Ohio Senate Bill 187 became law (Ohio Revised Code sections 109.574-577, 121.401, 121.402). The legislation’s purpose is to provide appropriate screening methods to youth-serving organizations that place volunteers in positions requiring “unsupervised access to children on a regular basis.” In accordance with the law, ServeOhio, the state governmental unit responsible for administering AmeriCorps and promoting community service and volunteerism throughout Ohio, was mandated to develop a set of “best practices” for organizations to use when screening volunteers who work with children.

ServeOhio assembled a work group comprised of representatives from many of the youth-serving organizations across Ohio to accomplish this task. Through a series of meetings and discussions, the work group compiled best practices that could be applied to any volunteer program. It is important to note that the ServeOhio is not a regulatory agency; nor does it have the authority to make rules that have the force and effect of law. Consequently, these practices should not be considered rules or law; and courts should not impose liability based upon this document.

Who’s Affected? This legislation includes volunteers for any “religious, charitable, scientific, educational, athletic, or service institution or organization or local government entity that provides care, treatment, education, training, instruction, supervision or recreation to children.” (Section 109.574)

What Does “Unsupervised Access” Mean? “Unsupervised” means that “no other person 18 years or older is present in the same room with the child and/or if outdoors, no other person 18 years or older is within a 30 yard radius



of the child or has visual contact with the child.” (Section 109.574) A child is defined as an individual under age 18 or a mentally and/or physically handicapped individual under the age of 21.

What Does the Law Say that my Organization Must Do? This law does not mandate fingerprint checks. It does say, however, that fingerprint checks must be suggested as a “best practice.” As an incentive to organizations to fingerprint, the law says that organizations that use fingerprint checks as part of their regular screening process are immune from civil liability should a volunteer (who has no negative results from that check) harm a child being served by that organization. (Section 109.577)

Additionally:

- All youth-serving organizations should write a letter to their volunteers informing them that they may be required to be fingerprinted at the request of the organization, whether or not the organization actually plans to do so. (Section 109.575)
- All *potential* volunteers for youth-serving organizations must be informed that they may be required to be fingerprinted. (Section 109.575)
- If an organization discovers through **any** method (fingerprint checks, references, county checks, self-disclosure, or otherwise) that a volunteer has a felony record of one of the offenses listed within the legislation, that organization has three choices. (Section 109.572 (A)(1))
 1. It may dismiss the volunteer;
 2. It may move the volunteer into a position that does not require unsupervised access to a child; or
 3. If the organization chooses to keep the volunteer in that position, it must notify the parents of **each** child for whom the volunteer provides services. The organization must name the individual, but may not identify the offense(s). (Section 109.576)

Why Use Best Practices?

1. **To Inform:** Best practices can help familiarize volunteers with the law, their responsibilities as volunteers, and agency expectations.
2. **To Evaluate:** Agencies can determine the level of regular unsupervised contact that volunteers are likely to have with children and can assess the qualifications and motivations of potential volunteers.
3. **To Qualify:** Best practices help ensure that volunteers meet the requirements of the agency.
4. **To Educate:** Best practices can help educate staff, volunteers, parents and guardians, and children on the warning signs of abuse and provide guidelines for appropriate interaction or intervention with children.
5. **To Review:** Best practices can help ensure the continuity and quality of a program through regular examination of volunteers’ qualifications through criminal background checks and performance reviews. Additionally, best practices offer an opportunity to review and update policies and procedures.

How Do We Determine Which Best Practices Might Apply to our Program?

The law affects only organizations that place volunteers in situations where they have regular unsupervised access to children. Keep in mind, however, that while your programming may not call for unsupervised activities, there may be



exceptions (e.g., a volunteer tutor removing a child from a noisy classroom). The screening practices your organization uses should reflect that possibility.

It may not be possible for every organization to use all of the suggested best practices. For example, budget or staffing constraints may not allow for extensive record or fingerprint checks of all volunteers. Nevertheless, organizations whose volunteers are providing direct service to children might consider utilizing some or all of these practices as they may be helpful in protecting children and in diminishing liability for both the organization and its volunteers.

To help determine which best practices might be applied to your program:

1. Evaluate each of your organization's volunteer positions to determine the potential or expected level of regular, unsupervised contact that each volunteer is likely to have with children.
2. Consider the likelihood or "risk" that volunteers will have unsupervised access to children (see below). The greater the risk, the more comprehensive your screening process should be.
3. Assess the screening practices you currently use and whether they meet your needs.

What are the Risk Levels?

Lower Risk

- Activities held in facilities with public access
- Parents actively involved
- Two or more adults supervising
- No regular interaction between volunteer and children
- No changing of clothing
- Volunteer has no physical contact with children

Medium Risk

- Activities held in private homes
- Some parental involvement
- One adult supervising children
- Periodic interaction for short periods of time between volunteer and specific children
- Changing of clothes/showering (such as for sports activities)
- Volunteer and child engaged in activities involving some physical contact

Higher Risk

- Activities held in an isolated setting
- Little or no parental involvement
- Activity with one adult and one child
- Interaction between volunteer and specific child spanning a long period of time
- Changing of clothes, bathing, toileting, or overnight stays



- Volunteer has close physical contact with children (such as swimming instruction, wrestling).

What are the Suggested Best Practices for Screening Volunteers with Regular Unsupervised Access to Children?

The following best practices are presented in no particular order:

1. Conduct Criminal Background/Fingerprint Checks: While the law does not mandate that all potential volunteers be fingerprinted, it does recommend that fingerprint checks be adopted as a best practice in the following circumstances:

- For all persons who apply to serve as a volunteer in a position in which the person will have unsupervised access to a child on a regular basis (see risk scale, above).
- For all volunteers who are in a position in which the person will have unsupervised access to a child on a regular basis and who the organization has not previously asked to be fingerprinted by the Ohio Bureau of Criminal Identification and Investigation (BCII).

Suggested procedures regarding fingerprint checks:

- a. Decide which positions will require fingerprint checks and when you need the information – whether immediately after receiving the application or just prior to accepting a volunteer into the program.
- b. Obtain written authorization of potential volunteers before fingerprinting to ensure compliance with the Consumer Credit Reform Act, which includes information regarding notification requirements 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 covered under this law is a criminal conviction report. While volunteers are not "employees," having a signed consent form may be a good practice.
- c. Organizations should not share criminal background information with any other organization without the written consent of the volunteer.
- d. Organizations may consider developing rehabilitation standards for volunteers, keeping in mind that if they accept a volunteer with a felony record, they must notify the parents of **each** child for whom the volunteer provides services.

Organizations placing volunteers in activities requiring unsupervised access could also consider requesting county checks, an FBI check (if the potential volunteer has lived out of state within the last five years), a Department of Motor Vehicle records check, or consider reviewing the sexual predator database.

2. Develop Policies and Procedures

Comprehensive 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 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 fingerprint checks or additional information for specific positions. You may also want to include your standards for accepting volunteers and what



offenses will disqualify an applicant from volunteering. Additionally, evaluation, dismissal, separation, and a grievance processes could be outlined.

Organizations might consider developing specific policies regarding fingerprint checks, including who will be fingerprinted, what employee is responsible for maintaining records, where and how long they are kept, and who should have access to information. Additionally, organizations should decide whether or how often to re-fingerprint their volunteers. Organizations might consider annual fingerprinting, notifying volunteers that they may be selected to be re-fingerprinted at random, or require self-reporting for criminal offenses committed while volunteering.

We suggest that volunteer-utilizing organizations consult legal counsel when developing policies and procedures.

3. Create Volunteer Position Descriptions

Detailed position descriptions allow potential volunteers to determine whether an opportunity fits their interests, skills, and schedule. Additionally, volunteer administrators may use the position description to screen candidates based upon the basic qualifications needed for placement, including a clean police record.

4. Ask Volunteers to Complete an Application

A thorough written application can be a valuable screening tool. An application can help determine a volunteer's attitudes toward children, child abuse, and volunteering in general. 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 felonies and/or misdemeanors; and notification that volunteers may be asked for fingerprints (in compliance with Ohio law). Ask potential volunteers for their signature to affirm that they have given truthful information.

5. 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.

6. Ask for References and/or Endorsements

References help organizations confirm personal and professional information provided by the potential volunteer and offer an objective opinion of that person's qualifications. For activities that call for regular unsupervised access, organizations might require volunteers to give at least two non-related references. For decentralized activities, seeking endorsement/approval from a person who is well acquainted with the volunteer will provide additional information. It's important to document all contacts.



In Conclusion

ServeOhio strongly suggests programs adapt and utilize these best practices in order to best fulfill the programs' mission as well as maintain the safety and well-being of the programs' volunteers and the populations the organization seeks to assist.

ServeOhio will continue to work toward the ultimate goal of program safety and integrity, and its staff and legal representatives will continue to strive to provide volunteer programs in Ohio with the current best practices. These best practices will be updated to reflect changes in the law and technology that will further assist programs.