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CHRISTINE C. FERGUSON
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Community Sanitation
305 South Street, Jamaica Plain, MA 02130-3597
(617) 983-6761 (617) 983-6770 - Fax

Policy Statement Regarding Background Information Checks for Staff and Volunteers at Recreational Camps for Children

The following information is intended to assist camp operators and boards of health in the interpretation of 105 CMR 430.090 regarding background checks for staff and volunteers at recreational camps for children. Please note that the information contained in this document reflects the 2002 legislation and 2003 regulatory amendments regarding background check requirements for prospective staff and volunteers at recreational camps.

The information given below is categorized by the residence of the prospective staff person as well as, volunteer. Follow the steps noted below to obtain background information for that person.

Note: No person can be employed or volunteer at a camp until the operator has obtained, reviewed and made a determination concerning all background information required at 105 CMR 430.090 (C) and (D) as summarized below.

Staff Person¹

1. MA Resident

- A. Prior work history for previous five (5) years including, a name, address and phone number of a contact person at each place of employment.
- B. Three (3) positive reference checks from individuals not related to the staff person.
- C. Self-reporting of any felony conviction.
- D. Obtain criminal offender record information and juvenile report (CORI/Juvenile Report) from the Massachusetts Criminal History Systems Board (CHSB).
- E. Sex offender registry information (SORI) check from the Massachusetts Sex Offender Registry Board (SORB).

2. Out of State Resident- Staff person whose permanent residence is outside MA:

- A. Prior work history for previous five (5) years including, a name, address and phone number of a contact person at each place of employment.
- B. Three (3) positive reference checks from individuals not related to the staff person.
- C. Self-reporting of any felony conviction.
- D. Obtain CORI/Juvenile Report from the Massachusetts CHSB.

¹ Staff person - any individual employed by a recreational camp for children.

- E. SORI check from the Massachusetts Sex Offender Registry Board.
- F. Obtain a criminal record check, or equivalent where practicable^{*}, from the staff person's state of residence. Information can be obtained from the state's criminal information system, local chief of police, or other local authority with relevant information. The availability and process for obtaining criminal history information from the other states can be found at www.state.ma.us/chsb/table_states.html.

3. International Resident - Staff person who currently lives outside of the United States

- A. Prior work history for previous five (5) years including a name, address and phone number of a contact person at each place of employment
- B. Three (3) positive reference checks from individuals not related to the staff person
- C. Self-reporting of any felony conviction.
- D. Obtain CORI/Juvenile Report from the Massachusetts CHSB.
- E. Obtain a criminal record check, or equivalent where practicable^{*}, from the staff person's country of residence. Information can be obtained from the country's criminal information system, local chief of police, or other local authority with relevant information.
- F. International staff who have previously **been in the United States**: obtain a SORI check from the Massachusetts Sex Offender Registry Board.

If there is no interruption in the staff member's employment by the camp/organization from the time of the initial background check, no new criminal or sex offender history is required for each camping season. This applies only to permanent employees of the same camp/organization. Any break in employment service at any time during the year requires a new criminal history and SORI check for the staff person. An individual returning from one summer to the next, but not employed during the year is not considered a permanent staff person; therefore the camp must complete new criminal history and SORI checks.

Returning staff may use references on record with the camp from the preceding year to satisfy the requirements of 105 CMR 430.090 (C) (noted as step B within the categories above). However, if there is a gap in employment with the camp for at least one camp season, new references shall be required.

^{*} *Where practicable means*, if the out of state or foreign jurisdiction notifies the camp in writing that no criminal background check or recognized equivalent is available from the jurisdiction, then the prospective staff person/volunteer, if s/he has completed all other requirements of 105 CMR 430.090, is deemed to be in compliance with 105 CMR 430.090. In addition, provided that the owner documents: (1) that s/he has timely requested the criminal history check from the appropriate jurisdiction (proof of mailing by certified mail) and that the requested authority failed to answer in writing; and (2) the completion of, at a minimum, all other requirements of 105 CMR 430.090; and (3) for international staff screened by an agency, a certification by the agency that a thorough background check was completed and that no criminal report from the staff person's local jurisdiction is available, then the prospective staff member, is deemed to be in compliance with 105 CMR 430.090.

Volunteers²

1. All Volunteers

- A. Prior work or volunteer history for previous five (5) years including a name, address and phone number of a contact person at each place of employment or place of volunteer service.
- B. Obtain CORI/Juvenile Report from the Massachusetts CHSB.
- C. SORI check from the Massachusetts Sex Offender Registry Board.

Criminal records and SORI checks must be kept separate from general camp paperwork and must only be accessed by individuals that are authorized to review it. If camps store the information at a location different from the camp, for example in a central office, the camp must arrange for the documents to be at the camp for the initial inspection for licensure. If the documents are not on site at the time of the inspection, it will be necessary for the camp to arrange another time for the inspector to review the documents.

If you have questions about the CORI or SORI check process, or about the information a camp receives from the CHSB or SORB, please contact the appropriate agency below:

Criminal History Systems Board

617-660-4640

www.state.ma.us/chsb/cori/cori.html

Sex Offender Registry Board

978-740-6400

<http://www.state.ma.us/sorb/>

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² Volunteer - any person who works in an unpaid capacity at a recreational camp for children.