

Bulletin #1- April, 2017

Criminal Background Checks – When and For whom are they Required?

Background and Introduction

In an effort to promote integration and inclusion in community activities individuals with ID/DD will come into contact and develop friendships and relationships with individuals in the general population.

. Below is an explanation of when National Criminal Background Checks are required as well as practical “common sense” guidance and suggestions when they are not. The information below is intended to provide a healthy balance between risk and desirable community inclusion and involvement.

Explanation of What is Required

The requirement to undergo a fingerprint check does not, in most instances, apply to family members, friends, or acquaintances of individuals we support. The requirement does apply to a person volunteering in a DDS-licensed, funded, or approved agency’s FORMAL volunteer program and has the potential for unsupervised contact with individuals receiving DDS supports, or is otherwise required to undergo such check. DDS’s authority to conduct background checks is limited to programs that it licenses, funds, or approves. For example, if an individual DDS supports becomes acquainted with someone through a local organization, church, social group, or other activity and that person assists the individual we support to participate in the activity through rides or other assistance, they would not have to undergo a DDS background check. The person may be subject to the background check requirements of the non-DDS program if it is the policy of that organization; however, they would not be subject to a DDS background check. For example, a church may have a policy that requires those who volunteer to undergo a background check.

Practical Guidance to Help Minimize Risk When a National Background Check is Not Required

Full inclusion in one’s community involves a variety of types of relationships. Not all will require specific background checks as outlined above. For those community relationships where it is not necessary to have a background check completed, there are other safeguards that could be considered to ensure the safety of an individual with ID.

While most community members who develop a relationship with a person with ID/DD are well meaning people who genuinely have the best interests of the person with ID/DD in mind, there are others who may look to exploit the relationship for their own personal gain. Providers should be aware of who is reaching out to individuals they are supporting and encourage individuals to come to them with any questions or concerns they may have. Some individuals will have had extensive experience with a variety of relationships and be adept at identifying and handling problems with minimal training. Others may be less

experienced and need more extensive support. Each individual will need an individualized approach.

It is a common and advisable practice for family, friends or caregivers to meet those who are friends with individuals they care about. The opinion of a trusted family member or caregiver can be especially helpful for an individual with ID who may be inexperienced in independent community participation or who needs help identifying potential problem relationships. Initially, caregivers may want to participate in an activity with the individual's friend and/or assure that any activity occurs in an environment with others present. Knowing that an individual has a trusting network of caring people in his/her life, can go a long way to help reduce the likelihood of exploitation

If you have specific questions regarding whether a particular arrangement requires a DDS Background Check you are encouraged to refer such to legal counsel. If you have general questions concerning the DDS Background Check process you may contact the DDS National Criminal Background Check Unit at (617) 624-7780.