

# 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 (R.C.) 109.574-.577, 121.401-.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, developed a set of “recommended best practices” for organizations to follow when screening volunteers who work with children.

To accomplish this task, ServeOhio assembled a working group composed of representatives from many of the youth-serving organizations across Ohio. Through a series of meetings and discussions, the working group compiled best practices that could be applied to any volunteer program. It is important to note that ServeOhio is not a regulatory agency; it does not 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 Is Affected?** The law applies to 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” (R.C. 109.574).

**What Does “Unsupervised Access” Mean?** “Unsupervised access to a child” 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 (R.C. 109.574(B)). The word “child” is not defined by Ohio law for purposes of R.C. 109.574. Generally, a child is defined as an individual under age 18, but an individual 18 years or older with certain legal disabilities also may be considered a “child” for the purposes of volunteer best practices.

**What Does the Law Say 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 (R.C. 109.577).

Additionally:

- Youth-serving organizations should inform their volunteers in writing that all volunteers may be required to be fingerprinted at the request of the organization, whether or not the organization actually plans to do so (R.C. 109.575).
- All *potential* volunteers for youth-serving organizations must be informed that they may be required to be fingerprinted (R.C. 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 (See R.C. 109.572(A)(1)(a)-(c)), that organization has three choices:
  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) (R.C. 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 utilizing 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 Organization?

The law affects only organizations that place volunteers in situations with regular unsupervised access to children. Keep in mind 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 with volunteers who are providing direct service to children should consider utilizing some or all of these practices to protect children and diminish liability for both the organization and its volunteers.

To help determine which best practices should be applied to your organization:

1. Evaluate 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 and the best practice standards.

## **What Characteristics Determine the Risk of a Volunteer Program or Activity?**

### **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 (such as general sports instruction)

### **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?**

Based on the expertise of ServeOhio's working group of representatives from youth-serving organizations across Ohio, 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 medium and higher 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 should consider developing rehabilitation standards for volunteers, keeping in mind that if the organization accepts a volunteer with a felony record, it 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 should 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 also may want to include your standards for accepting volunteers and what offenses will disqualify an applicant from volunteering. Additionally, evaluation, dismissal, separation, and grievance processes should 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 the records 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 fingerprinting annually; notifying volunteers that they may be selected to be re-fingerprinted at random; and/or requiring self-reporting for criminal offenses committed while volunteering.

*We suggest that organizations using volunteers 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 about 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-relative 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 contact with an applicant's references.

### **In Conclusion**

ServeOhio strongly suggests organizations adopt and utilize these best practices in order to best fulfill the organization's mission as well as maintain the safety and well-being of the organization's volunteers and the populations it seeks to serve.

ServeOhio will continue to work toward the ultimate goal of organizational 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 organizations.

### **Additional Resources**

- Nonprofit Risk Management Center: <https://www.nonprofitrisk.org/areas-of-expertise/volunteer-management/>
- Sterling Volunteers: <https://www.sterlingvolunteers.com/>