
Conducting Criminal Records Checks on Volunteer Workers

by Richard Hammar

The old VolunteerSelect program (volunteersselect.com) is being phased out. Under the old program, local churches and charities had to be affiliated with a "qualified entity" listed on the VolunteerSelect website. The Assemblies of God was the first denomination to be approved as a qualified entity (in 2004). Local Assemblies of God churches could obtain low-cost criminal records checks by identifying themselves as members of the Assemblies of God on the VolunteerSelect website.

The VolunteerSelect program is being replaced by "VolunteerSelectPlus" (volunteersselectplus.com). Under the new plan, a local church or charity does not have to be a member of an approved entity to do low-cost criminal records checks. They simply have to identify themselves as a tax-exempt "501(c)(3)" organization. All churches, regardless of denominational affiliation, will qualify to participate in the VolunteerSelectPlus. The prices for screening will be more than the low rates available under VolunteerSelect, but still competitive. For example, I have been informed that in most cases a national criminal records check will cost \$5, and a social security number trace will be \$2.10. Keep in mind that these rates, and the VolunteerSelectPlus program, only apply to unpaid volunteers who work with a charitable organization.

Some have questioned the use of VolunteerSelect and VolunteerSelectPlus because of problems the parent company ChoicePoint has encountered as a result of hackers obtaining access to certain database information that it maintains. Let me make two comments about this. First, the hackers did not access any information maintained by VolunteerSelect. The objective was to access personal financial information. Second, many national youth-serving charities have used VolunteerSelect in the past, and many of them are now using the new VolunteerSelectPlus program. This will be evidence of reasonable care by any church that does likewise.

Let me make four additional points that are very important.

First, Assemblies of God churches are free to use any company they want to conduct criminal records checks. We are not making a recommendation with regard to any particular company, but rather are making you aware of a new option that has not previously been available.

Second, there are a bewildering number of options available to churches that want to conduct criminal records checks on volunteers and employees. Do not be surprised if other companies inform you that you are making a "mistake" in using VolunteerSelectPlus, and that their services are superior. After all, they are losing business. In evaluating such claims, just ask the following questions: (1) How many national youth-serving charities have selected this competitor to conduct background

checks following an exhaustive investigation? (2) How much do they charge for their services, and are their fees affordable? And remember, competitors have a vested interest in making you choose them instead of VolunteerSelectPlus, and so their advice often will be self-serving and unreliable. Further, no matter which screening service you select, you are going to have competitors tell you that you have made a big mistake. Church leaders should not make decisions on such an important question on the basis of self-serving "advice" from competitors.

Third, criminal records checks must not be viewed as the only screening procedure that a church should implement. Such checks should be viewed as one component of an overall risk management policy that should include written applications, staff training, and reference checks from other institutions or programs (churches, schools, scouting, coaching, etc.) in which the applicant has worked with minors. Such references are invaluable in proving that a church was not negligent in selecting a worker.

Fourth, you can exercise all the care in the world in screening a worker, and still be liable for his actions on the basis of negligent supervision. So, in addition to screening, you need to provide appropriate supervision.



Richard Hammar, J.D., LL.M., CPA, and legal counsel to The General Council of the Assemblies of God, has produced many legal guides for churches, including [Pastor, Church & Law](#), application forms, and the resource kit "[Reducing the Risk of Child Sexual Abuse in Your Church](#)." He also operates web sites, including [ChurchLawToday.com](#) and [ReducingTheRisk.com](#), that contain helpful information for church leaders.

For more information, visit the VolunteerSelectPlus website at VolunteerSelectPlus.com. Or call **866-399-6647** (toll-free) Monday through Friday, 8 a.m. to 7 p.m. Eastern Time.