

# Background Checks and Volunteers: Handling Red Flags

By Christie Entzminger and Rollie Dimos



**V**olunteers play an important role in the success of any church. The dilemma that ministry leaders face each week is recruiting enough volunteers to staff ministry positions, yet trying to fill certain roles with qualified and capable people.

In August's [newsletter](#), we discussed five steps in the recruiting process that can help ensure a church gets qualified and capable volunteers. These five steps include an application process, a personal interview, checking references, requiring stability in the church, and completing a criminal records check.

When screening volunteers to work in the church, the application and interview process may uncover current or past behavior that exposes the church to risk, or is inconsistent with Christian teaching or the church's statement of faith. It is important that the church performs due diligence and care before approving an applicant to volunteer in the church. The steps a church performs now, including background checks, will help minimize risk in the future.

To understand background investigations, let's answer the following questions:

- What should be included in a background check?
- How often should a background check be performed?
- How long do we keep paperwork?
- What if the investigation reveals questionable results or red flags?

**#1:** What should be included in a background check? When performing a background check on volunteers, a church should include a criminal records check of national databases, a review of state-specific and county databases, and a search of the Dru Sjodin National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov)).

In order to perform an investigation, you will need the applicant's Social Security number and date of birth.

A quick search of the Internet will reveal many companies that perform background checks. Basic investigations range from a few dollars per person, to \$15 or more per person. What

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## Properly Screening Volunteers (cont.)

separates these companies is how many databases are included in their service. Unfortunately, there isn't just one national database that contains all court data. When considering which investigation company to use, look for a company that has access to multiple databases, including national, state, and county records.

If not already included in the national criminal records check, the church should complement their investigation by checking the national sex offender database and reviewing state-specific databases.

For example, a search of Missouri's court records ([MissouriCase.net](http://MissouriCase.net)) will reveal traffic tickets, dissolution of marriage, or convictions for assault and battery. If a volunteer will be involved in transporting church members, you should also include a search of your state's motor vehicle database to assess the volunteer's driving history.

A limitation of these searches is that they may only reveal convictions. Some sexual offenses or arrests will not be included unless there was a conviction.

### **#2:** How often should a background check be performed?

A comprehensive background screening program will include ongoing background checks. An individual with a clear background report today could, unfortunately, commit a crime tomorrow. As a result, some churches update investigations on a regular basis, like every five years.

Mike McCarty, CEO of Safe Hiring Solutions, wrote an article for ChurchLawAndTax.com and stated: "Organizations must define the frequency for themselves, taking into account the safety of children, members, visitors, staff and the ministry. Many law enforcement agencies conduct background checks every five years. The majority of churches I have worked with that conduct ongoing background checks require them to be renewed every two to five years."<sup>1</sup>

For most churches, cost will play a part in this decision. However, church leadership must weigh the cost against the risk. If regular updates are not feasible, it may be reasonable to only update background checks under certain circumstances, such as if the volunteer has had a long hiatus from service, or moved away and has now returned. A background check should also be updated if the church becomes aware of specific issues or convictions that would disqualify the volunteer from serving.

The church should decide how often to update investigations given the expense and number

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of volunteers. However, at a minimum, a church should update investigations when certain conditions are triggered, like a lengthy absence from service, or when they become aware of certain character issues or convictions. Further, you should discuss this topic with your insurance provider who may have additional advice or requirements.

### **#3:** How long do we keep paperwork?

There is no official requirement to keep background screening results for volunteers. However, paperwork retention requirements for employees requires employers to keep paperwork for 6 years after employment is terminated. Best practices would suggest a similar approach for volunteers: keep application and background investigations for at least 6 years after the individual stops volunteering. These documents should detail the type of investigation performed and conclusions made about the applicant's ability to volunteer.

Some churches may want to keep all documents related to the application and screening of volunteers indefinitely. If any questions arise in the future about the volunteer's activities, your paperwork will show you performed due diligence during the screening process.

Because the application and investigation reports contain personal information, including Social Security numbers, you should keep these files in a locked filing cabinet and restrict access to only those people who require it.

### **#4:** What if the investigation reveals questionable results or red flags?

Undoubtedly, at some point during a volunteer's application process (written application, personal interview, reference checks, or background investigation), you may find behavior or character traits that could expose the church to increased risk if this person is allowed to volunteer. Here are some common red flags that arise during the application process and some suggestions on how to handle them in a manner that is affirming for the individual yet reduces the church's risk exposure.

- The investigation notes financial problems like bankruptcy, thefts, lawsuits, or wage garnishments. These activities would require a restriction on the volunteer's activities. Don't allow the volunteer to handle any of the church finances, help receive the offerings, or count and deposit funds.
- The investigation notes a conviction for sexual misconduct of any type. This volunteer

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should not be allowed to work with children. Other red flags that would prevent volunteers from working with children would include being registered as a sex offender, custody issues, a court order to remove children from the home, or child abuse.

- The application or investigation process identifies other character issues like convictions for drug use or intent to sell, or assault and battery. In these cases, you will want to interview the volunteer to get a better understanding of their current condition (both emotional and spiritual). A pastor or counselor may want to disciple the volunteer for a period of time, like six months, and reevaluate the person's character development at that time. If you notice multiple instances, it may be in the volunteer's best interest to successfully complete a discipleship program for substance abuse, or other life-controlling issues, before volunteering.
- The application or investigation process identifies arrests or questionable activity that occurred a long time ago, or before the volunteer committed his or her life to Christ. In these cases, a follow-up interview may be necessary. If your interview indicates that the person has changed, or the questionable activity occurred before they dedicated their life to Christ, the church may decide to move forward and allow the volunteer to serve. Based on the length of time, character references, and other factors, the church could decide to place the volunteer under another strong leader for mentoring before allowing them to serve as a team leader or in a position of leadership.
- The application process reveals a man and woman are in a relationship and living together but are not married. If your church emphasizes the sanctity of marriage, you may decide that cohabitating couples can't serve together and must serve under a strong leader. You might also require that they receive counseling for a period of time before serving or commit to sanctifying their relationship through marriage in the very near future.
- The application process indicates a person is in the United States illegally. Consider the following dilemma: undocumented individuals in the U.S. will not have a social security number. Additionally, international students in the U.S. on a student visa will not have a Social Security number. Without a social security number, you can't perform a background investigation. If your church has a requirement that all volunteers pass a background check, this will disqualify undocumented individuals or persons in the U.S. on a student visa.

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## Properly Screening Volunteers (cont.)

However, in many of our churches this disqualifies a lot of people who are fully committed to Christ and willing to serve. In these cases, you may consider a background investigation that would reach back to the individual's country of origin. If this isn't possible, you may have to decide that these individuals can only serve in a limited capacity or under another leader who has passed a background investigation.

In all of these instances, the pastor and church leadership must use good judgment in helping volunteers find their place of ministry, while at the same time protecting the flock from any potential liability.

### Conclusion

In an effort to reduce the church's exposure to risk, best practices require that all volunteers in the church complete an application and background investigation. Unless a person can pass a background investigation, they should only serve in a limited capacity.

To reduce the risk of mistrust or cause divisions in the church body, some activities may permanently disqualify a person from volunteering in certain positions. A person convicted of fraud or embezzlement may not be allowed to work with church funds. To reduce the risk of recidivism or temptation, sexual offenders should never be allowed to work with children.

As church leaders, we want to restore the individual but protect our children. We want to show compassion, yet lead with common sense. When it comes to the safety and protection of your children and other vulnerable individuals, you don't want to waiver on established policies and procedures.

The church is a place of grace and forgiveness, but that shouldn't outweigh the church's responsibility to protect their members, and provide good stewardship of the resources entrusted to them.

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<sup>1</sup> Mike McCarty, *Frequency of Background Checks*, ChurchLawAndTax.com, accessed August 27, 2014, <http://www.churchlawandtax.com/web/2010/april/frequency-background-checks.html>.