

## Introduction: Analyzing State Laws That Impact Child Sexual Abuse in Youth Sports

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In researching legal issues concerning the sexual abuse of children in youth sports, the LDICP prepared three legislative surveys covering the fifty states and U.S. territories.

### **LDICP Legislative Surveys of the United States and Its Territories**

- Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State
- Employee and Volunteer Background Checks for Those Working with Children: Laws by State
- Mandatory Reporting of Child Abuse: Laws by State

These legislative surveys have been posted on the LDICP website. In making use of these materials, researchers should take note of the following constraints:

#### ***Circle of Trust Perpetrators of Child Sexual Abuse: Maximum Penalties by State***

This survey reviews state laws that enhance penalties for child sexual abuse perpetrators who hold a position of authority or position of trust as to the child victim. (Such perpetrators are said to be “within the child’s Circle of Trust.”<sup>1</sup>)

- 1) This survey covers only sexual crimes against children. It does not cover other child abuse crimes such as physical or emotional abuse.
- 2) In some states, the law cited constitutes a penalty enhancement for an underlying crime, such as “Child Sexual Abuse.” In other states, the law cited constitutes a separately chargeable crime.
- 3) The penalties listed for each state are the maximums. The specific penalty in a given case is decided at sentencing.
- 4) Each state establishes its own minimum penalty for conviction under its Circle of Trust law. In some states, conviction under the Circle of Trust law may render the offender eligible for probation; in such cases, conviction under the law may result in no incarceration.

#### ***Employee and Volunteer Background Checks for Those Working with Children: Laws by State***

This survey reviews state laws that require organizations working with children to conduct background checks on potential employees and volunteers. It does not cover background check laws affecting those who do not work with children.

#### ***Mandatory Reporting of Child Abuse: Laws by State***

This survey reviews state laws that require individuals in certain professions to report suspected child abuse to police or child protective services. It includes information regarding immunity from liability for good-faith reporting, as well as penalties for mandatory reporters who fail to report to police or child protective services.

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<sup>1</sup> The term “Circle of Trust” was coined by Andrew Vachss, an attorney who only represents children and who has written extensively on issues of child protection.

**Employee and Volunteer Background Checks for Those Working with Children:  
Laws by State**

State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Alabama	<p>Ala. Code § 38-13-3: Criminal history background information check.</p> <p>Ala. Code § 38-13-2: <b>"Criminal history background information check"</b> includes a review of records involving an arrest or conviction by a criminal justice agency, including child abuse crime information. It also includes a review of conviction record information, fingerprint cards, correctional data and release information, and identifiable descriptions.</p>	<p>Ala. Code § 38-13-3: Prospective employment, volunteer service, or employment at a child care or adult care facility.</p> <p>Prospective employment at the Department of Human Resources if the position requires unsupervised access to children, the elderly, or persons with disabilities.</p> <p>Ala. Code § 38-13-2: "Unsupervised access to a child" means contacts, interviews, questions, examinations, interactions, or communications outside the presence, supervision, and control of someone other than a child in care during the provision of care, education, training, instruction, supervision, or other employment or license related activities.</p>	<p>Ala. Code § 38-13-3: Child care facility, adult care facility, the Department of Human Resources, child-placing agencies and employer of services.</p> <p>Child and adult care facilities that are exempt from Department of Human Resources licensing are not required to complete background checks, but these checks are permissible.</p> <p>Ala. Code § 38-13-2: <b>"Care"</b> means the provision of care, treatment, education, training, instruction, supervision, or recreation to children and others.</p> <p><b>"Child care facility"</b> means a person or entity holding a Department of Human Resources license, permit, or approval to provide child care.</p>	<p>Ala. Code § 38-13-2: The background check requirements did not create or establish a new cause of action in any court. The provisions are also not to be construed as a waiver of any sovereign or qualified immunity.</p>	<p>Ala. Code § 38-13-4: An individual may challenge the accuracy or completeness of the criminal history information background report.</p>

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Alaska	<p>Alaska Admin. Code tit. 7, § 10.900 and see Alaska Stat. § 47.05.310: Criminal history check. Fingerprint-based criminal history checks are valid for six years.</p> <p>Alaska Stat. § 12.62.400: Criminal history check.</p>	<p>Alaska Admin. Code tit. 7, § 10.900, Alaska Admin. Code tit. 7, § 10.910 and Alaska Stat. § 47.05.310: Licensure, certification, or approval by the department of Health and Social Services or finding of eligibility to receive certain payments from the department of Health and Social Services.</p> <p>Alaska Admin. Code tit. 7, § 10.910 and see Alaska Stat. § 47.05.310: Prospective employment or volunteer service at an entity or by an individual service provider for the department of Health and Social Services.</p> <p>Alaska Stat. § 12.62.400: Request for license, permit, registration, employment or a position, including a position involving supervisory or disciplinary power over a minor, a teacher certificate, and a school bus driver license.</p>	<p>Alaska Admin. Code tit. 7, § 10.900: Entity or individual service provider for the department of Health and Social Services. Background checks are required for employees, independent contractors, unsupervised volunteers, and board members if they have regular contact with recipients of services, access to personal and financial records, or control over or impact on the financial well-being of the recipients.</p> <p>Alaska Stat. § 12.62.400: Entities including those involving supervisory or disciplinary power over a minor.</p>	None found in statute.	

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Arizona	<p>Ariz. Rev. Stat. § 41-1750: Criminal history record information, including information that a person has been charged with, arrested for, convicted or, or summoned to court as a criminal defendant for a felony offense or an offense involving domestic violence.</p> <p><b>"Criminal history record information"</b> means information that is collected by criminal justice agencies on individuals and that consists of identifiable descriptions and notations of arrests, detentions, indictments, and other formal charges, and any disposition arising from those actions, sentencing, formal correctional supervisory action and release. Juvenile information is not included unless the person was adjudicated as an adult.</p>	<p>Ariz. Rev. Stat. § 41-1750: Prospective employment, contracts services, or volunteer services. Evaluate the fitness of current employees, contractors, and volunteers.</p>	<p>Ariz. Rev. Stat. § 41-1750: Among others: school districts and charter schools; nonprofit organizations that interact with children or vulnerable adults.</p>	<p>None found.</p>	<p>Ariz. Rev. Stat. § 41-1750: The background check requirements did not create or establish a new cause of action or right to bring an action.</p>

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Arkansas	<p>Ark. Code Ann. § 12-12-1605: Criminal history information.</p> <p>Ark. Code Ann. § 12-12-1603: <b>"Criminal history information"</b> means a record compiled by the Arkansas Crime Information Center or the Identification Bureau of the Department of Arkansas State Police.</p> <p>Ark. Code Ann. § 12-12-1607: Information included in a background check includes all pending Arkansas felony arrests, all Arkansas criminal convictions, and whether the individual is a registered sex offender or required to register as a sex offender.</p> <p>Ark. Code Ann. § 20-38-103: Criminal history records check.</p> <p>Ark. Code Ann. § 6-17-414: Criminal records check.</p>	<p>Ark. Code Ann. § 12-12-1605: Volunteer organization requests the check.</p> <p>Ark. Code Ann. § 20-38-103: Prospective employment with a health and safety service provider.</p> <p>Ark. Code Ann. § 6-17-414: Prospective employment for an employee or noncontinuous reemployment for a nonlicensed staff person at a school.</p>	<p>Ark. Code Ann. § 12-12-1602 and Ark. Code Ann. § 12-12-1605: Volunteer organizations that provide services or work with children, the elderly, victims of domestic abuse, or individuals with disabilities if they have registered with the Department of Arkansas State Police.</p> <p>Ark. Code Ann. § 12-12-1603: <b>"Volunteer organization"</b> means an individual, group of individuals, association, partnership, corporation, limited liability company or partnership, business, public school, school district, person or organization designated by a public school or school district to organize volunteers for the public school or school district, or other entity that has volunteers who provide services to children, the elderly, victims of domestic abuse, or individuals with disability. <b>"Children"</b> means individuals under 16 years of age. <b>"Employee"</b> means a person currently in the service of an employer for full-time or part-time compensation and employed by a contract or at will. <b>"Volunteer"</b> means a person who provides services involving contact with children without an express or implied promise of compensation.</p>	<p>Ark. Code Ann. § 20-38-111: Service providers are immune for suit or liability for acts or omissions related to background checks unless they were malicious acts or omissions.</p>	<p>Ark. Code Ann. § 12-12-1605: A volunteer organization that wants to obtain criminal background check information on volunteers must register with the Department of Arkansas State Police.</p> <p>Ark. Code Ann. § 12-12-1013: An individual may challenge the accuracy or completeness of the background check information.</p>

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California	Cal. Health & Safety Code § 1522: Criminal history information, including a full criminal record.	Cal. Health & Safety Code § 1522: Licensure, permits, or certification for persons to operate or provide direct service care. Prospective or continues employment or volunteer services, including for those who have contact with clients. Note: a volunteer is exempt from the criminal history check requirement if (1) the volunteer is supervised by an individual with a criminal record clearance or exemption; the volunteer is never left alone with clients; and the volunteer does not provide any client assistance with dressing, grooming, bathing, or personal hygiene other than washing of hands.	Cal. Health & Safety Code § 1522: Community care facilities, foster family homes, or certified family home of a licensed foster family agency.	Cal. Health & Safety Code § 1522: If an organization hires a party whose is disqualified by a criminal history check, it will be assessed a civil penalty of \$100 per violation per day.	
Colorado	Colo. Rev. Stat. § 22-60.5-103, Colo. Rev. Stat. § 22-32-109.8, and Colo. Rev. Stat. § 26-6.8-104: Fingerprint-based criminal history records check, which may include juvenile records.	Colo. Rev. Stat. § 22-60.5-103: Prospective licensure for a teacher, adjunct instructor, special educational services provider, principal, or administrator of a school.  Colo. Rev. Stat. § 22-32-109.8: Prospective employment as a nonlicensed school employee. A school district may employ a nonlicensed employee prior to receiving the results of the criminal history check.  Colo. Rev. Stat. § 24-72-305.3: Prospective employment or volunteer service with a qualified entity under the "Colorado Youth Mentoring Services Act."	Colo. Rev. Stat. § 13-80-103.9 and 22-30.5-110.5: Public or charter schools.  Colo. Rev. Stat. § 22-1-121: Nonpublic schools <u>may</u> require fingerprint-based background checks.  Colo. Rev. Stat. § 26-6.8-104: Organizations and programs under the Colorado Youth Mentoring Services Act.	Colo. Rev. Stat. § 13-80-103.9: Civil liability for failure to perform a criminal history background check on a current employee with a criminal record.	

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Connecticut	Conn. Gen. Stat. § 10-221d and § 29-17a: State and national criminal history background checks, including, in some instances, a record check of the Department of Children and Families child abuse and neglect registry.	Conn. Gen. Stat. § 10-221d and § 10-222c: Prospective employment in a public school, including those in nonpaid, noncertified positions who are completing requirements for an educator certificate who would have direct contact with children.	Conn. Gen. Stat. § 10-221d: Local and regional boards of education, governing councils of state or local charter schools, and interdistrict magnet school operators.  Supervisory agents of private schools <u>may</u> require a criminal history records check.	None found.	
Delaware	Del. Code Ann. tit. 31, § 309: Criminal and Child Protections Registry checks, including the person's entire criminal history.	Del. Code Ann. tit. 31, § 309: Prospective employment or volunteer service with a child-serving entity. <b>"Volunteer"</b> is a person providing volunteer services with a child-serving entity and who has regular direct access to children. <b>"Employee"</b> includes any person seeking employment for compensation with a child-serving entity, or any person who has regular direct access to children at a child-serving entity.	Del. Code Ann. tit. 31, § 309: <b>"Child-serving entities,"</b> which include public and private schools; youth camps or summer schools, including those that provide recreational, athletic, educational, or religious instruction; child-care providers; DSCYF; residential child-care facilities; and facilities and individuals registered and eligible for Federal Child Care Development Block Grant funds.	Del. Code Ann. tit. 31, § 311: Class A misdemeanor for failure to complete a background check or hiring a disqualified person: imprisonment for up to one year and a fine of up to \$2,300. Civil penalty for failure to report: fine not less than \$1,000 and not more than \$5,000 for each violation.	Del. Code Ann. tit. 31, § 309: Private schools and youth camps may use a private, third-party provider for out-of-state criminal record searches. Private schools, including youth camps directly operated by a private school, may choose not to perform the background checks provided that the entity informs parents or guards that the school or youth camp is not meeting minimum background check safety requirements for its staff members; the entities must obtain and retain a signed acknowledgment from parents or guardians. Any person or organization that is not required to perform background checks may do so at their own expense.

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Florida	<p>Fla. Stat. § 943.0438: Level 1 background screening.</p> <p>Fla. Stat. § 435.03: <b>"Level 1 screening"</b> includes employment history checks, statewide criminal correspondence checks, and a check of the Dru Sjodin National Sex Offender Public Website. It may also include local criminal records checks.</p> <p>Fla. Stat. § 943.0542: Criminal history record.</p>	<p>Fla. Stat. § 943.0438: Prospective and current employment for an athletic coach. "Athletic coach" includes a person who is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for 20 or more hours within a calendar year, whether compensated or volunteer, for a youth athletic team. The coach must also have direct contact with one or more minors on the youth athletic team.</p> <p>Fla. Stat. § 943.0542: Prospective or actual employment or volunteer service for a qualified entity.</p>	<p>Fla. Stat. § 943.0438: <b>"Independent sanctioning authority,"</b> which means a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team if the team includes one or more minors and is not affiliated with a private school.</p> <p>Fla. Stat. § 943.0542: <b>"Qualified entity,"</b> which means a business or organization, whether public, private, operated for profit, operated not for profit, or voluntary, which provides care or care placement services, including business or organizations that licenses or certifies others to provide care or care placement services. "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.</p>	<p>Fla. Stat. § 943.0542: A qualified entity is not liable for damages solely for failing to obtain background information on an employee or volunteer.</p>	

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Georgia	<p>Ga. Code Ann. § 20-1A-39: Fingerprint records check, which includes a criminal history check. Starting in January 2018, fingerprint record checks are required at least every five years.</p> <p>Ga. Code Ann. § 31-2-9 and Ga. Code Ann. § 49-2-14: Fingerprint records check, which includes a criminal history check.</p> <p>Ga. Code Ann. § 20-1A-30, Ga. Code Ann. § 31-2-9, and Ga. Code Ann. § 49-2-14: <b>"Criminal record"</b> means conviction, arrest, charge, and sentencing for a crime, including pending charges.</p> <p>Ga. Code Ann. § 20-1A-30: <b>"Employment history"</b> means a record of where a person has worked for the past 10 years.</p>	<p>Ga. Code Ann. Ga. Code Ann. § 20-1A-31 and § 20-1A-39: Prospective employment at an early care or education program, including by students enrolled in early education curriculum programs.</p> <p>Ga. Code Ann. § 20-1A-30: "Employee" means any person employed by an early care or education program to perform duties which involve personal contact between that person and any child being cared for at the facility. It includes persons who are compensated and those who are not.</p> <p>Ga. Code Ann. § 31-2-9: Licensing of a new health care facility.</p> <p>Ga. Code Ann. § 49-2-14: Licensing of a new child welfare agency.</p>	<p>Ga. Code Ann. § 20-1A-31 and see Ga. Code Ann. § 20-1A-30: Early care or education program for children.</p> <p>Ga. Code Ann. § 31-2-9: Personal care home, assisted living community, private home care provider, and community living arrangements.</p> <p>Ga. Code Ann. § 49-2-14: Child welfare agency.</p>	<p>Ga. Code Ann. § 20-1A-39: License revocation for any early care or education program if it fails to comply with the background check and hiring requirements.</p>	<p>Ga. Code Ann § 20-1A-41: Early care and educational programs are not liable for defamation, invasion of privacy, or other claims if they acted in good faith and consistent with the legal requirements.</p>
Hawaii	<p>Haw. Rev. Stat. § 846-2.7: Criminal history background checks.</p>	<p>Haw. Rev. Stat. § 846-2.7: Prospective and current employees and volunteers who will work in close proximity to children, including at recreational or child care programs, or provide care or services to children.</p> <p>Note: the statute provides that the organizations may conduct background checks. The checks are not mandatory.</p>	<p>Haw. Rev. Stat. § 846-2.7: Department of education, private schools and organizations, state public or private charter school commission, counties, department of human services, the department of corrections, the public library, and other branches, political subdivisions and agencies of the state.</p>	<p>None found.</p>	

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Idaho	Idaho Code Ann. § 33-130 and Idaho Code Ann. § 39-1105: Criminal history check, including the statewide sex offender register.	Idaho Code Ann. § 33-130: Employees, applicants, and others with unsupervised contact with students.  Idaho Code Ann. § 39-1105: Owners, operators, and employees with direct contact with children.	Idaho Code Ann. § 33-130: School districts.  Idaho Code Ann. § 33-130A: Private and parochial schools are not required to complete background checks, but they are permitted to do so.  Idaho Code Ann. § 39-1105: Daycare facilities.	None found.	Idaho Code Ann. § 67-3008: Unless provided by law, the ability to access criminal history reports does not create a duty upon a person, employer, private agency, or public agency to examine the records of applicants, employees, or volunteers.
Illinois	105 Ill. Comp. Stat. 5/10-21.9 and 105 Ill. Comp. Stat. 5/34-18.5: Criminal history records check, which includes all records except expunged records and a check of the Statewide Sex Offender Database and the Statewide Murderer and Violent Offender Against Youth Database.  225 Ill. Comp. Stat. 10/4.1: Criminal history records check, including the Central Register for abused and neglected children.	105 Ill. Comp. Stat. 5/10-21.9 and 105 Ill. Comp. Stat. 5/34-18.5: Prospective employment. For Prospective employees of contract providers, record checks are required for employees who have direct, daily contact with pupils of any school in the district.  225 Ill. Comp. Stat. 10/4.1: Applicant for a child care facility license. Prospective employment or volunteer service.	105 Ill. Comp. Stat. 5/10-21.9 and 105 Ill. Comp. Stat. 5/34-18.5: School district and persons or firms holding contracts with any school district.  225 Ill. Comp. Stat. 10/4.1: Child care facility.	None found.	
Indiana	Ind. Code § 10-13-3-28: Criminal history check.  Ind. Code § 20-26-5-10: Expanded criminal history check.  Ind. Code § 12-17.2-4-3: Criminal history check.	Ind. Code § 10-13-3-28: Prospective employment or volunteer service.  Ind. Code § 20-26-5-10: Prospective or current employment or for employees of contractors providing services to the school corporation.  Ind. Code § 12-17.2-4-3: Application for a license for a child care center and employment or volunteer service when the person has direct contact with a child who is receiving care.	Ind. Code § 10-13-3-28: Noncriminal justice organization.  Ind. Code § 20-26-5-10: School corporation.  Ind. Code § 12-17.2-4-3: Child care center.	None found.	

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Iowa	<p>Iowa Code § 125.14A: In-state criminal history check and child abuse record check. Out-of-state checks are permissible.</p> <p>Iowa Code § 135B.34: Criminal history check and child and dependent adult abuse record check.</p> <p>Iowa Code § 135C.33: Criminal history check and child and dependent adult abuse record check.</p> <p>Iowa Code § 135H.7: In-state criminal history check and child abuse records check. Out-of-state checks are permissible.</p> <p>Iowa Code § 217.44: In-state criminal history check and abuse checks. Out-of-state checks are permissible.</p>	<p>Iowa Code § 125.14A: Licensure or Prospective employment involving direct responsibilities for a child or with access to a child when the child is alone at a treatment program.</p> <p>Iowa Code § 135B.34: Prospective employment in a hospital.</p> <p>Iowa Code § 135C.33: Prospective employment at a healthcare facility, including employment for health aides, adult day service providers, hospice employees, direct service providers, elder group home employees, and assisted living program employees.</p> <p>Iowa Code § 135H.7: Licensure or Prospective employment involving direct responsibility for a child or with access to a child when the child is alone at a psychiatric institution.</p> <p>Iowa Code § 217.44: Prospective employment involving direct contract with the departments of human service's clients.</p>	<p>Iowa Code § 125.14A: Treatment programs admitting juveniles.</p> <p>Iowa Code § 135B.34: Hospitals.</p> <p>Iowa Code § 135C.33: Healthcare facility.</p> <p>Iowa Code § 135H.7: Psychiatric institution.</p> <p>Iowa Code § 217.44: Department of human services field services organization.</p>	<p>Iowa Code § 135C.36: Civil violations for healthcare facilities failure to comply with the law: Class I if the failure presents an imminent danger or substantial probability of death or physical harm; penalty of not less than \$2,000 and not more than \$10,000. Class II if the failure has a direct or immediate relationship to the health, safety, or security of resident health care facilities; penalty of not less than \$100 and not more than \$500. Class III if it is not a Class I or II violation; no fine identified.</p>	<p>Iowa Code § 235A.15: Iowa maintains a confidential child abuse information registry.</p>
Kansas	<p>Kan. Stat. Ann. § 65-516: National criminal history record checks.</p>	<p>Kan. Stat. Ann. § 65-516: Employment, residence, or volunteer service.</p>	<p>Kan. Stat. Ann. § 65-516: Child care facility.</p>	<p>None found.</p>	<p>Kan. Stat. Ann. § 65-516: A child care facility will not be liable for hiring decisions based on a background check if the facility acts in good faith. Kansas law also focused on consumer credit checks for employment purposes. See Kan. Stat. Ann. § 50-702.</p>

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Kentucky	Ky. Rev. Stat. Ann. § 160.380: State and national criminal background check.	Ky. Rev. Stat. Ann. § 160.380: Newly hired certified employees, student teachers, nonfaculty coaches, and nonfaculty assistants.  Note: the superintendent of a school district may require the following persons to submit criminal history background checks: volunteers, contractors, and visitors.  Ky. Rev. Stat. Ann. § 17:165: Employment that involves supervisory or disciplinary power over a minor or direct contact with a minor if the person has been convicted of a sex or violent crime.	Ky. Rev. Stat. Ann. § 160.380: School district through the superintendent.  Ky. Rev. Stat. Ann. § 17:165: Child care centers.	None found.	Ky. Rev. Stat. Ann. § 164.281: Public and private postsecondary educational institutions must require criminal history records checks for all new hires. They may also require checks for contractors, employees of contractors, volunteers, and visitors.
Louisiana	La. Rev. Stat. Ann. § 17:15, La. Rev. Stat. Ann. § 407.42, and La. Rev. Stat. Ann. § 46:51.2: Criminal history record check.	La. Rev. Stat. Ann. § 17:15: Prospective employment.  La. Rev. Stat. Ann. § 407.42: Owner, operator, employee, or volunteer.  La. Rev. Stat. Ann. § 46:51.2: Prospective employment that includes the investigation of child abuse or neglect or supervisory or disciplinary authority over children or direct care of a child.	La. Rev. Stat. Ann. § 17:15: City, parish, and other local public school board.  La. Rev. Stat. Ann. § 407.42: Early learning center.  La. Rev. Stat. Ann. § 46:51.2: Department of Children and Family Services.	None found.	

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Maine	Me. Rev. Stat. Ann. tit. 22, § 9054: Comprehensive background check, including criminal history records check. The report must identify disqualifying offenses, including criminal charges without disposition, convictions, and other event notations. Periodic background checks. Criminal history records checks must be completed <b>every 5 years</b> .	Me. Rev. Stat. Ann. tit. 22, § 9054: Any person who is a direct access worker will trigger a background check. A <b>direct access worker</b> is an individual who by virtue of employment has direct access to a Medicare or Medicaid beneficiary or other protected individual. Me. Rev. Stat. Ann. tit. 22, § 9053(14). A <b>protected individual</b> is a person who is in need of support; who is vulnerable to abuse, neglect, and exploitation; and who receives services offered by providers. Me. Rev. Stat. Ann. tit. 22, § 9053(30).	Me. Rev. Stat. Ann. tit. 22, § 9054: The following organizations with direct access workers must complete background checks: child care facilities, child placing agencies, children's residential care facilities, family child care providers, nursery school, hospice providers, home health care providers, nursing facilities, personal care agencies and placement agencies, temporary nurse agencies, adult day care programs, assisted housing programs, residential care facilities, intermediate care facilities for individuals with intellectual disabilities, mental health service facilities providers, and drug treatment centers.	Me. Rev. Stat. Ann. tit. 22, § 9062: Civil violation for failure to complete a background check or knowingly employing a disqualified individual: fine of not less than \$500 and not more than \$10,000 per day. Each day constitutes a separate offense. Civil violation for failure to comply with the confidentiality requirements and conditional employment requirements: fine of not less than \$500 and not more than \$5,000.  Me. Rev. Stat. Ann. tit. 22, § 9063: Employer may be denied a license, certification, or registration to provide services or license, certification, or registration may be terminated or revoked	Individuals may challenge the accuracy of the background check records. Me. Rev. Stat. Ann. tit. 22, § 9054.  An employer/provider who denies employment because of information obtained through a final background check report is not liable in an action brought by the individual. There is a rebuttable presumption that the employer/provider acted in good faith. Me. Rev. Stat. Ann. tit. 22, § 9054.

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Maryland	Md. Code Ann., Fam. Law § 5-551: Criminal history records check	Md. Code Ann., Fam. Law § 5-551: Supervision over children or access to children who are cared for or supervised in a facility.	Md. Code Ann., Fam. Law § 5-551: The following organizations/facilities must complete criminal history records checks for employees and employers, including employees of contractors and subcontractors who have direct, unsupervised, and uncontrolled access to children: a recreation center or a recreation program operated by the state, local government, or private entity serving minors or a day or residential camp primarily serving minors. Additionally, the following organizations/facilities must complete criminal history records checks: a child care center; a family child care home; a child care institution; a juvenile detention, correction, or treatment facility; a public, private, or nonpublic school; a foster care family home or group facility; or a home health agency or residential service agency. <b>NOTE:</b> Organizations/facilities are not required to complete criminal history records checks for volunteers at any of the facilities. They are, however, permitted to request those. Additionally, employers at facilities not listed above may require criminal history records checks if it employees individuals to work with children.  Md. Code Ann., Fam. Law § 5-550(e)(1): <b>Employee:</b> a person that for compensation is employed to work and who care for or supervised children in the facility or has access to children who are cared for or supervised in the facility.	Md. Code Ann., Fam. Law § 5-557: Employers and agencies are immune from civil or criminal liability in connection with criminal history record checks.	

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<b>State</b>	<b>Background Check Requirements</b>	<b>Actions that Trigger Checks</b>	<b>Organizations Covered</b>	<b>Penalties for Failure to Perform Background Checks</b>	<b>Other Distinguishing Information</b>
Massachusetts	<p>Mass. Gen. Laws ch. 6, § 172H: Criminal offender record information.</p> <p>Mass. Gen. Laws ch. 6, § 172G: Criminal offender record information and juvenile data.</p> <p>Mass. Gen. Laws ch. 71, § 38R: Criminal offender record information. Obtained periodically, but not less than every 3 years.</p> <p>Mass. Gen. Laws ch. 6, § 167: <b>"Criminal offender record information"</b> is records and data compiled by a Mass. criminal justice agency which concerns identifiable individuals and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings where the person was detained prior to trial or released with conditions, sentencing, incarceration, rehabilitation, or release.</p> <p>Limited to information concerning persons who have attained the age of 18, and it does not include criminal offense or acts of delinquency committed by any person under the age of 18 (unless the person was adjudicated as an adult).</p>	<p>Mass. Gen. Laws ch. 6, § 172H: Primarily engaged in providing activities or programs to children.</p> <p>Mass. Gen. Laws ch. 6, § 172G: Any volunteers in camps.</p> <p>Mass. Gen. Laws ch. 71, § 38R: Direct, unmonitored contact with children. Schools may obtain background checks for volunteers, subcontractors, and laborers who perform work on school ground and may have direct and unmonitored contact with children.</p>	<p>Mass. Gen. Laws ch. 6, § 172H: Any organization primarily engaged in providing activities or programs to children.</p> <p>Mass. Gen. Laws ch. 6, § 172G: Operators of camps for children.</p> <p>Mass. Gen. Laws ch. 71, § 38R: Schools and school districts.</p>	<p>Mass. Gen. Laws ch. 6, § 177: Civil liability: actual damages and exemplary damages for not less than \$100 and not more than \$100,000 for each violation. Any aggrieved person may institute a civil action for damages or to restrain any violation of sessions 172G or 172H.</p>	<p>Mass. Gen. Laws ch. 6, § 172()(e): No person shall be liable for negligent hiring by reason of relying solely on criminal offender record information, unless more was required under law, if the employment decision was made within 90 days of receiving the information. Employers shall not be liable for discriminatory employment practices for failure to hire a person on the basis of the criminal offender record information that contains erroneous information.</p>

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Michigan	<p>Mich. Comp. Laws § 380.1230: Criminal history record information. Another criminal history check is not required as long as the individual remains employed with no separation from service.</p> <p>Mich. Comp. Laws § 722.115d: Criminal history check.</p> <p>Mich. Comp. Laws § 722.115d: Criminal history check.</p> <p>Mich. Comp. Laws § 28.241a(d): <b>"Criminal history record information"</b> means name; date of birth; personal descriptions including identifying marks, scars, amputations, and tattoos; aliases and prior names; social security number; driver's license number; and other identifying numbers; and information on misdemeanor and felony arrests and convictions.</p>	<p>Mich. Comp. Laws § 380.1230: Regular and continuous work under contract in any school.</p> <p>Mich. Comp. Laws § 722.115d: Regular and continuous work under contract in a child care organization.</p> <p>Mich. Comp. Laws § 722.13: Application by a person to have his or her home designated as a McGruff house or a Michigan community child watch house.</p>	<p>Mich. Comp. Laws § 380.1230: All schools.</p> <p>Mich. Comp. Laws § 722.115d: Child care organization.</p> <p>Mich. Comp. Laws § 722.13: Any nonprofit organization, school district, or business entity that sponsors a McGruff House or Michigan community child watch house.</p>	None found.	

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<b>State</b>	<b>Background Check Requirements</b>	<b>Actions that Trigger Checks</b>	<b>Organizations Covered</b>	<b>Penalties for Failure to Perform Background Checks</b>	<b>Other Distinguishing Information</b>
Minnesota	<p>Minn. Stat. § 123B.03: Criminal history data</p> <p>Minn. Stat. § 13.87: <b>"Criminal history data"</b> means all data maintained in criminal history reports compiled by the Bureau of Criminal Apprehension, including, but not limited to, fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, and custody and supervision data. The criminal history data are private except the following information: convictions; associated court dispositions and sentence information; controlling agency and confinement information. This information is public data for 15 years following the discharge of the sentence imposed for the offense.</p> <p>Minn. Stat. § 299C.61: <b>"Background check crime"</b> includes child abuse crimes, murder, manslaughter, felony level assault or any assault crime committed against a minor, kidnapping, arson, criminal sexual conduct, and position-related crimes.</p>	<p>Minn. Stat. § 123B.03: Offer of employment to persons providing athletic coaching services or other extracurricular academic coaching services <b>Note:</b> a school hiring authority <u>may</u> request a background check on any individual who seeks to serve as a school volunteer or who works as an independent contractor or student employee.</p>	<p>Minn. Stat. § 123B.03: School hiring authority</p> <p><b>"School hiring authority"</b> means the school board, the school principal, or other persons having general control and supervision of the school.</p>	None found.	<p>Minn. Stat. § 123B.03: A school hiring authority is not liable for failing to hire or for terminating an individual's employment based on the results of a background check.</p> <p>Minn. Stat. § 299C.64: The Bureau of Criminal Apprehension is immune from any civil or criminal liability that might arise based on the accuracy or completeness of its records if the Bureau acts in good faith.</p> <p>Minn. Stat. § 123B.03: An individual has the right to challenge the accuracy and completeness of the information contained in the background check report.</p>
Mississippi	<p>Miss. Code Ann. § 43-15-6: National criminal history record information check and child abuse registry check.</p> <p>Miss. Code Ann. § 43-20-8: Criminal records, background and sex offender registry checks, and current child abuse registry checks.</p>	<p>Miss. Code Ann. § 43-15-6: Prospective or current employment, volunteer service, ownership, or operation if the person has or may have unsupervised access to a child served by the entity.</p> <p>Miss. Code Ann. § 43-20-8: Prospective or current position as a caregiver.</p>	<p>Miss. Code Ann. § 43-15-6: Person, institution, facility, clinic, organization, or other entity that provides services to children in a residential setting and is entrusted with the care of children, whether paid or unpaid.</p> <p>Miss. Code Ann. § 43-20-8 and Miss. Code Ann. § 43-15-303: Child care facilities or an entity conducting child care services.</p>	Miss. Code Ann. § 43-15-6: Failure to complete the background check as required is a violation and the entity is subject to a penalty up to \$10,000 for each violation and may be enjoined from further operation.	Miss. Code Ann. § 43-15-307: A person who is required to register as a sex offender who knowingly undertakes employment or volunteer service with a child care service is guilty of a felony and shall be imprisoned for not more than 5 years.

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<b>State</b>	<b>Background Check Requirements</b>	<b>Actions that Trigger Checks</b>	<b>Organizations Covered</b>	<b>Penalties for Failure to Perform Background Checks</b>	<b>Other Distinguishing Information</b>
Missouri	Mo. Rev. Stat. § 168.133: Criminal background check, which includes a search of any information publically available in an electronic format through a public index or single case display.	Mo. Rev. Stat. § 168.133: Prospective or current employment when the person is authorized to have contact with pupils.	Mo. Rev. Stat. § 168.133: School districts.	None found.	
Montana	Mont. Admin. R. 10.57.201A: State and national criminal history background checks.  Mont. Code Ann. § 41-3-304: Name-based background checks for emergencies and later a fingerprint-based background check.	Mont. Admin. R. 10.57.201A: Prospective or current employment or volunteer service when the person has, or will have, unsupervised access to children, the elderly, or individuals with disabilities. Licensure for an educator.  Emergency child placements/protective care. Those with unsupervised access and provide protective care.	Mont. Admin. R. 10.57.201A: Superintendent of Public Instruction and the Board of Public Education.  Mont. Code Ann. § 41-3-304: Emergency child placements.	None found.	Mont. Admin. R. 10.57.201A: Person may challenge the accuracy and completeness of the report.
Nebraska	Neb. Rev. Stat. § 71-1912: National criminal history record information check.	Neb. Rev. Stat. § 71-1912: Prospective licensure of school-age-only or preschool programs, child care centers, and family child care homes.	Neb. Rev. Stat. § 71-1912: The state shall investigate, and <u>may</u> seek a national criminal history record information check, of any licensee or employee of the licensee of an organization that provides school-age-only and preschool programs or child care centers or family child care homes.	None found.	In 2014, Nebraska passed the “ban the box law.” Public employers are required to remove any question pertaining to criminal history on state job applications. Criminal background checks can still be performed but only after a job applicant’s qualifications are reviewed. See Sharon Zaleski, Nebraska Has New Ban the Box Law for Background Check and Criminal History Process (April 25, 2014).
Nevada	Nev. Rev. Stat. § 179A.190: Criminal history records.	Nev. Rev. Stat. § 179A.310: Prospective and current volunteers who work with children.	Nev. Rev. Stat. § 179A.310: Nonprofit agencies that work directly with children.	Nev. Rev. Stat. § 179A.310: The fact that a nonprofit agency did not request a background check cannot be considered as evidence of negligence in any civil action brought against the agency.	

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<b>State</b>	<b>Background Check Requirements</b>	<b>Actions that Trigger Checks</b>	<b>Organizations Covered</b>	<b>Penalties for Failure to Perform Background Checks</b>	<b>Other Distinguishing Information</b>
New Hampshire	N.H. Rev. Stat. Ann. § 189:13-a and N.H. Rev. Stat. Ann. § 485-A:24: Criminal history records check.	N.H. Rev. Stat. Ann. § 189:13-a: Prospective or current employment (prior to final offer) or those designated volunteers. This includes volunteer organizations which contract with a school to provide services directly to students. Note: not all volunteers are subject to the background checks, only "designated volunteers." Each organization must adopt a policy designating certain categories of volunteers as "designated volunteers."  N.H. Rev. Stat. Ann. § 485-A:24: Prospective and current employment and volunteer services for persons who may be left along with any child or children. Operating or owning a camp.	N.H. Rev. Stat. Ann. § 189:13-a: School administrative unit, school district, chartered public school, or public academy. <b>Note:</b> nonpublic schools may elect to require criminal history records checks.  N.H. Rev. Stat. Ann. § 485-A:24: Youth skills camp.	None found.	N.H. Rev. Stat. Ann. § 189:13-a: Organization is immune from civil or criminal liability if the officials acted in good faith and in accordance with the policy.
New Jersey	N.J. Stat. Ann. § 15A:3A-2: Criminal history record background check.  N.J. Stat. Ann. § 15A:3A-1: <b>“Criminal history record background check”</b> means a determination of whether a person has a criminal record by cross-referencing that person’s name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police.	N.J. Stat. Ann. § 15A:3A-2: Prospective or current employment or volunteer services. Note: The statute says the organization may request a criminal history record background check. This check does not appear to be mandatory.	N.J. Stat. Ann. § 15A:3A-2: Nonprofit youth serving organization.  N.J. Stat. Ann. § 15A:3A-1: <b>“Nonprofit youth serving organization”</b> means a corporation, association or other organization, which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes. It does not include public and nonpublic schools.	None found.	

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New Mexico	N.M. Stat. § 22-10A-5: Criminal records checks, including convictions and misdemeanors.	N.M. Stat. § 22-10A-5: Prospective or current employment, contract services, or volunteer services if the person will have unsupervised access to students at a public school. Application for initial license for a licenses employee.  N.M. Stat. § 22-14-32: Background check requirements do not apply to industry instructors except those required for licensed school employees.	N.M. Stat. § 22-10A-5: School boards, regional education cooperatives, and charter schools.	N.M. Stat. § 22-10A-5: A superintendent, charter school administrator, or regional educational cooperative director who fails to perform background checks may have his or her license suspended, revoked, or denied renewal.	N.M. Stat. § 22-10A-5: A person who reports in good faith shall not be liable for civil damages as a result of the report. A person may be liable for negligent and intentional reporting of inaccurate information or the disclosure of any information to an unauthorized person.
New York	N.Y. Soc. Serv. Law § 390-e: Criminal history record check.	N.Y. Soc. Serv. Law § 390-e: Prospective employment or mentoring services when the person may engage in unsupervised activities with youth or in activities with youth in a setting without constant agency or parental oversight. “Prospective employee” means a person being considered for employment by a mentoring program. "Prospective mentor" means an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Note: The statute says the mentoring program may request a criminal records check. This check does not appear to be mandatory.	N.Y. Soc. Serv. Law § 390-e: Mentoring program. “ <b>Mentoring program</b> ” means a formalized, incorporated program, operated by a corporation or operated by an educational institution or school district, that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.	None found.	N.Y. Soc. Serv. Law § 391: Violations may be prohibited by injunction.

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North Carolina	<p>N.C. Gen. Stat. § 115C-332: Criminal history check.</p> <p><b>"Criminal history"</b> means a county, state, or federal criminal history of convictions or pending indictments of a crime or criminal charge, including both misdemeanors and felonies, that indicate the employee poses a threat to the physical safety of students or personnel or has demonstrated that the person does not have the integrity or honesty to fulfill his or her duties as public school personnel.</p>	<p>N.C. Gen. Stat. § 115C-332: Prospective employment or individual contractor work with a local school board.</p> <p><b>"School personnel"</b> includes an employee of a local board of education, an independent contractor or employee of an independent contractor of a local board of education if the independent contractor carries out duties customarily performed by school personnel and has significant access to students, and the following, substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians.</p>	<p>N.C. Gen. Stat. § 115C-332: Local boards of education.</p>	<p>N.C. Gen. Stat. § 115C-332: No liability for negligence on the part of an employer, or others, arising from any omission in meeting its obligations related to criminal history checks. This immunity does not extend to gross negligence, wanton conduct, or intentional wrongdoing. In those instances, the organization may be liable.</p>	<p>N.C. Gen. Stat. § 115C-332: Each local board is required to make written findings with regard to how it used the criminal history information when making employment decisions and decisions with regard to independent contractors.</p>
North Dakota	<p>N.D. Cent. Code § 12-60-24: State and national criminal history record check.</p> <p>N.D. Cent. Code § 12-60-16.1 <b>"Criminal history record information"</b> includes information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other criminal charges, any dispositions, sentencing, correctional supervision, and release.</p>	<p>N.D. Cent. Code § 12-60-24: Prospective and current employment and volunteer services, including positions where a person may have unsupervised contact with a student. "Unsupervised contact" means being in proximity to one or more students, on school grounds, or at a school function, outside the presence of an individual who has been subject to a criminal history record check.</p>	<p>N.D. Cent. Code § 12-60-24: Office of the adjutant general for employees and volunteers working with youth programs; parks and recreation department; education standards and practice board; board of a school district; board of a multidistrict special education unit; department of human services; board of a regional education association; superintendent of public instruction; and many other state boards, commissions and governing bodies.</p>	<p>None found.</p>	

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Ohio	Ohio Rev. Code Ann. § 109.575: Criminal records check.	Ohio Rev. Code Ann. § 109.575: Prospective or current volunteer service where the volunteer will have unsupervised contact with children on a regular basis. Note: The statute says the volunteers may be subject to a criminal records check. This check does not appear to be mandatory. Ohio Rev. Code Ann. § 109.574: "Unsupervised access to a child" means that the person has access to a child and either (1) no other person 18 years of age or older is present in the same room or (2) if outdoor, no other person 18 years of age or older is within a 30-yard radius of the child or has visual contact with the child.	Ohio Rev. Code Ann. § 109.575: An organization or entity where persons may have unsupervised contact with children. Ohio Rev. Code Ann. § 109.574: " <b>Organization or entity</b> " means athletic, charitable, educational, religious, scientific, or service institution or organization or local government entity that provides care, education, instruction, recreation, training, or treatment to children.	Ohio Rev. Code Ann. § 109.577: If an organization fails to perform criminal background checks, it will not be immune from civil liability.	Ohio Rev. Code Ann. § 109.577: An organization that performs a criminal records check will be immune from civil liability that might be incurred or imposed for any death or any injury or loss to a person or property.  The background check requirements do not create a new cause of action or substantive legal right and does not affect any established immunities from civil liability or defenses.
Oklahoma	Okla. Stat. tit. 74, § 150.9a: Nationwide criminal records check.	Okla. Stat. tit. 74, § 150.9a: Request by a qualified entry for a background check for a provider. " <b>Provider</b> " means a person who volunteers or seeks to volunteer with a qualified entity; owns or operates or seeks to own or operate a qualified entity; or has, may have, or seeks to have unsupervised access to children, the elderly, or individuals with disabilities. <b>Note:</b> The statute says the qualified entity <u>may</u> request a criminal records check. This check does not appear to be mandatory.	Okla. Stat. tit. 74, § 150.9a: Qualified entity. "Qualified entity" means any corporate or charitable corporate entity registered with the Oklahoma Secretary of State and volunteer organizations that are not incorporated, but which provides care, education, instruction, recreation, supervision, or training to children, the elderly, or individuals with disabilities. "Care" means education, instruction, recreation services, supervision, training, or treatment to children, the elderly, or individuals with disabilities.	None found.	
Oregon	Or. Rev. Stat. § 329A.030: Criminal records check.	Or. Rev. Stat. § 329A.030: Prospective or current employment contract services, or volunteer services when the person may have unsupervised contact with children.	Or. Rev. Stat. § 329A.030: Child care or treatment provider; prekindergarten program; federal Head Start program; child care facility; metropolitan service district; and a provider of respite services.	Or. Rev. Stat. § 329A.992: Failure to comply with the record check requirement may result in the suspension or revocation of an organization's certification or registration and civil penalties.	

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Pennsylvania	<p>23 Pa. Cons. Stat. § 6344.2: National criminal history report, including a state-wide database of alleged perpetrators in pending child abuse investigations.</p> <p>23 Pa. Cons. Stat. § 6344: Criminal history report.</p>	<p>23 Pa. Cons. Stat. § 6344.2: Prospective or current volunteer services where the volunteer will be responsible for the child's welfare or have direct contact with children.</p> <p>23 Pa. Cons. Stat. § 6344: Employment in child-care services. Prospective and current employment at a school.</p>	<p>23 Pa. Cons. Stat. § 6344.2: Child-care service, school or program, or activity or service.</p> <p>23 Pa. Cons. Stat. § 6344: Child-care services, programs, and facilities. Schools.</p>	<p>23 Pa. Cons. Stat. § 6344.2: Misdemeanor in the third degree if the entity intentionally fails to comply with the background check requirements.</p>	<p>23 Pa. Cons. Stat. § 6344.2: An employer, administrator, supervisor, or other person responsible for the selection of volunteers is presumed to have acted in good faith when identifying individuals subject to background checks.</p>
Rhode Island	<p>R.I. Gen. Laws § 16-2-18.1: National and state criminal background check.</p> <p>R.I. Gen. Laws § 16-2-18.4: State criminal background check.</p>	<p>R.I. Gen. Laws § 16-2-18.1: Prospective employment. <b>"Employment"</b> means individuals hired by a school, contractual employees of a school, and those individuals who may have direct or unmonitored contact with children or students who are hired by third parties that have contracted with schools to provide services.</p> <p>R.I. Gen. Laws § 16-2-18.4: Prospective or current volunteers of a public or private school who have direct and unmonitored contact with children or students on school premises.</p>	<p>R.I. Gen. Laws § 16-2-18.1 and R.I. Gen. Laws § 16-2-18.4: Public school department or private school.</p>		
South Carolina	<p>S.C. Code Ann. § 63-13-40: Criminal history check, including a specific check related to abuse or neglect upon a child.</p>	<p>S.C. Code Ann. § 63-13-40: Prospective or current employment when the employee provides care to a child without direct supervision. Note: the background check requirement does not apply to volunteers in any of the organizations if they provide services without compensation and they work in the presence of an operator, employee, or other caregiver.</p>	<p>S.C. Code Ann. § 63-13-40: Childcare center, group childcare home, family childcare home, or church or religious childcare center</p>	<p>None found.</p>	<p>S.C. Code Ann. § 63-13-40: If a person, who has been convicted of one of the enumerated crimes, applies for employment with one of the organizations, the person is guilty of a misdemeanor and may be fined not more than \$5,000 or imprisoned not more than one year.</p>

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South Dakota	S.D. Codified Laws § 13-10-12: Criminal background investigation.	S.D. Codified Laws § 13-10-12: Prospective and current employment, including temporary employment. Note: this does not apply to a person hired to officiate, judge, adjudicate, or referee a public event sponsored by a school district.	S.D. Codified Laws § 13-10-12: School districts and technical institutes.	None found.	
Tennessee	Tenn. Code Ann. § 71-3-507: Criminal and juvenile records histories; to be completed every five years.  Tenn. Code Ann. § 49-5-413: Criminal history records check.	Tenn. Code Ann. § 71-3-507: Prospective employment to work with children; to direct or manage a childcare agency; and to work at a detention center. Application for a license to operate a childcare agency and who will have significant contact with children. This also applies to substitute staff persons, whether paid or unpaid, who will serve as a substitute for more than 36 hours in any one calendar year.  Tenn. Code Ann. § 37-1-414: Request by an athletic, charitable, educational, religious, scientific, or youth services institution. Note: The statute says the qualified entity may request a criminal records check. This check does not appear to be mandatory.  Tenn. Code Ann. § 49-5-413: Prospective employment as a teacher or other position requiring proximity to school children or to children in child care programs. Also, any person, corporation, or other entity that enters into or renews a contract with a school, local board of education, or child care program if the person or an employee of an entity will have direct contact with school children or children in child care programs or will have access to school grounds or a child care center when children are present.	Tenn. Code Ann. § 71-3-507: Childcare agency or program and detention center.  Tenn. Code Ann. § 37-1-414: Athletic, charitable, educational, religious, scientific, or youth services institution.  Tenn. Code Ann. § 49-5-413: Local board of education or any child care program.	None found.	Tenn. Code Ann. § 71-3-507: A person may appeal his or her exclusion from a position based on a background check.

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Texas	<p>Tex. Gov't Code Ann. § 22.0835, Tex. Gov't Code Ann. § 411.0901, and Tex. Gov't Code Ann. § 411.098: Criminal history record.</p>	<p>Tex. Gov't Code Ann. § 22.0835: Prospective volunteer service and participation in an internship involving student teaching. Note: the criminal history record check does not apply to volunteers who (1) are parents, guardians, or grandparents of a child who is enrolled in the district or school where the person is applying to volunteer; (2) will be accompanied by a school district employee while on a school campus; or (3) is volunteering for a single event on the school campus. The school may, however, request a records check for these volunteers.</p> <p>Tex. Gov't Code Ann. § 411.0901: Prospective or current employment, or contract employment that will involve direct contact with students, by a school district, open-enrollment charter school or shared services agreement if the person's duties are or will be performed at a location where students are regularly present.</p> <p>Tex. Gov't Code Ann. § 411.098: Persons who act as school employees; professional consultants; applicants for permanent, temporary, or consultative employment; student teachers; educational interns; persons who perform ongoing educational projects at the school; and volunteer positions that involve direct interaction with, or the opportunity to interact and associate with, the children or youth attending the school.</p> <p>Tex. Gov't Code Ann. § 411.126: Prospective or current employment or volunteer service. "Employee" or "employee applicant" includes a person who will perform any services that involves the care of or access to a child, an</p>	<p>Tex. Gov't Code Ann. § 22.0835: School district, open-enrollment charter school, or shared services arrangement.</p> <p>Tex. Gov't Code Ann. § 411.0901: Texas Education Agency.</p> <p>Tex. Gov't Code Ann. § 411.098: Texas School for the Blind and Visually Impaired.</p> <p>Tex. Gov't Code Ann. § 411.126: Volunteer Centers. <b>"Volunteer center"</b> means a nonprofit, tax-exempt organization whose primary purpose is to recruit and refer individual volunteers for other nonprofit groups in that area and that is certified as a bona fide volunteer center by the department.</p>	<p>Tex. Gov't Code Ann. § 411.126: A volunteer center is not liable for damages arising out of a failure to perform the criminal history check unless the center's actions were gross negligence or intentional misconduct.</p>	

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State	Background Check Requirements	Actions that Trigger Checks	Organizations Covered	Penalties for Failure to Perform Background Checks	Other Distinguishing Information
Utah	Utah Code Ann. § 53A-15-1503 and Utah Code Ann. § 53A-1a-512.5: Criminal background check and ongoing monitoring.  Utah Code Ann. § 53A-15-1511: Check of previous qualifying position employers for information regarding any employment action taken or discipline imposed for physical abuse or sexual abuse of a child or students.	Utah Code Ann. § 53A-15-1503 and Utah Code Ann. § 53A-1a-512.5: Prospective employment or employment by non-licensed employees, contract employees, volunteers who will have significant unsupervised access to a student, and a charter school governing board members.  Utah Code Ann. § 53A-29-104: Volunteer includes officers and employees who will be given significant unsupervised access to a student in connection with the student's activities as an intern.	Utah Code Ann. § 53A-15-1503: LEA or qualifying private school.  Utah Code Ann. § 53A-15-1502: "LEA" means local education agency, or school district, charter school, or the Utah Schools for the Deaf and the Blind.	None found.	
Vermont	Vt. Stat. Ann., tit. 16, § 255: State and federal criminal record information and information from the Child Protection Registry.	Vt. Stat. Ann., tit. 16, § 255: Prospective employment; prospective independent contracts for persons who may have unsupervised contact with school children; employment with a contractor if the person's position may result in unsupervised contact with school children; and student teaching.  Vt. Stat. Ann. tit. 16, § 252: "Unsupervised" means not in the presence of a responsible adult in the employ of or under the direction of the independent school or school district.	Vt. Stat. Ann., tit. 16, § 255: Public and independent schools and their contractors.	None found.	Vt. Stat. Ann., tit. 16, § 255: A person may challenge the accuracy of his or her record by appealing to the Vermont Crime Information Center.  In July 2017, a "Ban the Box" law will take effect in Vermont. Affected employers will be required to remove any questions regarding criminal history from job applications and may not conduct a background check until the person has been deemed qualified for the position.

**Employee and Volunteer Background Checks for Those Working with Children:  
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Virginia	Va. Code Ann. § 19.2-392.02: National criminal background check.	Va. Code Ann. § 19.2-392.02: Request by a qualified entity for a background check of any provider employed by the entity. <b>Note:</b> the statute says the qualified entity <u>may</u> request the background check. This check does not appear to be mandatory. <b>"Employed by"</b> means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.	Va. Code Ann. § 19.2-392.02: Qualified entity. <b>"Qualified entity"</b> means any business or organization that provides care to children, the elderly, or the disabled. <b>"Care"</b> means provisions of care, education, instruction, recreation, supervision, training, or treatments of children, the elderly, or the disabled.	Va. Code Ann. § 19.2-392.02: Failure by the qualified entity to request a criminal background check shall not be considered negligence per se in any civil action.	
Washington	Wash Rev. Code § 43.43.832: Conviction record.	Wash Rev. Code § 43.43.832: Prospective employment or engagement (applicant).  Wash Rev. Code § 43.43.830: "Applicant" includes any prospective employee who will or may have unsupervised access to children under 16 years of age or developmentally disabled person or vulnerable adults. It also includes any prospective volunteer who will have regularly scheduled unsupervised access to children under 16 years of age, developmentally disabled persons, or vulnerable adults where such access will or may have groups of (1) five or fewer children under twelve years of age, (2) three or fewer children between twelve and sixteen years of age, (3) developmentally disabled persons, or (4) vulnerable adults.	Wash Rev. Code § 43.43.832: Businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults.  Wash Rev. Code § 43.43.830: <b>"Agency"</b> means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses, or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services. <b>"Business or organization"</b> means a licensed person, business, or organization that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provide child care or early learning, including school districts.	None found.	

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West Virginia	W.V. Code § 18A-3-10: Criminal history check.	W.V. Code § 18A-3-10: Application for a license.	W.V. Code § 18A-3-10: Department of Education.	None found.	During the 2016 Legislative Session, House Concurrent Resolution 60 was introduced. It passed the House and was sent to committees in the Senate. H.C.R. 60 acknowledged the importance of background checks to ensure quality care and treatment is provided to minors. It questioned the long delays in the process in West Virginia. It requested that the Legislature study and identify the cause of the law delay in the state-level background check process.
Wisconsin	Wis. Stat. § 118.19: Background investigation check. If there is a reasonable basis for further investigation, there will be a fingerprint-based criminal background check.	Wis. Stat. § 118.19: Prospective licensure or renewal of a license.	Wis. Stat. § 118.19: State superintendent of education.	None found.	Wis. Stat. § 118.19: Checks must be conducted for every person with a license over a five-year period.  Wis. Stat. Ann. § 111.335: It is not employment discrimination for an employer to refuse to employ, or to suspend from employment, any individual who is subject to pending criminal charges if the charge substantially related to the circumstances of the job.
Wyoming	Wyo. Stat. Ann. § 21-7-401 and Wyo. Stat. Ann. § 7-19-201: State or national criminal history record information.	Wyo. Stat. Ann. § 21-7-401: All employees hired after July 1, 1996, who may have access to minors.  Wyo. Stat. Ann. § 7-19-201: Application for initial certification by professional teach standards board.	Wyo. Stat. Ann. § 21-7-401: School district board of trustees.  Wyo. Stat. Ann. § 7-19-201: Teaching standard board.	None found.	

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Washington, D.C.	D.C. Code § 4-1501.03 and D.C. Code § 4-1501.04: Criminal background check.  D.C. Code § 4-1501.02: <b>"Criminal background check"</b> means the investigation of an individual's criminal history through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department.	D.C. Code § 4-1501.03 and D.C. Code § 4-1501.04: Prospective paid employment or employment by a covered child or youth services provider. Prospective volunteer service or volunteer service in an unsupervised position at a child or youth services provider. Note: employees and volunteers who do not have direct contact with children or youth are not required to submit to a criminal background check. Volunteers who have supervised contact are also not required to submit to a criminal background check.  D.C. Code § 4-1501.02: "Employee" means an individual who is employed on a full-time, part-time, temporary, or contractual basis by any covered child or youth services provider. "Volunteer" means an individual who works without any monetary or any other financial compensation for a covered child or youth services provider.	D.C. Code § 4-1501.03 and D.C. Code § 4-1501.04: Covered child or youth service provider.  D.C. Code § 4-1501.02: <b>"Children"</b> means individuals 12 years of age and under. <b>"Covered child or youth services provider"</b> means any agency providing direct services to children or youth and any private entity that contracts with the District to provide direct services to children or youth, or for the benefit of children or youth, that affect the health, safety, and welfare of children or youth, including individuals and group counseling, therapy, case management, supervision, or mentoring. "Youth" means an individual between 13 and 17 years of age.	None found.	D.C. Code § 4-1501.05.A: A person who is disqualified because of a background check may appeal that disqualification within 30 days of written notice.
Guam	Guam Code Ann. tit. 4, § 2111: Criminal history check.	Guam Code Ann. tit. 4, § 2111: Prospective volunteer services with any agency in the government of Guam, including volunteer applicants of a youth recreational organization.  This statute talks about fees being waived for these employees; it doesn't directly speak to the specific background check requirements.	Guam Code Ann. tit. 4, § 2111: All government agencies.	None found.	

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Mariana	<p>N. Mar. I. Admin. Code § 55-40.1-101: Criminal records check, background check, and employment history check.</p> <p>N. Mar. I. Admin. Code § 55-40.1-001: "<b>Criminal records check</b>" means obtaining a police clearance, FBI background check, and an examination of local records.</p>	<p>N. Mar. I. Admin. Code § 55-40.1-101: Licensures of a child care center.</p> <p>N. Mar. I. Admin. Code § 55-40.1-226: Prospective employment or volunteer service.</p>	<p>N. Mar. I. Admin. Code § 55-40.1-101: Day care center, group child care home, family child care home, infant/toddler center, and before and after programs.</p> <p>N. Mar. I. Admin. Code § 55-40.1-001: "Child care center" means a place maintained by any individual, organization, or agency for the purpose of providing child care to children between the ages of 2 and 16. It includes day nurseries, nursery school groups, preschool child play groups, parent cooperatives, drop-in child care centers, group child care homes, or other similar units.</p>	None found.	
Puerto Rico	<p>P.R. Law Ann. tit. 8, § 69: Certificate of physical and mental health and a certificate of criminal record.</p>	<p>P.R. Law Ann. tit. 8, § 69: Service at a camp for adolescents or child care facility, including owners administrators, operators, custodians, and employees.</p> <p>P.R. Law Ann. tit. 8, § 68: "<b>Camp</b>" means a permanent or temporary establishment where a program of activities for children is organized and carried out mainly in the open, for purposes of recreation, education, training, or therapy.</p>	<p>P.R. Law Ann. tit. 8, § 69: Department of Education and Department of the Family and their licensed camps and child care facilities.</p>	None found.	
American Samoa	<p>Am. Samoa Code Ann. § 16.1001: A determination of good character and good health.</p>	<p>Am. Samoa Code Ann. § 16.0305: Employment with a school.</p>	<p>Am. Samoa Code Ann. § 16.0305: Public and private schools.</p>	None found	

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US Virgin Islands	V.I. Code Ann. tit. 14, § 1729: Virgin Islands Sex Offender Background Check.	V.I. Code Ann. tit. 14, § 1729: Prospective employment or volunteer service at a child-care or child-residential facility. Application for a license for a child-care or child-residential treatment facility. Prospective employment or volunteer service at a school for those who will be in direct contact with children.	V.I. Code Ann. tit. 14, § 1729: Child-care or child-residential facilities. "Child-care facility" means any program for children, and it includes day-care centers, schools, after-school programs, summer programs, and camps. Also, the Department of Education and operators of private and parochial schools.	None found.	