

## **1.10 BACKGROUND CHECKS – VOLUNTEERS**

### **1.10.01 Purpose**

This policy takes proactive measures to ensure the safety of minors and/or vulnerable adults who may come into contact with Kitsap County Juvenile and Family Court Services (KCJFCS) volunteers. It is designed to comply with the State of Washington, Revised Code (RCW) 13.34.100, RCW 43.43.830 through RCW 43.43.842, Washington Administrative Code (WAC) 388-06-170, and Federal Public Law 108-79, Prison Rape Elimination Act (PREA) when accepting volunteers for positions which have or potentially have, during the course of volunteering, access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults.

The policy, consistent with RCW 9.96A, is not intended to necessarily eliminate all candidates with criminal background from consideration for a volunteer position with KCJFCS.

### **1.10.02 Policy**

It is the policy of the Kitsap County Juvenile and Family Court Services (KCJFCS) to:

1. Ensure the safety of minors and/or vulnerable adults who may come into contact with KCJFCS volunteers by complying with all Federal, State, and Kitsap County statutes and policies with regard to conducting all applicable criminal and civil background checks on a yearly basis.
2. Conduct a yearly Washington State Patrol (WSP)/Federal Bureau of Investigations (FBI) fingerprint based criminal history background check for Court Appointed Special Advocate (CASA) pursuant to RCW 13.34.100.
3. Conduct a WSP/FBI fingerprint based criminal history background check at the initial acceptance stage for all volunteers, except for those involved with the Veteran Parent Program, Youth Court, and Citizen's Advisory Board programs. Routine background checks, based on State Identification Number (SID), or a name/DOB check in the case of Veteran Parent program volunteers, will be conducted on a yearly basis.
4. Conduct a State of Washington, Department of Social and Health Services, Division of Child and Family Services (DCFS) Child Abuse Registry check for all volunteer applicants except those applying for our Veteran Parent, Youth Court programs, and Citizen's Advisory Board.
5. Conduct a State of Washington, Department of Licensing (DOL) driving record search where applicable.

KCJFCS, at their discretion, may choose to not accept a potential volunteer applicant.

### 1.10.03 Procedure

#### I. Criminal History Disqualification:

- A. Indication of a conviction record, civil adjudication, or disciplinary board final decision for disqualifying crimes against children or other persons, crimes relating to drugs, or crimes relating to financial exploitation shall disqualify the applicant from consideration for volunteering with KCJFCS.
  1. KCJFCS shall reserve the right to disqualify applicants based on pending charges and conviction for additional crimes that pertain to the safety and welfare of youth under our jurisdiction.
  2. This disqualification does not include conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of innocence or rehabilitation.
- B. Except as detailed in RCW 43.43.842, such disqualification is not subject to appeal.
- C. Information from criminal history record checks shall be available only to persons involved in the background check of applicants.

#### II. Disqualifying Crimes:

Listed below are the crimes that disqualify an applicant from appointment to a position that requires a Washington State Patrol Check, pursuant to RCW 43.43.830, RCW 43.43.842 and KCJFCS policy. The duties and responsibilities of these positions include the requirement of contact with youth, developmentally disabled persons or vulnerable adults. Unless specifically noted below, these crimes have no time limitations related to volunteer eligibility.

Aggravated Murder	Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance
Arson 1 <sup>st</sup> Degree	Murder 1 <sup>st</sup> and 2 <sup>nd</sup> Degree
Assault 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> Degree	Patronizing a Juvenile Prostitute
Assault 4 <sup>th</sup> Degree (3 or more years)* (Simple Assault)	Promoting Prostitution 1 <sup>st</sup> Degree
Assault of a Child 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> Degree	Promoting Pornography
Burglary 1 <sup>st</sup> Degree	Prostitution (3 years or more)*
Child Abandonment	Rape 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> Degree
Child abuse or neglect (RCW 26.44.020)	Rape of a Child 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> Degree
Child buying or selling	Robbery 1 <sup>st</sup> and 2 <sup>nd</sup> Degree
Child Molestation 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> Degree	Selling/Distributing Erotic Material to a Minor
Communication w/Minor for Immoral Purposes	Sexual Exploitation of a Minor
Criminal Abandonment	Sexual Misconduct w/a Minor 1 <sup>st</sup> and 2 <sup>nd</sup> Degree

Criminal Mistreatment 1 <sup>st</sup> and 2 <sup>nd</sup> Degree	Theft 1 <sup>st</sup> Degree
Custodial Assault	Theft 2 <sup>nd</sup> Degree (5 years or more)*
Custodial Interference 1 <sup>st</sup> and 2 <sup>nd</sup> Degree	Theft 3 <sup>rd</sup> Degree (3 years or more)*
Custodial Sexual Misconduct 1 <sup>st</sup> and 2 <sup>nd</sup> Degree	Unlawful Imprisonment
Endangerment with a Controlled Substance	Vehicular Homicide
Extortion 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> Degree	Violation of Child Abuse Restraining Order
Felony Indecent Exposure	Any of these crimes as they may be renamed in the future.
Forgery (5 years or more)*	Any conviction in another jurisdiction for equivalent crimes.
Incest	Attempted & Conspiracy charges for charges noted.
Indecent Liberties	
Kidnapping 1 <sup>st</sup> and 2 <sup>nd</sup> Degree	Crimes with a Domestic Violence or Sexual Motivation allegation included in the conviction
Malicious Harassment	
Manslaughter 1 <sup>st</sup> and 2 <sup>nd</sup> Degree	

\* The crimes above marked with an asterisk are not disqualifying as long as the conviction date is established to be 3 or 5 years prior to application.

### III. Additional Disqualifying Factors:

- A. Applicant has pending criminal matters including deferred dispositions, in state or out.
- B. Applicant is on probation or parole.
- C. Applicant is under the jurisdiction of a court of law, including, but not limited to, such civil actions as No Contact and Restraining Orders.
- D. Applicant is parent, legal guardian, or custodian of youth who is currently under the jurisdiction of KCJFCS.
- E. WAC disqualifying charges are felony convictions for:
  1. Child abuse and/or neglect;
  2. Spousal abuse;
  3. A crime against a child (including child pornography);
  4. A crime involving violence (including rape, sexual assault, or homicide, but not including other physical assault; and,
  5. Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify him/her from having unsupervised access to children or individuals with developmental disabilities in any home or facility.
- F. Having a DCFS/CPS history may not necessarily disqualify an applicant, but does require further investigation into the fact pattern of the allegation(s).

1. CPS history can reflect either an allegation of being a perpetrator, a parent seeking assistance for his/her child(ren) or being a victim in an abuse situation; and,
2. A *No Founded Allegation(s)* response from DCFS does not necessarily automatically qualify an applicant for a volunteer position.

IV. Reporting Requirements:

- A. All volunteers, once accepted by KCJFCS, are required, pursuant to RCW 72.05.440, to report any conviction of the above listed crimes to his or her Volunteer Program Coordinator/Supervisor.
- B. The reporting to the appropriate Volunteer Program Coordinator/Supervisor must be done within seven (7) days of the conviction.
- C. Conviction of the enumerated crimes will result in separation from the KCJFCS volunteer program
- D. Volunteers, where applicable, are required to report all moving violations, whether occurring during volunteer service or not.

**1.10.04 External Related References**

Sex Offenses  
**RCW 9A.44**

Definition of a Sex Offense:  
**RCW 9.94A.030 (46)**

Definition of a Violent Offense:  
**RCW 9.94A.030 (54)**

Crimes against children  
**RCW 28A.400.322**

Eligibility for employment or volunteer position with juveniles  
**RCW 72.05.440**

Washington Administrative Code (WAC)  
388-06-170

Prison Rape Elimination Act (PREA)  
**Federal Public Law 108-79**

Kitsap County Volunteer Policy

**1.10.05 Related Policy and Procedures**

- 3.20 PREA
- 10.01 Dependency
- 10.05 CASA

**1.10.06 Revision History**

- 7.09.14: Revised Procedure Section 1.10.03, Section III to add parental or custodian disqualification.