

BACKGROUND CHECKS AND SAFE ENVIRONMENTS  
**FREQUENTLY ASKED QUESTIONS**  
“Mind Your Business” and VIRTUS ® Programs  
Diocese of Great Falls-Billings

1. What kind of record history checks will have to be done?

There will be criminal record history checks that will involve the checking of public court records for convictions of felonies and misdemeanors. If there has been a change of residence, the check will be conducted in the prior state(s) of residence and Montana. If a pastor, administrator or principal has any questions about the results of the checks, they should discuss the results with the diocesan Vicar General or Business Manager. As noted in the letter from Mr. Greg Hatley, our diocesan attorney, accompanying the release form from Mind Your Business, background checks will be *limited strictly to criminal history check and Social Security trace. In some instances, the background check could be expanded to include motor vehicle records as it pertains to those employees in positions which may involve the transportation of school children, (e.g., bus drivers). A credit report or medical record background evaluation will not be requested and/or undertaken.*

2. What will the checks reveal?

Criminal record history checks will show any convictions of felonies or misdemeanors (adverse actions(s) that appear as a matter of public record in the judicial system).

3. Who will have to be checked?

Checks will be done on all priests, deacons and religious who have a pastoral appointment in the Diocese such as pastor, parochial administrator, parochial vicar, chaplain, seminarian or Catholic school instructor, diocesan, parish school employees, and contract services staff. Also to be checked are all volunteers who are in regular contact with minors as a part of their voluntary service and retired clerics who are on pastoral assignments.

4. What if a person has already had a background check?

Individuals who have had background checks and for whom there has been no interruption or break in employment may not have to be checked again provided that some proof or certification of the check is made available.

5. How far back will the checks go?

The checks will go back as far as defined by Montana Law. Background checks conducted in other states will be governed by their State statutes.

6. Will the person for whom the check is requested have to authorize it?

Yes. The appropriate release form for the criminal record history check will have to be signed by any person who is either applying for a paid position with the church, including a school, or a volunteer position that requires regular contact with minors.

7. Will the results of the checks be kept in confidence?

Yes, to the extent that both signed authorization and release of information forms provide. Of necessity, the results will be released to the Diocese and the user organization submitting the request for that background check. The results will be made known only to the Diocese and the pastor or personnel administrator in the organization for which the employee, contract services person, job applicant or volunteer is working or providing volunteer services, and kept under lock and key at the Chancery office. Personal information on file will be maintained in a manner as required by federal law.

8. Will a person's birth date and Social Security number have to be provided?

The birth date may be optional. The Social Security number is required for the Criminal Records History check and the Social Security trace. Refusal to provide the information that is required for the checks will preclude the person from consideration for the position.

9. Will a person whose background is checked be given the right to dispute the findings if there is an error in the public records?

Yes. Whenever an organization, such as the Diocese uses an agency like Mind Your Business to conduct background checks of individuals, the rights of the consumer (the job applicant) are protected by the federal Fair Credit Reporting Act. Although the title of the act might suggest that "credit" checks will be done, a person's credit is not a part of this background evaluation. As indicated in this document and elsewhere, our primary interest is to be able to give assurances that our clerics, employees, contract services staff, and volunteers who are in regular contact with children do not have a history of putting minors at risk. Everyone for whom a background check is requested must be given a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" that outlines the steps one can take to dispute the findings of the background check.

10. Will any felony or misdemeanor conviction prevent an individual from a position in the church, or school?

No. Many people have in one way or another made mistakes. We believe they should be allowed to move beyond those mistakes. However, individuals who have a history of child abuse, selling drugs to minors or other criminal convictions that may have put minors at risk cannot be placed in a position that involves responsibility for minors. *Any other type of criminal convictions will be reviewed on a case-by-case basis by the hiring authority.*

11. Who requests the background checks? When are they done?

The person responsible for hiring staff or engaging volunteers will make the request provided the applicant gives his/her authorization for the checks and release of the information. Completed release forms need to be sent to the Business Office of the Chancery by the stated deadlines for existing personnel and volunteers. Regarding the hiring of new employees, background checks should be completed before contracts are signed.

12. How is the check conducted?

Each applicant is provided with the release form and the summary of the applicant's rights under the Fair Credit Reporting Act. The *signed release form* is submitted to the Business Office of the Chancery. Mind Your Business, Inc. (MYB), a pre-employment screening agency, will conduct the checks with appropriate agencies in the state where the applicant has worked. The results will be sent directly to the Diocese. Before taking any adverse action based in whole or in part on the report, the Diocese shall provide to the applicant a copy of the report and a second copy of the document "A Summary of Your Rights Under the Fair Credit Reporting Act". If the applicant's name appears for felony or misdemeanor convictions on any records search by MYB, the Diocese will send a Notice of Adverse Action directly to the pastor or supervisor and to the applicant along with a copy of the rights to dispute the findings with MYB.

13. How do I tell an applicant for a staff or volunteer position that a criminal record history check and a check will have to be conducted?

Everyone is concerned about the safety of our children. The manner in which the need for the background checks is explained is important. Providing a written explanation to staff and volunteers as well as applicants for those positions will help them understand that they are not being personally targeted. Our hope is that by conducting this type of background check and by implementing the other elements of the Charter, we will be able to help assure that minors in the care of the church will be safe. A special supplement to *The Harvest* will be issued in August to help everyone understand what the Diocese is doing to protect children, including background checks.

14. Applicants for employment provide a résumé, what information should I be requesting from volunteers so background checks can be conducted?

In addition to any other information you may request as part of a comprehensive and prudent program for evaluating volunteers or staff, you have to obtain the birth date, Social Security number and all the names by which the applicant has been known or has used including maiden names. You also need to know the States where the applicant has been living.

15. What about minors that want to volunteer? Should I let them and does a criminal record history check have to be conducted on them?

As a rule there are no public records maintained for minors; therefore there can be no checks conducted. Nevertheless, we should be encouraging young people to become involved in church-related activities including service as a volunteer. However, only adults 21 years of age and older who have been properly checked should be allowed to function in an independent supervisory capacity with minors in any parish or school program. Young adults between the ages of 18-21 may assist the supervision of minors in a joint relationship with an adult supervisor 21 years or older. Minors under the age of 18 may assist with activities involving other minors but should never be expected to have supervisory responsibilities.

16. Does an applicant for either a staff or volunteer position have to provide the information required for a background check?

Refusal will prevent the person from being considered for the position.

17. What is considered “regular” contact with minors?

Such activities include, but are not limited to, those that involve pastoral care or ministry and full-time or part-time teaching. Other activities include those who train minors as altar servers, work with minors involved in choir or similar youth activities such as recreational or social functions, nursery or child care assignments, retreats or outings such as bowling, ski trips, etc.

In general, the intent of the diocesan provisions is to help protect minors from abuse. In view of this, prudent consideration should be given to any situation that might not be explicitly detailed or described in this document and driven by the thought that it is better to err on the side of caution.

18. What are some examples of ministry or volunteer service that would not require checks?

Eucharistic ministers who do not work with altar servers, music or hospitality ministry who never deal with children, soup kitchen or funeral luncheon teams are some examples. Another example is anyone involved with minors but only on a sporadic basis where the activity is conducted in the “public arena” such as a chaperone at a school dance or carnival on an infrequent basis. Volunteers for these activities provide an essential service to the church community, but do not as a rule involve regular contact with minors as part of their overall responsibility. However, if at any time they do, background checks will be required.

19. Do diocesan and church employees or contract services staff have to be checked even if their responsibilities do not involve regular contact with minors?

Although these individuals may not be involved on a regular basis with minors, their presence in the church or diocese implies trust and recognition simply by their involvement with the parish or diocese. In view of this implied trust, checks are required for them.

20. In what states will the checks be conducted?

In the state(s) in which the applicant has worked, based upon the findings of the Social Security trace.

21. How long will the checks take?

Under normal conditions the checks are expected to be completed within 72 hours. However, we expect the turnaround time will take a greater amount of time when a large number of initial checks have to be conducted.

22. Who is responsible for paying for the checks?

The hiring organization, i.e. the parish, will be responsible for the pastor and other employees, deacons and volunteers. The school, providing it is other than a parish institution, will be responsible for its employees and volunteers, and the diocese will be responsible for its employees and volunteers.

23. How will the Diocese know that everyone who must be checked will actually be checked?

Although the results of all checks will “flow” through a single person in the diocesan offices in Great Falls and the system for compliance monitoring will be in place, it is Bishop Milone’s expectations that all persons responsible for the administration at the local level will comply.

24. How much is the background check going to cost the parish or school?

The costs for the background checks fall into three categories:

1. \$5.00 per person for a Social Security Trace. This is simply a process to ascertain that a person is who he or she says he or she is. It is a necessary first step. It also shows recent states of residence.
2. \$15.00 per person for the Montana criminal background check. Criminal background checks in other states are also \$15 each. Some states impose a small surcharge or fee in addition to the \$15 charged by MYB. For employees who have moved to Montana within the last seven years, each state of residence in the

last seven years will be checked. In these cases, the charge to the parish will be slightly higher.

25. There have been reassurances of confidentiality and security regarding the documentation surrounding the background checks. How will this be maintained? Who, exactly, will be able to see the results of the background checks?

Special files have been set up in the bishop's office under lock and key along with the other secure and confidential files there. The only people who will receive the individual reports are the Vicar General and the Finance Officer, namely Rev. Jay Peterson and Joseph Loncki. Of course, Bishop Milone would also be authorized to survey any reports.

If something of a questionable or negative nature results from the background check, Bishop Milone will first bring the concern to the attention of the diocesan attorney. If necessary, the pastor, pastoral administrator, or school principal (supervisors) would then be notified immediately. If something appears in the report that would render a person unfit for ministry with children and young persons, then the supervisor will take the necessary steps to remove the person from ministry or not hire the person in question in the first place. The nature of the criminal behavior would remain confidential. The same procedure would apply to someone unfit to be a chauffeur.

26. Can I get a copy of the results of my background check?

Yes. Contact "Mind Your Business, Inc." directly in writing at P.O. Box 922, Arden, NC 28704-0922, with your request.

27. Are the Catholic schools using a different background release form than the one issued by the Diocese in June?

No, not essentially. Sr. Jean Dawson had to meet a deadline for school contracts. Her format for the "Mind Your Business" release was slightly different. The Diocese had a chance to refine the release form somewhat, and that is the one the Diocese issued a few days later in the June mailing.

28. The release form for background checks is confusing in two ways: 1) Why does it mention credit checks, for example? I don't want the Diocese to do a credit check on me! 2) What does the last paragraph mean, in plain English?

The release form has to contain this wording. It is not our document; it belongs to "Mind Your Business." It is an industry standard to include this wording.

1. When you fill out the form, you can draw a line through the words "any other information on my credit standing, credit capacity", and write your initials there on the document before you send it to the Diocese. Besides, looking into these other areas costs a lot more, and the Diocese and the parish certainly will not pay the extra fees entailed in a credit history check.
2. The final paragraph of the form means that if, for example, the criminal background check reveals something negative, then the person in question cannot

hold the bishop liable for any adverse actions that may occur (for example, loss of employment opportunity). No one can hold the Diocese liable for getting a background check on him/ her.

29. In the June 2003 mailing there was a document included entitled “Summary of Your Rights Under the Fair Credit Reporting Act”. If the Diocese does not intend to conduct credit checks, why was this necessary?

This document had to go out with the release form. It is a standard practice in the industry. “Mind Your Business, Inc.” requires the Diocese to conform to standard practices.

30. In our parish adults take youth to nursing homes on a regular basis. The Knights of Columbus frequently have kids help set up tables and chairs for events. At the cemetery, we recruit young people to mow the lawn throughout the season. Do all of these adults have to have background checks?

Yes, according to the USCCB Norms. The concept is to make sure that any environment where adults interact with children and young people is safe. Regular contact is the key. If the interaction could be judged as rare or infrequent, then a pastoral decision would lead to the conclusion that a background check really is not necessary. But prolonged or regular intervals of contact would indicate the necessity of the check. In all of these instances, the regularity of contact points to the need for a check.

31. When the door of our reconciliation room is closed, no one can see inside. Children and young people come to confession face-to-face there. What should the parish do?

Begin now to make plans to install a window on that door. In theory, the window needs to allow some level of public scrutiny. The alternative is to use a traditional confessional. The same rules apply to **office doors** where staff or volunteers interact one-on one with children or young people.