



NH Department of Health & Human Services
Division for Children, Youth & Families

DCYF Standard Operating Procedure

2476.1 REQUIRED BACKGROUND CHECKS

Policy Directive: **22-17**

Effective Date: **February 2022**

Implements Policy: **2476**

Approved:

Joseph E. Ribsam, Jr., DCYF Director

This SOP outlines how required background checks are completed for staff, contractors, and mentors at the Sununu Youth Services Center (SYSC).

Procedure

The following information is to support the implementation of the above referenced policy. This document shall not preclude staff from using their professional judgement based on individual circumstances, consistent with the requirements of the policy.

- I. The Prison Rape Elimination Act (PREA) Compliance Manager, or designee, shall ensure all required background checks are completed and reviewed prior to offering employment, promoting staff, or obtaining the services of contractors, volunteers, mentors, or interns, by assigning the following staff:
 - A. The Supervisor VI of Residential Services, or designee, shall complete background checks for all new staff applicants and review the results prior to making any offer of employment;
 - B. The Transition and Community Outreach Coordinator, or designee, shall complete background checks and review the results before making any decisions regarding all volunteer, mentor, or intern applicants; and
 - C. The PREA Compliance Manager, or designee, shall complete background checks for all contractors and review the results prior to engaging their services; and
 - D. The PREA Compliance Manager, or designee, shall complete all 5-year follow-up background checks, as required by the above referenced policy and the PREA.
- II. Staff completing background checks shall ensure that:
 - A. The applicant completes:
 1. A NH Department of Safety/NH Health and Human Services Criminal History Record Information Authorization – DCYF Personnel (DSSP-384);
 2. A NH Child Abuse and Neglect Central Registry Name Search Authorization Release of Information to Third Party (Form 2501); and
 3. A BEAS State Registry Consent Form (BEAS Form 3655);

- B. The SYSC PREA Employment Questionnaire (Form 2478) is completed with/by the applicant as part of the application/interview process;
1. The following "Yes or No" questions are asked and documented on Form 2478:
 - (a) Have you ever engaged in sexual abuse in a prison, jail, lockup, community facility, juvenile facility, or other institution?
 - (b) Have you ever been convicted of engaging or attempting to engage in sexual activity in the community, facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?
 - (c) Have you ever been civilly or administratively adjudicated to have engaged in the activity described in question (b) above? and
 - (d) Have you ever been civilly or administratively adjudicated, disciplined or had any government issued license revoked or suspended for having engaged in conduct defined as sexual harassment?
 2. Any affirmative answer(s) provided on Form 2478 shall disqualify the applicant;
 - (a) The Bureau of Human Resources (HR) shall be notified of all applicant disqualifications, using the process outlined in section IV below;
- C. If an applicant has resided outside New Hampshire at any point in the past 5 years, staff completing the background checks shall advise:
1. The applicant to submit an out-of-state abuse/neglect background check via <https://www.dhhs.nh.gov/oos/cclu/out-of-state-checks.htm>; and
 2. HR to direct the applicant to complete the criminal history background check in the state(s) where they have previously resided and return to HR;
- D. The SYSC Administrator, or designee, contacts prior employers for information regarding substantiated allegations of sexual abuse, or resignation during a pending investigation of an allegation of sexual abuse;
1. The following specific inquiries shall be made:
 - (a) Are there any substantiated allegations of sexual abuse against the applicant? and

- (b) Did the applicant resign while they were under investigation for sexual abuse?
- 2. The SYSC shall not hire an applicant where allegations of sexual abuse against them have been substantiated or where the applicant resigned during a pending investigation of an allegation of sexual abuse;
- 3. The SYSC shall not enlist for services any contractor, volunteer, mentor, or intern where allegations of sexual abuse against them have been substantiated or where the individual resigned during a pending investigation of an allegation of sexual abuse;
- 4. Staff conducting background checks shall notify HR, in writing, using the process outlined in in section IV below;
- E. The background checks outlined in sections II-A and II-C are properly executed;
- F. The SYSC PREA Employment Questionnaire outlined in section II-B is properly signed and attested to; and
- G. All original documents outlined in Section II are submitted to HR. All documents shall be:
 - 1. Maintained in separate files for each individual, in alphabetical order;
 - 2. Labeled and separated by category - SYSC employees, contracted positions, contractors, volunteers, mentors, and interns; and
 - 3. Secured within a locked, designated PREA filing cabinet maintained by the PREA Compliance Manager used exclusively for confidential PREA information.
 - (a) Access to the cabinet shall be limited to the PREA Compliance Manager and the Program Specialist IV/Training Officer.

III. Staff responsible for hiring/promotions shall take note of the following:

- A. Individuals whose background checks, enumerated in section II, disclose any of the following, shall not be offered employment or a contracted position at SYSC, or be enlisted to serve as a contractor, volunteer, mentor, or intern:
 - 1. Individuals engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
 - 2. Individuals convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or

coercion, or if the victim did not consent or was unable to consent or refuse;
or

3. Individuals civilly or administratively adjudicated to have engaged in the activity described in section III-A, 2.
- B. Any incidents of sexual harassment or sexual misconduct shall be taken into consideration in determining whether to hire or promote any staff member, or to enlist the services of any contractor, or mentor.
- IV. Staff assigned to complete background checks enumerated in section II, shall submit the following information, in writing (email is permissible), to HR for any disqualified applicant or for any applicant whose offer of employment is rescinded for failure to meet policy 2476 and the applicable PREA requirements:
 - A. The name of the applicant;
 - B. The reason for disqualification or for rescinding an offer of employment; and
 - C. A request for a non-select letter to be sent to the applicant outlining the reason(s) for disqualification or rescindment.
 - V. Background checks enumerated in section II and reviews of background checks outlined in section III, shall be conducted at the following intervals:
 - A. For all current staff and contractors, background checks shall be conducted at least every 5 years and be completed prior to the staff's anniversary date or contractor's contract start date, beginning no earlier than 6 months prior to the anniversary date or contract start date;
 - B. For mentors, background checks shall occur annually and be completed prior to the individual's anniversary date, beginning no earlier than 3 months prior to the individual's anniversary date; or
 - C. Background checks may be conducted more frequently as circumstances warrant for any staff, contractor, or mentor.
 - VI. The PREA Compliance Manager, or designee, shall conduct a randomized, annual review of at least 10 staff and contractor records to ensure all required background checks have been appropriately performed, the results duly recorded, and any required disciplinary actions have been appropriately carried out, in a timely fashion.
 - A. The randomized, annual review shall be:
 1. Conducted each September and include a review of records chosen randomly by the PREA Compliance Manager; and

2. Documented in the appropriate section of the Excel spreadsheet;
 - B. The list of the 10 random records checks reviewed shall be submitted, in writing (email is permissible), to HR.
- VII. The PREA Compliance Manager shall maintain an Excel spreadsheet on the DCYF SYSC Restricted Drive.
- A. Access to the drive shall be limited to the:
 1. SYSC Administrator;
 2. PREA Compliance Manager;
 3. Supervisor VI of Residential Services;
 4. Transition and Community Outreach Coordinator; and
 5. HR staff assigned to SYSC.
 - B. The Excel spreadsheet shall contain the following information for all staff, contractors, and mentors:
 1. Name of individual;
 2. The date of completion of Forms 2478, 2501, DSSP-384, and BEAS 3655 ;
 3. The date of submission to HR of Forms 2478, 2501, DSSP-384, and BEAS 3655;
 4. The name(s) of any prior employers and date contacted, if applicable;
 5. The date of completion of all scheduled and randomized background checks to ensure these are completed and included in the secure file;
 6. The date indicating:
 - (a) 6 months prior to each 5 year anniversary date of hire or contract start date; or
 - (b) 3 months prior to each annual anniversary date of engagement as a volunteer, mentor, or intern;
 7. The date of completion of at least every 5-year background check for staff and contractors; and
 8. The date of completion of at least every annual background check for mentor.

- C. The Supervisor VI of Residential Services may assist the PREA Compliance Manager in maintaining the Excel spreadsheet.

Applicable Forms

Form	Title
2478	SYSC PREA Employment Questionnaire
2501	NH Child Abuse and Neglect Central Registry Name Search Authorization

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log

PD	Modification Made	Approved	Date
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