

Criminal, Dependent Adult and Child Abuse Record Checks

This toolkit was developed as a guide for long-term care communities to utilize for questions regarding criminal background checks and dependent and child abuse record checks. Click [here](#) to view Chapter 50 in its entirety.

For All Applicants

- Ask on employee application the applicant “Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under Iowa Code chapter 321 or equivalent provisions, in this state or any other state?”
- Notify the applicant that a criminal background, dependent adult abuse, and child abuse check will be completed.

Pre-Employment

Conduct a criminal background, dependent adult abuse, and child abuse record check prior to employment. These can be completed on a SING (Single contact Repository) or by requesting a criminal background with the department of public safety and a dependent adult abuse and child abuse check with the department of human services.

- If the potential employee has a criminal background, a child abuse and/or a dependent adult abuse, further information shall be submitted to the department of human services, who will determine if the employee is able to be employed in a long-term care setting. This must be completed **within 30 days** of the report.

Optional Provisional Employment

- The facility may provisionally employ a person prior to the completion of the required pre-employment record check and evaluation by the department of human services, as applicable, subject to all of the following:
 - The facility must have accessed SING to perform the required record check and be awaiting results from SING or awaiting evaluation by the department of human services, as applicable.
 - If applicable, the facility shall request an evaluation by DHS within 30 days of the receipt of the SING report.
 - The facility must utilize an approved third-party vendor to perform a comprehensive preliminary background check prior to the provisional employment. The [DIA website](#) contains approved third-party vendors. (Note LAI members can receive [discounted rates through GoodHire](#)).
 - The comprehensive preliminary background check shall have determined that the person being considered for employment has not been convicted of a felony as defined in Iowa Code section 701.7, a crime specified pursuant to Iowa Code chapter 708, 708A, 709, 709A, 710, 710A, 711 or 712 or pursuant to Iowa Code section 726.3, 726.7, or 726.8.
 - The comprehensive preliminary background check shall have determined that the person being considered for employment does not have a record of founded child abuse or dependent adult abuse, or if the person being considered for employment does have a record of founded child abuse or dependent adult abuse, subrule 50.9(8) is applicable.
- ***Results of a preliminary comprehensive background check conducted pursuant to this rule are valid for a period of 30 calendar days from the date the results of the background check are received.***

Exceptions to the Background Check Requirements:

- If an employee transfers from one facility to another facility owned or operated by the same person, without a lapse in employment, the facility is not required to request additional criminal, child, and dependent adult abuse record checks.
- If the ownership of a facility is transferred, at the time of transfer the background check required by this rule shall be performed for each employee for whom there is no documentation that such background check has been performed. The facility may continue to employ such employee pending the performance of the background check and any related evaluation.
- A person with a criminal or abuse record who is or was employed by a facility and is hired by another facility shall be subject to the background check unless the following requirements are met:
 - The department of human services previously performed an evaluation concerning the person's criminal or abuse record and concluded the record did not warrant prohibition of the person's employment;
 - The latest background check does not indicate a crime was committed or founded abuse record was entered subsequent to the previous evaluation;
 - The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed;
 - Any restrictions placed on the person's employment in the previous evaluation by the department of human services and still applicable shall remain applicable in the person's subsequent employment; and
 - The person subject to the background check has maintained a copy of the previous evaluation and provided it to the subsequent employer, or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, a current record check evaluation shall be performed.
 - Substantially the same or has the same job responsibilities means the person requires the same certification, licensure, or advanced training.
 - The subsequent employer must maintain the previous evaluation in the employee's personnel file for verification of the exception to the requirement for a record check evaluation.
 - The subsequent employer may request a reevaluation of the background check and may employ the person while the reevaluation is being performed, even though an exemption may be authorized.

Post-Hire Guidelines

Criminal Convictions or Founded Abuse After Employment:

- If a person employed by a facility employer that is subject to this rule is convicted of a crime or has record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the employer of such information **within 48 hours** of the criminal conviction or entry of the record of founded child or dependent adult abuse.
- The employer shall act to verify the information **within 7 calendar days** of notification. "Verify" means to access the SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.
- If the information is verified, the facility shall follow the requirements by requesting an evaluation by the department of human services.
- The employer may continue to employ the person pending the performance of an evaluation by the department of human services.
- A person who is required to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.
- The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required.

Facility Receipt of Credible Information that an Employee has Been Convicted of a Crime or has a Record of Founded Abuse:

- If the facility receives credible information, as determined by the facility, from someone other than the employee, that the employee has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment, and the employee has not informed the employer of the information within the time required, the facility shall take the following actions:
 - The facility shall act to verify credible information **within 7 calendar days** of receipt. "Verify" means access the SING to perform a background check, requesting a criminal background check from the department of public safety, request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.
 - If the information is verified, the facility shall follow requirements noted above in regard to obtaining an evaluation of the employee's criminal record or founded child or dependent adult abuse.

Note: Facilities may request proof of criminal background checks on all temporary employment agencies and contractors. Students completing clinical education in the facility are required to submit to a criminal background and abuse record check as well and are bound by the same rules of evaluations and reporting of convictions after starting a nurse aide class.

Additional Resources and Documents:

- How to request SING access: [sing_request_for_access_feb_2020.pdf \(iowa.gov\)](#)
- Authorization for Release of Child and Dependent Adult Abuse Information (DHS) [470-3301 Authorization for Release of Child and Dependent Adult Abuse Information \(iowa.gov\)](#)
- State of Iowa Criminal History Record Check Request Form [Microsoft Word - RequestFrom.docx \(iowa.gov\)](#)
- Record Check Evaluation Form [470-2310 Record Check Evaluation \(d2l2jhoszs7d12.cloudfront.net\)](#)

- **Chapter 708** relates to assault including domestic assault, domestic abuse, sexual assault, harassment, stalking and administering harmful substances.
- **Chapter 708A** relates to terrorism, soliciting materials or resources for terrorism, threats of terrorism and obstruction of terrorism prosecution.
- **Chapter 709** relates to sexual abuse, lascivious acts with a child, indecent exposure, child in need of assistance complaints, lascivious conduct with a minor, sexual exploitation by a counselor, therapist or school employee, sexual misconduct with offenders and juveniles, sexual abuse of a corpse, invasion of privacy related to nudity and continuous sexual abuse of a child.
- **Chapter 709A** relates to encouraging or sending children under the age of 18 to be delinquent, to enter a brothel or unlicensed premise where alcohol is sold or kept and willingly failing to pay child support.
- **Chapter 710** relates to kidnapping, false imprisonment, violation of a custodial order, harboring a runaway child, enticing a minor or purchasing or selling and individual.
- Chapter 710A relates to human trafficking.
- Chapter 711 relates to robbery, aggravated theft, and extortion.
- Chapter 712 relates to Arson, reckless use of fire or explosives, explosive or incendiary materials or devices, false reports, and threats.