



# Frequently Asked Questions

(And Answers from  
State Court Administrative Office  
Friend of the Court Bureau)

**FAQ 2009-01**

**September 16, 2009**

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## **Criminal History Background Checks**

This FAQ answers common questions and clarifies policy related to Administrative Memorandum 2009-01 on Cooperative Reimbursement Program contract (CRP) requirements for Criminal History Background Checks (CHBC). If court or friend of the court staff have any questions or would like additional information, please contact Daniel Bauer or Timothy Cole at (517)373-5975.

**#1 Q: Are all FOC contractors, subcontractors, and volunteers (collectively, “vendors”) subject to the CHBC policy?**

**A:** It depends on the nature of the individual’s work.

Offices only need a plan to run an Internet Criminal History Access Tool (ICHAT) check on the individuals who will either have direct contact with families or access to family information. Offices also need to obtain a central registry (CR) clearance on those who work directly with children. To the extent that vendors provide services contracted through the CRP, they should be included in the plan for existing employees that each office is required to submit no later than September 30, 2009.

For example, vendors who work on budget development or auditing functions are not subject to a check under ICHAT or the CR under the contractual mandates with DHS. OCS confirms that these vendors need not be included in the plan regarding CHBCs of existing employees. Similarly, county information technology employees – whom many offices pay for through cost allocation – will not have the level of access to client information OCS has indicated to SCAO that the contract intended to encompass. The same is true for others billed to the FOC in a county's cost allocation plan.

However, other vendors who provide contracted services directly to the FOC office may have direct contact with families (e.g., domestic relations mediators) or access to family information in the performance of duties funded through the CRP (e.g., shredding old files). As such, these vendors are subject to an ICHAT check, to the extent that those services are funded through the CRP. FOC offices should identify those particular vendors in the plan to OCS, identify the nature of the family information or child contact they may have, and ensure that a criminal history background check has been or will be conducted on them as appropriate for their contractual duties.

**#2 Q: Do CHBCs need to be completed for FOC or other court employees who are not funded through the CRP?**

**A:** No. DHS can only require a CHBC for individuals funded in whole or in part through a contract with DHS; no other employees are *required* to be included in the policy outlined here. A court may *choose* to apply the same CHBC policy to all court employees, but is not *required* to as part of the contract between the court and DHS.

**#3 Q: Our court relies on Maximus, Inc. for medical support processing. Are we required to include those Maximus, Inc. employees in our plan for CHBCs?**

**A:** No. SCAO has independently confirmed that OCS assumed the responsibility to ensure CHBCs are conducted on Maximus, Inc. medical support employees.

**#4 Q: Where can the FOC office maintain criminal background check records?**

**A:** Due to the confidential nature of the information, courts should limit access to any CHBC record. However, a court must maintain the CHBC record in a place accessible to auditors. Courts may consider maintaining a CHBC record as part of the employee's personnel file, as the information is personnel-related.

**#5 Q: How long does the FOC retain criminal background check records?**

**A:** General Retention Schedule item number 16.004 indicates that personnel files must be retained for six years after the individual is no longer employed. If a conditional offer of employment is revoked for an individual after the CHBC is obtained, General Retention Schedule item number 16.005 indicates that the office should hold any documentation for three years after the position is filled.

**#6 Q: Our court wants to change the specific language of certain provisions within the model policy and model plan. What are the consequences of those changes?**

**A:** OCS, by approving the policy or plan presented by the court, has the responsibility to ensure the contract requirements are met; SCAO's administrative memorandum only provides a framework for the courts to use to comply with those requirements.

Local courts are free to modify the language in the model policy and model plan to suit their needs. However, both the court's plan and the court's policy must meet the minimum standards as identified in Administrative Memorandum 2009-01. This should ensure compliance with the OCS contract requirements.

**#7 Q: Where do I send the completed CHBC policy?**

**A:** The CHBC policy is a requirement under the cooperative reimbursement program contract. As such, send the completed CHBC policy to your DHS / OCS contract manager. SCAO will review any policies at the local court's request, but there is no requirement for SCAO to review or approve any CHBC policy before submission to DHS / OCS. If SCAO receives a copy of the CHBC policy, it will be kept on file.