

**217.44 Department offices — employee and volunteer record checks.**

1. The record check evaluation system of the department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in department offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the record check evaluation system may conduct these checks in other states. If the record check evaluation system determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The record check evaluation system may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the record check evaluation system's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department office in a position having direct contact with the department's clients.

[2000 Acts, ch 1112, §52; 2001 Acts, 2nd Ex, ch 4, §3, 9; 2023 Acts, ch 19, §353](#)

Section amended