BACKGROUND CHECKS for
VOLUNTEER GUARDIANS

Doing a background check of a volunteer who is nominated as a guardian is an important step in safeguarding the safety and well-being of a ward. Finding the history of a potential guardian, including any criminal, licensing, and professional credential histories, is inexpensive and easy. The following steps explain how to complete a cost-effective, efficient, and thorough background check.

Questions about background checks or other matters relating to guardianship can be directed to CWAG’s Wisconsin Guardianship Support Center at 1-800-488-2596 or guardian@cwag.org.

1. Create a questionnaire

A useful questionnaire will ask relevant questions about the volunteer’s background, such as employment, volunteer, criminal and licensing history.

An example of a useful questionnaire is the Background Information Disclosure (BID) (form number HFS 64A) created by the Wisconsin Department of Health and Family Services (DHFS) to explore the history of caregivers. The form is available at dhfs.wisconsin.gov/forms/HFS/hfs0064.pdf. The form has questions about a person’s criminal background, previous findings of abuse or neglect, and restrictions or revocations of licenses. The form also includes questions about a person’s military background, professional restrictions, residency history, and prior caregiver history.

The BID should be supplemented with additional questions to develop the background of a volunteer guardian. For instance, it would be appropriate to ask if the potential guardian had ever been asked to leave, or left, any employment or volunteer position because of accusations of misconduct; if the potential guardian had ever been disciplined by an employer for domestic violence, sexual assault, sexual abuse, sexual harassment, or financial misconduct; or if a restraining order had ever been entered against him or her for any reason.

A useful technique in developing questions is remembering past cases where you wished you had known something about a guardian but didn’t before he or she was appointed. Consider what questions might have revealed that information and be sure to pose those questions to a potential guardian.

The questionnaire can also be used to obtain the names and contact information of personal references, as well as references from the potential guardian’s entire employment and volunteer history.
2. Review the potential guardian’s answers on the questionnaire

Information that the potential guardian provides might disqualify him or her from further consideration. However, you can continue to explore the applicant’s history (see step 3) and then offer the opportunity for an interview (step 4) to obtain explanations that may mitigate the information. Even if the questionnaire does not reveal disqualifying facts about the guardian, a quick, free, and easy civil and criminal history should be done.

3. Explore the potential guardian’s history

The Wisconsin court system maintains an easily accessible website, commonly referred to as CCAP, that will reveal pending and past civil and criminal cases. The website address is wcca.wicourts.gov. The information is accessed using a person’s name. Remember that different people can have identical names so information like middle names or initials and dates of birth can help ensure that the correct information is used when evaluating the potential volunteer guardian.

Using Google to research a person is also a fast and easy way to gather information. Access Google’s website at www.google.com and then type the name of the person in the search box. Remember that the name may bring up information of many different people with the same name. The person’s middle initial, middle name, or date of birth can help exclude information that is irrelevant. It is important to view these results logically and be able to ignore results that are obviously not attached to the potential guardian.

Information found on either CCAP or Google might disqualify the potential guardian. However, the opportunity for an interview can be offered to allow the applicant an opportunity to question the accuracy of the information and to offer mitigating circumstances that might still permit the applicant to become a guardian. If no information is found, the background check process should continue onto the interview. A finding of no information at this stage is not a guarantee that the person is suitable to be a volunteer guardian.

4. Interview the potential guardian

Next, interview the potential guardian. Interviewing the potential guardian offers an opportunity to clarify any entries on the questionnaire and discuss any gaps that appear in the volunteer’s employment history. Interviewing the potential guardian also provides an opportunity to discuss any information found on CCAP or Google. Finally, interviewing the potential guardian provides an opportunity to collect the names and contact information of personal references, as well as references from the potential guardian’s employment and volunteer history, if not provided in the questionnaire. At this point, the applicant may choose to withdraw or it may be determined that the applicant is unsuitable. If neither is the case, continue on to the next step.

5. Check references

Supervisors from each employer and volunteer activity, as well as personal references, should be asked about the person’s qualifications and appropriateness to serve as a guardian. Checking references may be the only way to uncover misconduct that did not result in a record or in licensing discipline, but that is relevant to suitability to serve as a guardian.
6. Conduct a more extensive background check

A more extensive background check will not be needed if CCAP, Google and/or reference checks uncovered reasons to eliminate a potential volunteer. If the applicant has not been disqualified, a more extensive background check should be conducted. The following methods can be done for free or a small fee. Each method has advantages and limitations depending on the facts of each situation.

The Department of Health and Family Services (DHFS) maintains a Caregiver Misconduct Registry. The Registry is a record of nurse aides and other non credentialed caregivers such as feeding assistants, custodial assistants, and laundry assistants with substantiated findings of misconduct. DHFS also maintains links to other internet sources including the registry of nurse aides not eligible for employment, a list of caregivers with reports of misconduct from other states, and recent additions to the Caregiver Misconduct Registry. Links to these internet resources can be found on the DHFS Caregiver Misconduct webpage, dhfs.wisconsin.gov/caregiver/misconduct.HTM.

The Wisconsin Department of Regulation and Licensing maintains a valuable website at drl.wi.gov/index.htm. This source has information about people who may have been professionally disciplined, including revocations of licenses or credentials. This source does not provide access to information about denials of initial applications for licenses and credentials nor of denials of renewal applications for credentials and licenses. Furthermore the site only provides access to information about Wisconsin licenses, certification, and credentials.

A nationwide sex-offender search can be conducted from Search Systems for a fee of $5. Access that information at searchsystems.net. This site may show convictions from outside Wisconsin that would not appear on the Wisconsin court system website. Wisconsin also maintains a website for sex offenders with Wisconsin convictions at offender.doc.state.wi.us/public.

Information from newspapers and other public sources reporting allegations of clergy abuse is available at www.survivorsfirst.org. The website does not confirm the truth of allegations, however, so it is important that potential guardians are provided the opportunity to explain their inclusion on this website. Some Roman Catholic dioceses will release information about employees who are no longer performing their religious duties. Information about misconduct by clergy of denominations other than Roman Catholic is not widely available but may be available by checking with personal and employment references.

The Wisconsin Department of Justice Crime Information Bureau (CIB) will complete background checks online for credit card users and by mail for a fee. A caregiver background check with the CIB will provide a state criminal history and a caregiver history from DHFS. Checking the “Caregiver General” box on the online request or on the downloaded mail-in form will result in a more detailed history check.

CIB can conduct an on-line background check at wi-recordcheck.org for a fee payable by credit card. On that website, click on “Online record checks for credit card customers.” Once that window is open, use the drop down menu to choose the “Caregiver” option and then continue to the next page. Then click “Add Request” and fill out the potential guardian’s information including name and date of birth. The results will usually be available shortly after completion of the request.
Or CIB can conduct a background check by mail by submitting a “record check” form to CIB. This record check will also produce information from criminal records and the DHFS caregiver records if the “Caregiver General” box is checked on the form. The form is available at www.doj.state.wi.us/dles/cib/forms. After this form is sent to CIB with the required payment, a response will be mailed containing the criminal history of the person. The response usually arrives within ten business days. A few weeks later, the response from DHFS with information about any caregiver history of the potential guardian will be sent. That letter will contain information about findings of abuse, revocations or denials of licenses for programs monitored by DHFS, and other information regarding a person’s professional credentials, licenses, and certifications.

A background check can also be conducted pursuant to the Volunteers for Children Act. If the recruiter of the volunteer guardian is an organization or business dealing with children, the elderly, and the disabled, the recruiter can use a national fingerprint-based federal criminal history to screen potential guardians who are unsuitable. The Volunteers for Children Act was enacted to allow certain organizations access to federal criminal information that was previously only available to law enforcement. This process is more time consuming and more expensive than the methods discussed previously but might be appropriate for some situations.

A business or organization wanting to use this process must first apply to the CIB for a determination of whether the business or organization is a “qualified entity.” If so, an account must be opened with CIB in order to do the fingerprint background checks. Two sets of fingerprints are taken from the potential guardian and one set is compared with Wisconsin criminal records and the other is compared with federal criminal records maintained by the Federal Bureau of Investigation (FBI).

This service may be helpful in particular situations but it is limited in its use. The service does not return results for state criminal records. The only way to access this information is to investigate each state’s records as needed based upon the potential guardian's questionnaire and interview. Access to states’ criminal records may be limited by record laws. Some states, like Wisconsin, have open records that are easily accessible. Other states do not have similar open records laws and may even have closed record policies that prevent access to criminal records for most people. The Wisconsin CIB maintains an information page with contacts for other states at www.doj.state.wi.us/dles/cib/sclist.asp.

7. Make a decision regarding suitability of potential guardian

The potential guardian’s history and references should be evaluated to determine if the person is a suitable choice. It is important to remember that a criminal history or other difficulties do not necessarily mean that a person cannot be a good guardian. Potential guardians should be provided an opportunity to explain any troublesome history. Without gathering relevant information and doing a background check, however, individuals who are unsuitable, even dangerous, may become guardians.

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