

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 704

An Act to amend the Code of Virginia by adding a section numbered 63.1-248.7:2, relating to background checks for employees of certain juvenile facilities.

[H 514]

Approved April 10, 1994

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.1-248.7:2 as follows:

§ 63.1-248.7:2. Background check required; residential facilities for juveniles.

A. As a condition of employment, volunteering or providing services on a regular basis, every residential facility for juveniles which is regulated or operated by the Department of Social Services, the Department of Education, the Department of Youth and Family Services or the Department of Mental Health, Mental Retardation and Substance Abuse Services shall require any individual who (i) accepts a position of employment at such a facility who was not employed by that facility prior to July 1, 1994, (ii) volunteers at such a facility and will be alone with a juvenile in the performance of his duties who was not a volunteer at such facility prior to July 1, 1994, and (iii) provides services at such facility on a regular basis and will be alone with any juvenile in the performance of his duties who did not provide such services prior to July 1, 1994; to submit to fingerprinting and to provide personal descriptive information, to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall submit a report to the facility. If an individual is denied employment, or the opportunity to volunteer or provide services at a facility because of information appearing on his criminal history record, the facility shall provide a copy of the information obtained from the Central Criminal Records Exchange to the individual. The information provided to the facility shall not be disseminated except as provided in this section.

B. Those individuals listed in clauses (i), (ii) and (iii) of subsection A shall also provide the facility with a copy of information from the central registry maintained pursuant to § 63.1-248.8 on any investigation of child abuse or neglect undertaken on him.

C. The Boards of Social Services, Education, Youth and Family Services and Mental Health, Mental Retardation and Substance Abuse Services may promulgate regulations to comply with the provisions of this section. Copies of any information received by a facility pursuant to this section shall be available to the agency that regulates or operates the facility but shall not be disseminated further. The cost of obtaining the criminal history record and the central registry information shall be borne by the employee or volunteer unless the juvenile facility, at its option, decides to pay the cost.