

**Effective 5/12/2015**

**62A-1-118 Access to abuse and neglect information to screen employees and volunteers.**

- (1) The department may conduct a background check, pursuant to Subsections 62A-2-120(1) through (4), of department employees and volunteers who have direct access, as defined in Section 62A-2-101, to a child or a vulnerable adult.
- (2) In addition to conducting a background check described in Subsection (1), and subject to the requirements of this section, the department may search the Division of Child and Family Services' Management Information System described in Section 62A-4a-1003.
- (3) With respect to department employees and volunteers, the department may only access information in the systems and databases described in Subsection 62A-2-120(3) and in the Division of Child and Family Services' Management Information System for the purpose of determining at the time of hire and each year thereafter whether a department employee or volunteer has a criminal history, an adjudication of abuse or neglect, or, since January 1, 1994, a substantiated or supported finding of abuse, neglect, or exploitation after notice and an opportunity for a hearing consistent with Title 63G, Chapter 4, Administrative Procedures Act, but only if a criminal history or identification as a possible perpetrator of abuse or neglect is directly relevant to the employment or volunteer activities of that person.
- (4) A department employee or volunteer to whom Subsection (1) applies shall submit to the department the employee or volunteer's name, other personal identifying information, and consent for the background check on a form specified by the department.
- (5) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, defining permissible and impermissible work-related activities for a department employee or volunteer with a criminal history or with one or more substantiated or supported findings of abuse, neglect, or exploitation.

Amended by Chapter 255, 2015 General Session