



Child Protection Improvements Act 2012 Key Messages Updated 2/1/2012

The Bills

S 645: Sponsored by Senator Charles E. Schumer (NY) and Senator Orrin Hatch (UT) – has been introduced in the Senate and has been referred to the Senate Committee on the Judiciary.

HR 1360: Sponsored by Rep. Adam Schiff (CA-29) and Rep. Mike Rogers (MI-8) – has been introduced in the House of Representatives and has been referred to the House Committee on the Judiciary.

In the 111th Congress, this bi-partisan bill passed through the House of Representatives by a vote of 412-4.

Press Release

From Rep. Schiff: <http://schiff.house.gov/index.cfm?sectionid=49§iontree=6,49&itemid=793>.

The Issues

- There is no single all-encompassing background check database available in this country.
- While still not all-encompassing, an FBI check is the best background check available, yet it is not always accessible to camps and other youth-serving organizations. The FBI check is the only truly nationwide check available.
- Individual states are the gatekeepers of criminal history information and they can decide who can access the information, as well as who can have access to the FBI's information. In fact, thirty-four states bar access to FBI information! Those that do allow access to the FBI information charge significant fees (ranging from \$24 - \$59 per person), and have long turn-around times of up to six weeks.

The Solutions Presented in this Bill

The purpose of the bill is to "close a gaping hole in the federal law that prevents camps, children's groups and other organizations that work with children from gaining access to federal criminal background checks on employees and volunteers."

The PROTECT Act of 2004 created a pilot program whereby selected youth-serving organizations would have access to timely, inexpensive FBI background checks on potential volunteers. ACA was accepted into the program in 2005. The Child Protection Improvements Act would make permanent the pilot program permanent and expand the program to include staff (as well as volunteers) in youth-serving programs. In addition, it would:

- Create universal access to nationwide background searches, by designating a criminal history review entity or organization to process background checks on prospective employees and volunteers for youth-serving organizations.
- Provide participating organizations with reliable and accurate information as to whether an individual's criminal record bears upon his fitness to work or volunteer with children.

- Create a “one-stop” system where a local organization could elect to obtain both a state and FBI search in one place.
- Keep the fee for nationwide background checks and criminal history review as low as possible for youth-serving organizations, no more than the actual cost – with a maximum of \$25.
- Ensure that individuals that are subject to background checks can request their full criminal histories and challenge their accuracy and completeness, and receive a prompt response from the jurisdiction holding the records.

Data Points

- Of the nearly 40,000 checks conducted in the pilot program, 6.1 percent of all applicants were found to have criminal records that rendered them unfit to work with children! (This included convictions of criminal sexual conduct with a child, aggravated criminal assault, rape, homicide, and other “serious” felonies.)
- Forty percent of these individuals had a criminal record from other states, meaning that only a nationwide check would have caught the criminal record.
- Twenty-six percent of these individuals showed a different name on their record than the one they used on their job application.

Other Organizations Endorsing this Legislation

- A World Fit for Kids
- Afterschool Alliance
- America’s Promise Alliance
- American Camp Association
- Association of Jewish Family & Children’s Agencies
- Big Brothers Big Sisters of America
- Boys & Girls Clubs of America
- Camp Fire USA
- Communities in Schools, Inc.
- Covenant House International
- First Focus Campaign for Children
- GLSEN – the Gay, Lesbian and Straight Education Network
- Healthy Teen Network
- MENTOR/National Mentoring Partnership
- National Collaboration for Youth
- National Foster Care Coalition
- National Summer Learning Association
- National Network for Youth
- Save the Children, United States Programs
- Search Institute
- The Salvation Army, USA
- Volunteers of America
- YMCA of the USA

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