

Region 9 AAA	Local Policy #	18
Policy	Name: Criminal Background Minimum Standard	
Original Policy Date:	March 2013	
Review/Revise Date:	March 10, 2014, November 2016, September 2021	

Policy:

Each Subcontractor must conduct, or cause to be conducted, a three-point criminal background check for all paid and/or volunteer staff persons prior to placement in a participant’s home, working directly with participants, or having access to personal property and/or confidential participant information. Checks are to be conducted minimally every three years per AASA Policy (TL #2020-427, now Michigan Public Act 28 of 2021) and must be within 30 days of the third anniversary of the last background check.

- These are: 1. ICHAT: <https://apps.michigan.gov/Home/Index>
2. Michigan Public Sex Offender Registry: <http://www.mipsor.state.mi.us>
3. National Sex Offender Registry: <http://www.nsopw.gov>

Purpose:

To ensure compliance with Michigan Public Act 28 of 2021 in relation to criminal background check requirements. The Act and the AASA minimum standard is intended to “outline a procedure for criminal background checks to safeguard the welfare of older adults and to increase assurance they are better protected from potential abuse and exploitation”.

Procedure:

1. Senior Community Service Employment Program (SCSEP) enrollees are not covered under this policy. SCSEP enrollees are participants in a federal employment and training program and are subject to rules under applicable U.S. Department of Labor policy.
2. Area Agency on Aging staff will verify completeness of criminal background check staff and volunteer lists during the annual on-site assessment visits. Additionally, Area Agency on Aging staff will test a random sample of employee and volunteer files to verify criminal background check documentation.
3. Information regarding the Michigan State Police Criminal Justice Information Center’s Internet Criminal History Access Tool (ICHAT) is available upon request.
4. Michigan Public Act 28 of 2021 includes specific exclusions that prohibit employees or volunteers from working directly with participants or from having access to participant personal property or confidential participant information. The exclusions include mandatory exclusions, felony convictions and misdemeanor convictions. Public Act 28 can be found here for more detail: <https://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0028.pdf>.