

**Department for Aging and Rehabilitative Services (DARS)
Virginia Division for the Aging**

**Criminal Background Check Policy for Area Agencies on Aging and Subcontractors
Revised July 1, 2017**

The health, safety, and welfare of older individuals and their caregivers are paramount to the DARS-Division for the Aging. Effective May 1, 2015, DARS shall require all Area Agencies on Aging (AAAs) to conduct criminal background checks on all employees. The minimum background check shall include the Central Criminal Records Exchange (CCRE) through the Virginia State Police on all AAA employees. Employees of AAA contractors who enter client homes shall also be held to the same requirement unless the contractor is required to conduct criminal background checks as part of its own licensure requirements.

Individuals found to have been convicted of a felony violation of a "barrier crime," as such term is defined in clause (i) of the definition of barrier crime in §19.2-392.02 of the *Code of Virginia* shall be denied employment. However, an AAA or contractor who enters client homes may hire an applicant convicted of no more than one misdemeanor not involving abuse or neglect, if five years have elapsed since the conviction.

Nothing in this policy change shall be construed to mean that volunteers are required to have criminal background checks. However, AAAs should consider the potential risk involved when a volunteer has not completed a criminal background check. If an AAA elects not to conduct criminal background checks on its volunteers or those of its contractors, the AAA should consider ways to mitigate the potential risk. One suggestion is to have an employee who has received a "clean" criminal background check to be present when such a volunteer enters a client's home.