






Background Investigations: Sample Guidelines




Tribe and/or Tribal Organization Applicant/Employee

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- Subject: Pre-employment Screening
 - Facts: Review/Screen Employment Application
 - Criminal History Check



Procedure/Submission Child Protection and Family Violence Prevention Act: P.L. 101-630




“Tribal Character Investigations Procedures for Submission of Fingerprint Cards”

- Bureau of Indian Affairs
- Federal Bureau of Investigation
- Resubmission of illegible fingerprint card
- User tribes




Questionnaire for Positions Covered Public Law 101-630

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- Why do we need the information you will give us and how will we use it?
 - What authority do we have to ask you for the information requested on this form?
 - What is the investigative process?





Questionnaire for Positions Covered Public Law 101-630 (cont.)

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- Who makes a final determination?
 - What are the penalties for inaccurate or false statements?
 - How is the form filled out?





Guide for Conducting Reference Checks

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- I. Policy
 - II. Coverage
 - III. Responsibilities
 - A. Personnel offices
 - B. Selecting official or individual departments charged with the responsibility of reference checks
 - IV. Interpretation of reference check information
 - V. Release of Information




Suitability Adjudication Process

- Purpose of suitability adjudication
 - Criteria for suitability standards
 - Determination factors for suitability standards
 - Basic steps in the suitability adjudication process
 - Responsibilities of the adjudicator
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Suitability Adjudication Process (cont.)

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- Procedure for handling reports of investigation
 - Adjudicative process
 - Recommended due process guidelines
 - Records system
 - Security briefings



Local Law Enforcement Inquiry Check

Requested under:



P. L. 101-630, “The Indian Child
Protection and Family Violence
Prevention Act”

and



P. L. 101-647, “Crime Control Act of
1990, Child Care Worker Employee
Background Checks”





Character Investigations for Those Dealing with Children

- P.L. 101-630 - The Indian Child Protection and Family Violence Prevention Act - SEC. 408 Character Investigations:
 - All Indian tribes which are contract or grant recipients under the Indian Self-Determination and Education Assistance Act or Tribally Controlled Schools Act of 1988 are subject to investigation and minimum standards requirements.



Character Investigations (cont.)



- Indian tribes and tribal organizations are required to conduct an investigation of the character of each individual who is employed, or is being considered for employment, by such tribe or tribal organization in a position that involves regular contact with, or control over, Indian children.
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Character Investigations (cont.)

- P. L. 101-647 - Crime Control Act of 1990, Child Care Worker Employee Background Checks:
 - Each agency of the federal government, and every facility operated by the federal government (or operated under contract with the federal government), that hires (or contracts for hire) individuals involved with providing child care services to children under the age of 18 shall assure that all existing and newly hired employees undergo a criminal history background check.



Character Investigations (cont.)

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- Under this law “Child Care Services” means child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs and detention, correctional or treatment services.