



ADMINISTRATIVE RULES OF MONTANA

37.99.126 PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL PROGRAMS: BACKGROUND CHECKS

- (1) All administrators, staff, volunteers, persons associated with the program, and any adult living at the program must complete a National Crime Information Center (NCIC) fingerprint-based background check from the Federal Bureau of Investigation. Results of the fingerprint-based background check must be documented prior to working or living at the program.
 - (a) A name-based criminal background check may be completed pending the results of the fingerprint background check. The department must receive the request for the fingerprint check and the results of the name-based check must be documented prior to the staff working at the facility.
- (2) All administrators, staff, volunteers, person associated with the program, and any adult living at the program must complete a Montana Department of Public Health and Human Services child protective services background check, and, if applicable, a tribal child protective services background check, and a tribal criminal background check prior to working or living at the program.
- (3) If an applicant has lived outside the state within the past five years, a criminal and child protective background check must be conducted in every state that the applicant has resided in within the past five years.
- (4) All administrators, staff, volunteers, persons associated with the program, and any adult working or living at the program must complete a Montana Sexual and Violent Offender Registry Check (Montana SVOR) at <https://app.doj.mt.gov/apps/svow/search.aspx> and A National Sexual and Violent Registry Check (NSOPW) at <https://www.nsopw.gov/>.
- (5) Results of all required criminal and child protective background checks and registry checks must be documented prior to working or living at a program.
- (6) The department will deny or revoke a license upon finding that:
 - (a) any administrator, staff, volunteer, person associated with the program, or any adult living at the program has been convicted by a court of competent jurisdiction of a felony or misdemeanor involving but not limited to homicide, sexual intercourse without consent, sexual assault, aggravated assault, assault on a minor, assault on an officer, assault with a weapon, kidnapping, aggravated kidnapping, prostitution, robbery, or burglary;
 - (b) any administrator, staff, volunteer, person associated with the program, or any adult living at the program has a conviction of a crime pertaining to children and families, including, but not limited to child abuse or neglect, incest, child sexual abuse, ritual abuse of a minor, felony partner and family member assault, child pornography, child prostitution, internet

crimes involving children, felony endangering the welfare of a minor, felony unlawful transactions with children, or aggravated interference with parent-child contact;

- (c) any administrator, staff, volunteer, person associated with the program, or any adult living at the program has within the previous five years a felony conviction of a drug-related offense, including but not limited to use, distribution, or possession of manufacture of dangerous drugs, criminal possession of imitation dangerous drugs with the purpose to distribute, criminal possession, manufacture of, or delivery of drug paraphernalia, or driving under the influence of alcohol or other drugs; or
 - (d) any administrator, staff, volunteer, person associated with the program, or any adult living at the program has within the previous five years a conviction for misdemeanor partner and family member assault, misdemeanor endangering the welfare of a child, misdemeanor unlawful transaction with a child, or a crime involving an abuse of the public trust; or
 - (e) any administrator, staff, volunteer, person associated with the program, or any adult living at the program has been convicted of abuse, sexual abuse, neglect, or exploitation of an elderly person or a person with a developmental disability.
- (7) Any administrator, staff member, volunteer, persons associated with the program, or adult living at the program, who is charged with a crime involving children, physical or sexual violence against any person, or any felony drug-related offense and awaiting trial may not provide care or be present at the program pending the outcome of the criminal proceeding.
 - (8) No administrator, staff, volunteer, person associated with the program, or any adult living at the program shall have been named as a perpetrator in a substantiated report of child abuse or neglect or listed on the Montana Sexual and Violent Offender Registry or National Sex Offender Public Website.
 - (9) The program is responsible for assuring that the persons covered by this chapter have met these requirements prior to providing care.
 - (10) No administrator, staff, volunteer, person associated with the program, or any adult living at the program may pose any potential threat to the health, safety, and well-being of the program participants.

Authorizing statute(s): 52-2-803, 52-2-805, MCA

Implementing statute(s): 52-2-803, 52-2-805, 52-2-809, MCA

History: NEW, 2019 MAR p. 2029, Eff. 11/9/19.