

VOLUNTEER NOTICE FOR PROSPECTIVE MENTORS PURSUANT TO THE PROTECT ACT

To the volunteer applicant:

On April 30, 2003, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act), Public Law 108-21, was signed into law. Section 108 of the PROTECT Act authorizes a fingerprint-based national criminal history background check to determine the fitness of a volunteer applying to an affiliate of MENTOR/National Mentoring Partnership, Boys & Girls Clubs of America, and the National Council of Youth Sports.

Pursuant to the PROTECT Act, the mentoring organization to which you have applied to serve as a volunteer may request an FBI fingerprint background check. This check will access criminal history record information held by the Federal Bureau of Investigation (FBI), and a determination will be rendered by the National Center for Missing and Exploited Children (NCMEC) as to your fitness to serve in that capacity. The determination rendered by NCMEC will be communicated to the mentoring organization through MENTOR. Prior to and after the completion of the background check, the mentoring organization may choose to deny you access to children participating in its program.

Consistent with the provisions of the PROTECT Act, NCMEC, Boys and Girls Clubs of America, MENTOR, and the National Council of Youth Sports, have established criteria that NCMEC will use in examining criminal histories and making fitness determinations. The four organizations have determined that six categories of "criterion offenses" will be examined:

- Any felony
- Any lesser crime in which sexual relations is an element (including pornography), including "victimless crimes"
- Any lesser crime involving cruelty to animals
- Any lesser crime involving controlled substances (including DUIs involving drugs)
- Any lesser crime involving force or threat of force against a person
- Any crime against a minor

The following three categories of fitness determinations will be assigned to volunteers to indicate the presence or absence of a criminal record for the criterion offenses. These fitness determinations will be communicated to the volunteer organization.

- **Meets the criteria:** The volunteer either has no criminal record in the FBI database, has a conviction for a crime other than a criterion offense, or was cleared of a criterion offense arrest.
- **May not meet the criteria:** Either the volunteer's criminal record is incomplete or may bear further examination. Specifically:
 - The volunteer was arrested for a criterion offense, but the criminal record does not contain the disposition of the arrest. Without the disposition, there is no way to know if the volunteer was convicted or cleared.
 - The volunteer was convicted of a criterion offense, but the conviction has been expunged or the individual has been pardoned.
 - The volunteer has been arrested and subsequently cleared of one or more crimes against a child.
- **Does not meet the criteria:** The volunteer has been convicted of a criterion offense.

Of course, the fitness determination is only one part of an organization's volunteer screening process, and the absence of a criminal record does not ensure that a volunteer will be considered acceptable by the organization.

Under the PROTECT Act, to obtain an FBI criminal background check, you must provide the organization with:

1. A set of fingerprints;
2. Your name, address, and date of birth [as appears on an official government ID, such as a driver's license or passport];
3. A photocopy of the document described in Paragraph 2; and
4. A statement of whether you have a criminal record and, if so, the particulars of such record.

Once the criminal background check is complete, you are entitled to obtain a copy of any criminal history record and challenge the accuracy and completeness of the criminal history record information. Such challenge should be made by using the appeal form available from the pertinent volunteer organization. If you so choose, you may also use the same form to request that your full criminal history be sent to the volunteer organization for further discussion of the particulars of your criminal record.

By signing this application, you authorize:

1. The mentoring organization to obtain a complete set of your fingerprints and descriptive data and transmit them to the FBI via MENTOR;
2. The FBI to perform a criminal background check and provide NCMEC with the results of the check; and
3. NCMEC to examine the criminal history, make a fitness determination, and transmit the fitness determination to the appropriate mentoring program.

By signing this application, you indicate your understanding that:

1. The mentoring organization ultimately bears full responsibility for the screening of mentors and the placement of mentors in the most suitable roles. Neither MENTOR nor NCMEC is in any way liable for any screening decisions that the mentoring organizations makes about my status based on information obtained in the SafetyNET pilot program.
2. Based on criminal history record information held by the FBI, a determination will be rendered exclusively by NCMEC as to my fitness to serve as a mentor. MENTOR acts only as a conduit for the fitness determination from NCMEC to the mentoring organization.

