



## **Fact Sheet**

# **Background Checking: Resources that Help**

Stories fill the news about aides who take advantage of, rather than care for, a parent, spouse, or other family member in their home. Drained savings accounts, missing jewelry, and unexplained bruises are all too common experiences. One way to avoid becoming a victim is to conduct an attendant background check. Background checks include a review of job performance and verification that the information provided to the family caregiver is accurate, and that the attendant can do the job that the caregiver needs to be done.

Some states, including California, are referred to as closed record states because most criminal records are not readily available to the public. Although this makes checking an attendant's history more challenging than in other states, a background check can still be conducted.

Getting past information about a potential aide can take longer than some caregivers are able to wait. One of the best and quickest strategies is to check with formal and informal references, including talking with those who have employed the aide or who have seen them at work. Those with Internet access can very quickly confirm address, age, and name information.

Below are strategies for conducting a background check yourself, followed by options available if you hire others to perform these duties. Some caregivers may find that a combination of the two options works best.

### **Conducting a Background Check Yourself**

Create a file for each candidate. At the interview, ask for the following information and use this information in your search:

- Ask for three references and call them all. At least two of the references should be from former employers.
- Talk with informal sources. Don't hesitate to contact the "friend of a friend" who originally suggested the person.
- Meet with the person either at your home or at a nearby restaurant or coffee shop. During the face-to-face meeting with a potential candidate, invite the care recipient to participate when appropriate. One family caregiver suggested that if the prospective attendant spoke only to her and ignored her mother-in-law, she knew the attendant wasn't compassionate enough.

- Ask to see a photo identification card such as a valid driver's license or passport. Other valid forms of identification (ID) include: Department of Motor Vehicles ID card, Green card, Military ID card, Immigration card, Alien Registration card, or a valid out-of-state Driver's License. Write down the number on the ID card. If the attendant will be providing transportation, get proof of a clean driving record by calling the DMV and verify license, insurance, and car dependability. Don't be afraid to ask for a test drive.
- Record the attendant's full name, birth date, address, and phone number, and Social Security number on the ID card. Ask for a current address and any other city and/or state where they have lived in the last ten to 15 years.
- If the person claims to be licensed, check with the licensing body, e.g. the Board of Nursing.
- Ask the aide to sign (1) a waiver of confidentiality allowing you to view their personal history information, and (2) a waiver allowing you to run a credit check. If the prospective attendant is not willing to sign a form allowing the families to review personal records, the attendant is probably not a suitable candidate for hire.
- Use an online people search website to confirm the information the worker has provided to you is correct. One can pay \$10 to \$100 to research someone's history, including criminal history, online. Just know that in California, all

records are not available due to protections under state code. (See the California Penal Code 11105.3.)

## **Hiring Others to Conduct a Background Check**

Consider hiring an agency to conduct the background check, including checking criminal history records available through the California Department of Justice (DOJ). The DOJ will not release records to an individual family caregiver, only to a qualifying organization. Criminal records cannot be released without the applicant's permission.

The attendant would be asked to undergo a fingerprint check and sign a release allowing their criminal record history to be searched.

Tip: With issues of fingerprinting and criminal records, family caregivers may feel uncomfortable requiring their potential care attendant to go through this process. It's important to know that all home health and nursing home caregivers are required to go through a similar screening process.

California law allows certain government and private organizations qualifying as an "applicant agency" to conduct criminal record background checks to help determine the suitability of a person applying for a license, employment, or as a volunteer working with children, the elderly, or the disabled. Qualifying organizations can include law enforcement agencies, public and private schools, nonprofit organizations, and in-home supportive care agencies.

## Hiring Through a Home Care Agency

Organizations providing skilled nursing services (i.e., services of a registered nurse or licensed vocational nurse) are required to be licensed as home health agencies in California. State law requires that home health agency employees, including registered nurses, licensed vocational nurses, and certified home health aides, have background checks as a part of their licensure or certification. Each of the bodies that regulates these license certified employees is notified of subsequent arrests.

Organizations that do not provide skilled nursing services, such as home care aide organizations, do not require licensure and therefore are not required to perform criminal background checks. Many organizations perform the checks anyway to ensure they are hiring qualified providers. Be sure to ask detailed questions about an agency background checking process. You can also ask the attendant to sign a waiver of confidentiality, so you can view background information.

Tip: California is called a “closed record state.” The California Penal Code 11105.3 restricts the distribution of criminal background checks. Records are released according to specific categories. For example, a background check on a person applying to be a police officer will include any arrest and/or conviction for life. A background check for a person applying as a home care aide, on the other hand, will include only arrests and/or convictions for the last three years.

## What is TrustLine?

TrustLine is California’s registry of in-home childcare providers, tutors, and in-home counselors who have passed a background screening. It was created by the California Legislature in 1987. All those listed with TrustLine have been cleared through a fingerprint check of records at the California Department of Justice. This means they have no disqualifying criminal convictions or substantiated child abuse reports in California. TrustLine is administered by the [California Department of Social Services](#) and the nonprofit [Child Care Resource and Referral Network](#). The California Academy of Pediatrics endorses it.

TrustLine welcomes eldercare providers to be on the registry. Once qualified for the TrustLine registry, a hired caregiver can remain on the registry indefinitely and use it as a background reference with any employer.

Caregivers can check to see if a provider is registered on TrustLine by calling them directly. You’ll need to provide the person’s full name and driver’s license number. It’s free. If your current aide or the aide you are interviewing is not registered, just call TrustLine’s 800 number or see [How to Register/Applications and Fees](#) to learn how they can apply.

## What Is a Private Investigator?

Private investigators are licensed with the state to search out information about an individual. You’ll find them in the Yellow Pages under “Investigator.”

A California-licensed “private investigator” is a person who engages in business or accepts employment to protect persons; conducts investigations; determines the cause or responsibility for fires, losses, accidents, or damages to persons or property; or gathers information to be used in court.

## What About Financial Abuse?

Elder-abuse cases often involve monetary exploitation, sometimes at the hands of a family member or paid caregiver. In the United States, an estimated five million seniors are victims of financial exploitation, physical abuse, or neglect each year. An estimated 84 percent of elder abuse cases go unreported, according to the U.S. Senate Special Committee on Aging. With a ratio of one-in-five people expected to be over 65 years old by 2030, the problem of elder abuse is expected to grow. Unfortunately, at this time, financial crimes are not included in criminal background check information provided by the DOJ for employment in a home aide capacity. A credit bureau check of a potential attendant may provide a wealth of sensitive information in this area.

## Warning Signs of Abuse

If a family caregiver is concerned about potential abuse by a hired attendant, here are some warning signs of a potential problem (adapted from the Mesa, Arizona Police Department):

- Does the attendant isolate the client from family and friends?
- Does the attendant do all the talking? Do they make decisions for the client?

- Has the attendant invited friends or family into the home or to use the client’s car?
- Has the client’s personality changed since the attendant was hired? Does he or she appear afraid?
- Are there checks missing or made out to cash or to the attendant for more than the agreed upon amount? (Look for missing checks in the back of the checkbook or in unused checkbooks.)
- Has the attendant asked for payments in advance or asked for a blank check for payment?

## Resources

**Southern Caregiver Resource Center**  
3675 Ruffin Road, Suite 230  
San Diego, CA 92123  
(858) 268-4432 | (800) 827-1008 (in CA)  
Fax: (858) 268-7816  
E-mail: [scrc@caregivercenter.org](mailto:scrc@caregivercenter.org)  
Web site: [www.caregivercenter.org](http://www.caregivercenter.org)

The Southern Caregiver Resource Center offers services to family caregivers of adults with chronic and disabling health conditions and is for residents of San Diego and Imperial counties. Services include: information and referral, counseling, family consultation and case management, legal and financial consultation, respite care, education and training, and support groups.

**Family Caregiver Alliance**  
**National Center on Caregiving**  
(415) 434-3388 | (800) 445-8106  
Website: [www.caregiver.org](http://www.caregiver.org)  
Email: [info@caregiver.org](mailto:info@caregiver.org)

Family Caregiver Alliance (FCA) seeks to improve the quality of life for caregivers through education, services, research, and advocacy. Through its National Center on Caregiving, FCA offers information on current social, public policy, and caregiving issues, provides assistance in the development of public and private programs for caregivers, and assists caregivers nationwide in locating resources in their communities.

### **TrustLine**

The only authorized screening program in California with access to finger print records for California Department of Justice and the FBI.

[www.trustline.org](http://www.trustline.org)

### **Megan's Law**

Lists convicted sexual abuse offenders.

[www.meganslaw.ca.gov/](http://www.meganslaw.ca.gov/) (California)

[www.klaaskids.org/pg-legmeg2.htm](http://www.klaaskids.org/pg-legmeg2.htm) (all states)

### **Senior Gateway**

California Department of Business Oversight has information with links for reporting elder abuse, contacting the LTC Ombudsman office, and researching nursing home licensing.  
[www.dbo.ca.gov/Consumers/seniors\\_information.asp](http://www.dbo.ca.gov/Consumers/seniors_information.asp)

### **Elder Financial Protection Network**

An organization that works to prevent financial abuse of elders and dependent adults.

[www.elderfinancialprotection.org](http://www.elderfinancialprotection.org)

## **Recommended Reading**

### **Fact Sheets**

*Hiring In-Home Help*