

Summary: This provides guidance to search the State criminal registry for the State of the program and State of residence for the applicant.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Identifying State of Residence for State Check

Requirement: The regulations require us to search (by name or fingerprint) the State criminal registry for the State in which the program operates and the State in which the applicant resides at the time of application.

Guidance:

The State where a candidate “resides” is

- the location the individual **identifies** as his/her **place of residence**,
- at the **moment in time** that he/she **applied** to serve or work.

There is no measure of how long the individual has resided at a location that a program is required to validate to establish the correct State of residence to check – even a single day as a resident would meet the test for where an individual has made a home.

College Students

For the purpose of the Corporation’s requirements, an individual applying to serve or work who is enrolled as a full-time college student is deemed to be residing in the state where he/she lives for the purpose of attending the school without regards to whether or not that home is on- or off-campus, and whether or not that home is in the same state as the college is located.

The state to check does not change because a student is on semester or summer breaks or temporarily residing elsewhere. There is no test needed to measure duration of residence while attending school.

Programs may not opt to use any other basis for identifying the student’s state of residence, e.g., such as the student’s family home.

Foreign Residents

For those living abroad, the individual’s last State of residence in the United States, as well as the State where the program operates, must be checked. If the individual never lived in the United States, then only the State where he or she will be serving is required to be checked. Programs are also strongly encouraged to perform additional checks, including making contact with appropriate sources in other countries whenever possible.

Documentation

While the Corporation does not dictate specifics with regard to documentation for establishing state of residence, programs must ensure that the totality of information is accurate and logical. For example, when a government-issued ID address does not match the indicated state of residence address, programs should document why not. Programs should have clear, written policies and procedures establishing protocol for discerning state of residence for all covered individuals.