

Civil Searches

Identify Case Actions Beyond Criminal



The judicial court system in the United States is comprised of both criminal and civil cases. When conducting employment screening, criminal searches generally lay the foundation for a comprehensive background check. More often than not, employers use additional products above and beyond a criminal search, such as civil records, to assess an applicant's qualifications.

Civil searches can reveal if an applicant has been subject to activity that could be an indicator of risk or potentially impact job performance. An important component of a background check, it can provide information on legal actions filed by individuals and businesses against other parties (and in some instances, it can involve the government).

There are many cases that reside in civil courts that include (source: California Courts):

- Small claims cases
- General civil cases such as suing for money disputes, contracts, damage to property, or injury
- Family law which includes divorce, child support, child custody, and adoptions
- Landlord/tenant cases
- Probate cases which include taking care of people and their personal affairs
- Juvenile cases which can include juvenile criminal cases and juvenile dependency cases
- Other types such as name changes, elder abuse, civil harassment, and medical malpractice

Civil judgments can result in financial penalties. Records include information pertaining to disputes between both parties (the plaintiff and defendant). Civil searches produce reports of civil litigation and any corresponding judgments that result from litigation.

County court records are the main source of a civil records search. As with single county criminal searches, courts do not share information with other jurisdictions. Therefore, an individual civil search is necessary to locate cases heard in a specific court.

When conducting civil searches, there are three options available; upper, lower, or both courts. The upper and lower courts are based on the monetary amount of the claim. The monetary amount that divides the courts varies from state to state without any standards. Each state law determines what dollar amount dictates an upper or lower court case, including small claims.

Civil Cases

A civil case begins when a person or entity (such as a corporation or the government), called the plaintiff, claims that another person or entity (the defendant) has failed to carry out a legal duty owed to the plaintiff. Both the plaintiff and the defendant are also referred to as "parties" or "litigants." The plaintiff may ask the court to tell the defendant to fulfill the duty, or make compensation for the harm done, or both.

Source: FindLaw.com

This information is not meant to provide legal advice of any kind. Legal advice should be sought from your attorney or corporate counsel.



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Civil searches can provide information on an individual's financial stability, reputation and trustworthiness. Additionally, they can help identify any settlements that could indicate a hiring risk. A search of civil records can be beneficial for the following:

- Executives, managers or employees that will have access to company funds or assets
- Financial institutions
- Healthcare organizations
- Business partner(s)
- Property owners/managers (tenant screening)

Most civil search reports from a specific court contain the following: individual's name (and parties involved), case number and type of case, dates of file and disposition, claim amount and awarding judgment (if applicable). Civil searches do not list an individual's Social Security number (SSN) or date of birth.

Civil records can be extremely important for a number of reasons. The noncriminal information revealed in a civil search can be critical to obtain a more comprehensive picture of an applicant. A broken contract, judgments for nonpayment of goods or services, landlord/tenant issues, product-liability suits and business conflicts are all types of civil litigation. The advantages of civil searches can include:

- Identification of applicants that pose a risk
- Reveals additional information not included in a criminal search
- Minimize the risk of patient and elder abuse, fraud, physician or licensed professional medical malpractice
- Learn if candidates follow through on contracts and/or commitments
- Gain insight into debt collection or monetary dispute cases

A number of factors can prompt a civil case. With all of the information available through civil searches, it's recommended to add the product to a criminal package and other products (such employment and education verifications, professional references and medical sanctions, for example). By doing so, it will expand the search from the criminal level to the civil level, and broaden the scope of a comprehensive background check. This is important in order to make quality hiring decisions and help avoid negligent hiring situations.

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CIVIL CASES

STEPS IN A CIVIL CASE

- 1) **Complaint** - plaintiff/defendant, describes suit.
- 2) **Summons** - sent by court to defendant.
- 3) **Discovery** - find evidence in the case by both the defendant and the plaintiff.
- 4) **Settlement** - either side has a chance to settle the issue before going to court, or use an arbitrator. (Most cases decided before court)
- 5) **Trial** - Right to a jury, most decided by judge.
- 6) **Appeal** - if defendant loses, has right to appeal.

