





care.com

Child's death prompts lawsuit against childcare referral company

BY MATT MARKOVICH
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SEATTLE - Hiring the right person to care for your kids and elderly parents is one of the most difficult decisions to make. And now a popular website that connects families and caregivers is facing questions about the thoroughness of its background checks.

In March of 2014, former nanny Sarah Cullen was convicted of felony child abuse leading to the death of Cash Bell. The 4-month old was in her care when he died of head injuries. Cullen was sentenced to spend up to 70 years in prison.

Two months later, Cash's parents, Christopher and Ashley Bell, filed a wrongful death lawsuit against Cullen's previous daycare employer

and Care.com

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Care.com advertises itself nationally as a way to connect families with "qualified caregivers." The referral style site is the largest of its kind in the US, with 14 million members worldwide. **TRAFFIC** **SPORTS (/SPORTS)** **HEALTHWORKS (/NEWS/HEALTHWORKS)** **TV & RADIO (/STATIC)**

Caregivers can post the qualifications for free, while care seekers buy a subscription starting at \$37 a month for the ability to contact the caregivers. For an additional fee, care seekers can have a background check run on any of the website's caregivers.

The lawsuit filed in Douglas County Court in Nebraska alleges that the background check Cash's parents paid for through Care.com did not reveal a drunk driving conviction. The Bells claim had they known about the conviction, they would never have hired Cullen as their nanny.

The case has raised questions about how Care.com goes about screening potential caregivers.

A woman named Christina has had success finding work as a nanny on Care.com, but she shouldn't be working in the US at all.

"I was on a Visa, but not anymore," said Christina.

KOMO News has chosen not to reveal her real name because the Brazilian national fears she will be deported for exposing her true identity and situation. Her tourist visa has expired, but she has no plans to return to her native Brazil. A tourist visa allows a foreign national to stay in the US for a specific period of time but does not allow them to work legally.

"I want to work here, I want to stay here," said Christina.

She says she knows other undocumented workers who have found jobs on Care.com, some using fake identities. She says she found out that a person can pretend to be anyone and apply for a job.

But Christina was not entirely truthful with Care.com about her immigration status. During the sign up process, Christina answered the question "I am eligible to work in the United States?" with a "yes." A "no" answer would have stopped the sign-up process. She said other undocumented workers have done the same thing.

"Most people, they don't have documents here," said Christina. "Yeah, it might not be the best job, but I'm going to get a job and pay my bills."

If care seekers wish to do background checks on a potential hire, they're given choices. There's a "preferred" background check for \$59. The check includes a Social Security Number verification, plus a criminal and sex offender registry check.

There's also "premier" background check for \$300 that includes everything a preferred check offers plus a deeper look into civil judgement, restraining orders and driving records.

KOMO News requested that Care.com run the preferred background check on Christina. To initiate the process, the caregiver - Christina - must accept a request for the background check to be performed. Christina says she attempted to give her approval twice by filling out the required form, including Social Security Number. Both times, Christina got an error message. Care.com says there are a number of reasons that could have happened,

Brendan Dougherty doesn't have any immigration issues. The Bellevue man is a US citizen and has had success offering up services as a childcare provider on Care.com. A preferred background check on Dougherty shows a clean record, but he questions how Care.com could verify his Social Security number since he never provided it during the sign-up process.

"If they do have my Social Security number, I have no idea that they did," said Dougherty.

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He says the only information he provided was his name, address and a birth date. Dougherty said the information request raised a red flag.

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Both the preferred and premier background checks are done by third party vendors for Care.com. Sterling Backcheck provides the preferred background check. A spokesman declined to comment on the record about its process.

Experts at Credit.com say Social Security numbers can be "connected" to a name, address and birthday but it won't necessarily mean that the person is who they say they are.

KOMO News asked Care.com via email for the minimum amount of personal information it requires to run a background check and a social security verification.

The company's Director of Corporate Communication, Meredith Robertson initially refused, telling KOMO "This is proprietary information." In a later email, Robertson stated that "In order to have a background check performed, a care provider has to provide a social security number." Dougherty insists that didn't happen.

When signing up for the website, users must agree to the nearly 12,000 word long "Terms of Use" section. A close look of this fine print reveals that despite the monthly subscription cost and background check fees, Care.com does not assume "any responsibility" for the "information included in these checks."

The Terms of Use also address the qualifications care seekers post on Care.com, saying, "We don't control or vet user generated content for accuracy" and "Care.com" does not assume ... any liability that may result from the use of information on our site."

That troubles Dougherty.

"This site may not be completely safe," he said.

Starting later this year, new laws take effect that require child care agencies and states that accept federal child care funding to perform an FBI fingerprint check on all care givers. Private agencies that don't accept federal funds won't be required to undergo an FBI fingerprint check. Some states are considering tightening background checks on care givers and may require FBI fingerprint checks request regardless if the care giver receives federal funds.

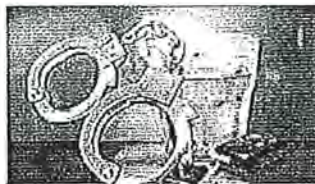
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Nanny service care.com sued over infant's death



Sarah Gumm pleaded not guilty to charges of first-degree murder and aggravated battery for allegedly killing 3-month-old Rylan Alslee Koopmeiners. (Waukegan Police Department)

By Lisa Black and Tribune reporter · Contact Reporter

AUGUST 21, 2014, 7:26 AM

The parents of a 3-month-old girl who died while under the care of Waukegan-area babysitter Sarah Gumm have filed a wrongful death lawsuit against Gumm and Care.com, a nanny screening service that helped the couple hire her.

Nathan and Reggan Koopmeiners, of Kenosha, allege that Care.com failed to perform an adequate background check that they claim would have revealed that Gumm had a criminal record, according to the civil lawsuit.

Gumm, 35, was charged in Lake County with first-degree murder in the 2012 death of Rylan Koopmeiners after an autopsy showed that the baby suffered a fractured skull. Gumm's criminal trial is scheduled to begin in September.

Recently, the baby's parents filed wrongful death lawsuits in both Kenosha and Lake County courts.

"This was tragic, and our thoughts and prayers are with the family," said Nancy Bushkin, spokeswoman for

Massachusetts-based Care.com, which bills itself as the "world's largest online marketplace for finding and managing family care." Bushkin declined to answer questions.

Rylan's parents began their search for a child care provider through Care.com around fall 2011, according to the court record. They paid a monthly charge, plus an additional fee for a "premier background check," which was to include criminal records, according to the lawsuit.

Lake County court records show that a Sarah Rachoner, a name Gumm formerly used, was convicted of a 2010 DUI charge in Lake County. The lawsuit claims she had two other legal run-ins that Care.com failed to disclose to the couple. A Tribune search of court records in five Chicago-area counties and Wisconsin did not turn up any other criminal cases against Gumm.

The couple could not be reached; their attorney declined to comment on the civil suit.

Prosecutors allege that on July 27, 2012, Gumm was changing Rylan's diaper when the baby became fussy and Gumm became irritated, striking the baby's head on the table.

Authorities said Gumm left the baby alone twice that day, taking a cab both times to a drugstore, where she bought a 1.5-liter bottle of white wine during each trip.

Attorney Jed Stone, who is representing Gumm in the criminal case, said she has admitted to leaving the baby alone and drinking wine, but he argued that she should be charged with recklessness — not murder.

"I completely understand the parents' devastation at the loss of their child," Stone said Friday.

"Having said that, Sarah didn't intentionally or knowingly cause harm to this baby. Whatever happened, happened as a result of recklessness and illness and ought to be treated as recklessness and illness."

Gumm, who had formerly undergone bariatric surgery for obesity, suffers from hypoglycemia, which caused her blood sugar to drop and resulted in a craving for alcohol, he said.

"She must go to prison. I don't disagree with that," said Stone, who is seeking a plea deal with the state's attorney. "She is a kind, caring decent woman with a problem."

The day Rylan died, her parents had dropped her off at Gumm's home about 6:45 a.m., as they had every weekday since they hired Gumm six weeks prior, prosecutors have said.

At about 4:30 p.m., Gumm called police and said the baby was not breathing. Rylan was rushed to a hospital, where she was pronounced dead a short time later.

According to authorities, Gumm told police later that evening that Rylan had been sleeping when Gumm heard a "gurgling noise" and noticed that the baby seemed to be in distress, prompting Gumm to call for help.

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