

Volunteer **Frequently Asked Questions**

Who needs clearances?

Beginning July 1, 2015, an **adult** applying for an unpaid position as a volunteer responsible for the welfare of a child or having direct contact with children.

What is the definition of child?

For purposes of clearances, a child is an individual under 18 years of age.

How is direct contact with children defined?

Direct contact with children is defined in § 6303 (relating to definitions) as the care, supervision, guidance or control of children or routine interaction with children.

How do I determine who in my agency or organization needs clearances?

In order to determine who in your agency or organization is required to obtain clearances as a condition of volunteering with children, you must first confirm that the applicant is an adult, as only adult volunteers are required to obtain clearances.

You should then carefully consider whether the volunteer is responsible for the welfare of a child or has direct contact with children.

Determining whether a volunteer is responsible for the welfare of a child means that the volunteer is acting in lieu of or on behalf of a parent. If a determination is made that the volunteer is not responsible for the welfare of a child, you then move on to the second avenue for consideration; whether they have direct contact with children.

The second avenue for consideration is whether the volunteer has direct contact with children because they provide care, supervision, guidance or control of children or have routine interaction with children. As the terms are not defined in the statute we suggest that the common meaning of these terms be used, with child safety serving as the paramount consideration. If the answer to this question is that they do not provide care, guidance, supervision or control of children, you consider whether they have routine interaction with children.

With regard to routine interaction with children, consideration should be given to what the volunteer's role is within the agency and based on that role, is their contact with children regular, ongoing contact that is integral to their volunteer responsibilities?

If a determination is made that the volunteer is not responsible for the welfare of a child and does not have direct contact with children, clearances are not required. Please be sure to consult your legal counsel when making these determinations. You should also discuss with your insurers possible insurance coverage implications.

Which clearances are needed?

All prospective volunteers must obtain the following clearances:

- Report of criminal history from the Pennsylvania State Police (PSP); and
- Child Abuse History Clearance from the Department of Human Services (Child Abuse).

Additionally, a fingerprint based federal criminal history (FBI) submitted through the Pennsylvania State Police or its authorized agent is required if:

- The position the volunteer is applying for is a paid position; and
- The volunteer has lived outside the Commonwealth of Pennsylvania in the last 10 years.

Volunteers who are not required to obtain the FBI Clearance because they are applying for an unpaid position and have been a continuous resident of Pennsylvania for the past 10 years must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense under §6344.

When are clearances needed?

Beginning July 1, 2015, prospective volunteers must submit clearances prior to the commencement of service.

What is the renewal requirement for clearances?

Beginning July 1, 2015, all volunteers will be required to obtain clearances every 36 months. Timelines for renewed clearances are based upon the date of each individual clearance. If an individual or agency elected to renew all clearances at the same time, the date of the oldest clearance rather than the most recent would be used.

Volunteers are required to obtain updated clearances as follows:

- Within 36 months of the date of the most recent clearance;
- By July 1, 2016, if the clearance is older than 36 months; or
- By July 1, 2016, if they were approved as a volunteer before July 1, 2015, and had not received a clearance because they previously were not required to obtain clearances.

How do I obtain my clearances?

The Child Abuse, PSP and FBI clearances can all be applied and paid for electronically. The FBI clearance also requires a fingerprint submission. All necessary instructions and links to apply for these clearances can be found at <http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm>

Is the use of a third-party vendor to process clearances acceptable?

Third-party vendors may be used to process Child Abuse, PSP and FBI clearances using the steps established above. They are **not** permitted to conduct background checks or clearances through other databases in lieu of the steps outlined above. In addition, persons responsible for the selection of volunteers remain responsible for selection decision based upon the information obtained.

How much do the clearances cost?

- The Pennsylvania State Police Criminal Record Check costs \$10.
- The Pennsylvania Child Abuse History Clearance costs \$10.
- The Federal Bureau of Investigation (FBI) Criminal Background Check costs \$27.50 through the Department of Human Services.
- The Federal Bureau of Investigation (FBI) Criminal Background Check costs \$28.75 through the Department of Education.

Who pays for clearances?

The volunteer is responsible for paying the cost of the required clearances. However, some agencies choose to pay for clearances for their volunteers and are able to establish business accounts to pay for clearances. The only time an agency is required to bear the cost of the clearance is when there is reasonable belief that the volunteer was arrested or convicted of an offense that would deny participation or named as a perpetrator in an indicated or founded report. In these situations, the agency must immediately require the volunteer to obtain their clearances.

Can an agency or organization pay for clearances?

Child abuse clearances:

Yes, agencies and businesses can pay for child abuse history clearances by registering for a Business Partner User account using the "Organization Account access" link on the Child Welfare portal, www.compass.state.pa.us/cwis, which goes live on December 31, 2014. The business account will allow organizations to purchase child abuse history clearance payment codes to be distributed to applicants or employees. Individual applicants or employees will then go onto the child welfare portal to apply for the clearance using the code. The pre-purchased codes can only be used once and allows the organization to have access to the applicant's child abuse history clearance results once those results are processed.

FBI clearances:

An agency pay agreement/business account can also be created between an organization and the FBI, or its authorized agent, for payment of FBI clearances. Information on creating an agency pay agreement for FBI clearances through the Department of Human Services can be found at https://www.pa.cogentid.com/index_dpwNew.htm.

PSP Clearances:

An agency business account can be requested from the Pennsylvania State Police to pay for clearances in bulk by calling the Criminal Records Section Supervisor at 717-787-9092. Organizations are, also able to pay an for applicant's PSP clearance on an individual basis by using a credit card if applying online or submitting a paper check if applying by mail.

Do I still need to submit a copy of my PSP or FBI clearance results when applying for my child abuse clearance?

Beginning December 31, 2014, volunteers are no longer required to submit a copy of their PSP or FBI clearances with their child abuse application. If the department receives copies attached to the child abuse application we will not return those

copies and they will be shredded due to the confidential nature of the information contained on the clearances.

Are there any other requirements?

If a volunteer is arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the volunteer must provide the administrator or their designee with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.

A volunteer who willfully fails to disclose information as required above commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of a volunteer position.

What is the provisional clearance requirement for volunteers?

Volunteers may serve on a provisional basis for a single period not to exceed 30 days if the volunteer is in compliance with the clearance standards under the law of the jurisdiction where the volunteer is domiciled.

Is the person responsible for acceptance of volunteers required to keep a copy of my clearances?

Yes, pursuant to § 6344 (b.1), the employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity requiring clearances, shall maintain copies of the required information and require the individual to produce the original documents prior to employment or acceptance to serve in any such capacity, except provisional employees for limited periods as described in § 6344.2 (f) and outlined above. An employer, administrator, supervisor or other person responsible for selection of volunteers that intentionally fails to require an applicant to submit the required clearance before the applicant's hiring commits a misdemeanor of the third degree. Agencies are reminded that the child abuse history clearance information is confidential and may not be release to other individuals.

Can an agency or organization institute additional standards?

Yes, nothing prohibits an organization from requiring additional information as part of the clearance process.

Can my clearances be transferred?

Yes, any person who obtained their clearances within the previous 36 months may serve in a volunteer capacity for any program, activity or service.

As a volunteer, do I obtain my Federal Bureau of Investigation Criminal History check through the Department of Education or the Department of Human Services?

The agency under which an applicant should submit their FBI clearance application is based on the agency or organization for which they intend to volunteer. If the



applicant intends to volunteer in a school or at a school related function, they would apply for their FBI clearance through the Department of Education. If the applicant intends to volunteer with children in any other capacity outside of a school setting or function, such as a group home for children, in a church, as a Little League or soccer coach, etc., they would apply for their FBI clearance through the Department of Human Services.

Mandated Reporter Frequently Asked Questions

What is the Child Protective Services Law (CPSL)?

The PA Child Protective Services Law (CPSL) was signed into law in 1975. It was enacted to protect children from abuse, allow the opportunity for healthy growth and development, and, whenever possible, preserve and stabilize the family.

What is child abuse?

Child abuse, according to the CPSL, means intentionally, knowingly or recklessly doing any of the following:

- Causing bodily injury to a child through any recent act or failure to act.
- Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- Causing sexual abuse or exploitation of a child through any act or failure to act.
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.
- Causing the death of the child through any act or failure to act.

Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent acts include any of the following:

- Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
- Forcefully shaking a child under one year of age.
- Forcefully slapping or otherwise striking a child under one year of age.
- Interfering with the breathing of a child.
- Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
- Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

“Recent” is defined as an abusive act within two years from the date the report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.

Who can be a perpetrator?

A perpetrator of child abuse can be a:

- child’s parent,
- spouse or former spouse of the parent,
- paramour or former paramour of the parent,

- person 14 years of age or older responsible for the welfare of a child or having direct contact with children as an employee of child-care services, a school or through a program, activity or service such as a baby sitter or day care staff person,
- individual residing in the same home as the child who is at least 14 years of age, or
- relative who is 18 years of age or older who does not reside in the same home as the child, but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

A perpetrator of child abuse for failure to act can be a:

- child's parent,
- spouse or former spouse of the parent,
- paramour or former paramour of the parent,
- person 18 years of age or older who is responsible for the child's welfare or who resides in the same home as the child.

Mandated reporters **do not** have to determine whether or not the person meets the definition of perpetrator in order to make the report.

Who is a mandated reporter?

The following **adults** are considered mandated reporters and are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- A medical examiner, coroner or funeral director.
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- A school employee.
- An employee of a child-care service who has direct contact with children in the course of employment.
- A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
- An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person responsible for the child's welfare or has direct contact with children.
- An employee of a social services agency who has direct contact with children in the course of employment.
- A peace officer or law enforcement official.
- An emergency medical services provider certified by the Department of Health.
- An employee of a public library who has direct contact with children in the course of employment.
- An individual supervised or managed by a person listed above, who has direct contact with children in the course of employment.
- An independent contractor who has direct contact with children.
- An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
- A foster parent.
- An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or

host home for children which are subject to supervision or licensure by the department under Articles IX and X of the Public Welfare Code.

When must mandated reporters make a report?

Mandated reporters are required to make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- They come into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
- They are directly responsible for the care, supervision, guidance or training of the child, or are affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

It is not required that the child come before the mandated reporter in order to make a report of suspected child abuse nor are they required to identify the person responsible for the child abuse to make a report of suspected child abuse.

What if a mandated reporter has general concerns about a child, but does not suspect abuse?

Concerns related to the safety of children including, but not limited to inadequate housing, clothing and supervision, can be referred to ChildLine or the county children and youth agency for assessment as general protective services cases.

How do mandated reporters make a report of suspected child abuse?

Mandated reporters must make an immediate and direct report of suspected child abuse to ChildLine either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313.

Does anyone within my institution, school, facility or agency need to be notified after a report is made?

After making the report to ChildLine, mandated reporters are required to immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

What else must be done after making a report to ChildLine?

If an oral report was made to ChildLine, a report of suspected child abuse (CY 47) must also be completed and forwarded to the county children and youth agency within 48 hours after making the report. This form can be obtained at www.KeepKidsSafe.pa.gov or from the children and youth agency. If a report is made electronically, no CY-47 is required to be completed.

Does a mandated reporter have to know for sure that the child was abused?

A mandated reporter is responsible to make the report when they **suspect** a child is a victim of abuse.

Are mandated reporters required to report when they learn of the abuse from someone other than the child who was allegedly abused?

Nothing requires a child to come before the mandated reporter in order to make a report.

Must a mandated reporter give their name?

The law requires that the mandated reporter identify themselves and where they can be reached. This information is helpful so that if clarification on the situation or additional information is needed, the children and youth caseworker can contact the mandated reporter.

Will the name of the mandated reporter be released?

The identity of the person making the report is kept confidential with the exception of being released to law enforcement officials or the district attorney's office.

What if a mandated reporter fails to follow the law?

The penalties for a mandated reporter who willfully fails to report child abuse range from a misdemeanor of second degree to a felony of the second degree.

Will a mandated reporter have to testify in court?

Mandated reporters may be required to testify in a civil or criminal court case, including a juvenile or criminal court proceeding.

What happens after a report is made?

ChildLine forwards the report of suspected child abuse to the local county children and youth agency, which investigates the report to determine if the allegations can be substantiated as child abuse/neglect and also arranges for or provides the services that are needed to prevent the further maltreatment of the child and to preserve the family unit.

The county children and youth agency must begin an investigation within 24 hours. A thorough inquiry is conducted to determine if the child was abused and what services are appropriate for the child and family. This must be completed within 30 days unless the agency provides justification as to why the investigation cannot be completed, including attempts being made to obtain medical records or interview subjects of the report.

If the alleged perpetrator named in the report does not meet the definition of perpetrator under the CPSL, but does suggest the need for investigation, ChildLine will forward the information to the district attorney's office in the respective county.

How does a mandated reporter learn what happened on the report they made and what the agency is doing to protect the child from further abuse?

Mandated reporters will receive information from the Department regarding the final status of the report, whether it was unfounded, indicated or founded, and the services planned or provided to protect the child.

What will be done for the child?

Pennsylvania is committed to advancing child protection policies and practices that, when possible, keep children safely in their own homes connected to nurturing and protective adults. Under Pennsylvania law, it is the responsibility of the county children and youth agency to investigate reports of child abuse and neglect or assess a family for General Protective Services. County children and youth agencies, in partnership with families and community-based agencies, strive to provide services to prevent any further abuse of the child and to ensure the child's well-being and healthy development. The county agency and its partners work to strengthen the child's family toward breaking the cycle of abuse and to preserve the family, whenever possible. Should the child be found to be in danger of continued harm, the county agency may petition the court to have the child removed from the home with ongoing court monitoring to determine if the child can safely be reunited with his/her family.