

Volunteer  
Frequently Asked Questions  
(Taken directly from <http://keepkidssafe.pa.gov>)

**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 needs to obtain, or renew, child abuse history clearances?**

### 1. Employees having contact with children

Who needs clearances?

- An employee of child-care services.
- A self-employed family day-care provider.
- An individual 14 years of age or older applying for a paid position as an employee responsible for the welfare of a child or having direct contact with children.
- Any individual seeking to provide child-care services under contract with a child-care facility or program.
- An individual who applies to the department for a certificate of compliance or a registration certificate to provide child day care in a residence shall include criminal history record and child abuse record information required under section 6344(b) for every individual 18 years of age or older who resides in the home for at least 30 days in a calendar year.
- Foster/Adoptive parents

### 2. School employees governed by the Public School Code

### 3. School employees not governed by the Public School Code

### 4. Volunteers

## **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 will need clearances.

## **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.

When determining whether a volunteer is responsible for the welfare of a child consider whether the volunteer is acting in lieu of or on behalf of a parent. If they are acting in lieu of or on behalf of a parent, they will need clearances. 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 provide care, guidance, supervision or control of children, they need clearances. If, however, you determine they do not provide care, guidance, supervision or control of children, you then must 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. Is their contact with children regular, ongoing contact that is integral to their volunteer responsibilities?

If you determine they do have direct contact with children, they need clearances. If, however, you determine that they do 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 not required if:

- The position the volunteer is applying for is unpaid; and
- The volunteer has been a Pennsylvania resident continuously for the past 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. Timeframes 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

[www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm3](http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm3)

**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 PSP clearance costs \$10
- The Child Abuse clearance costs \$10
- The FBI clearance costs \$27.50 through the Department of Human Services
- The FBI clearance 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](http://www.compass.state.pa.us/cwis)

The business account will allow organizations to purchase Child Abuse 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 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](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 1-888-783-7972 and selecting option 6. 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?**

Individuals who reside in another state or country may serve as a volunteer for no more than 30 days as long as they provide clearances from their state or country of residence. If the individual will be volunteering for more than 30 days, they must obtain clearances as outlined above under “Which clearances are needed.” Volunteers who reside in Pennsylvania do not have a provisional period and must obtain clearances as outlined above under “Which clearances are needed.”

**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 clearance information is confidential and may not be released 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.

## **Are you 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, accepts responsibility for a child.**

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.

## **When must a mandated reporter make a report?**

A mandated reporter must 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:

The mandated reporter comes 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.

**The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is 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

**Must I report suspected abuse if I learn of the abuse from someone other than the child who was allegedly abused?**

Yes. Nothing requires the mandated reporter have direct contact with the child in order to make a report.

**How does a mandated reporter make a report if they suspect 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](http://www.compass.state.pa.us/cwis) or by calling 1-800-932-0313.

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**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.

**Can you report suspected abuse if you are not a mandated reporter?**

Yes. Anyone who is concerned about the safety of a child is encouraged to make a report. Individuals who are encouraged, although not required by law, to make a report of suspected child abuse, can make a report to ChildLine by calling 1-800-932-0313.

**Am I protected from civil and criminal liability if I make a report of suspected child abuse?**

Yes, persons making a report of suspected child abuse are immune from civil and criminal liability as long as the report was made in good faith.

**If I make a report is my identity protected?**

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.

This website, [KeepKidsSafe.pa.gov](http://KeepKidsSafe.pa.gov), is designed to serve as the hub for information related to critical components impacting child protection including a link for mandated reporters to make reports of suspected child abuse electronically, training on child abuse recognition and reporting, information related to clearances and general information related to child protection.

Questions related to child protection can be sent to the Office of Children, Youth and Families at [RA-PWCPSLQuestions@pa.gov](mailto:RA-PWCPSLQuestions@pa.gov).

For questions regarding Child Abuse Referrals, contact ChildLine at 1-800-932-0313.

For questions regarding your Pennsylvania Child Abuse History Clearance Application, contact ChildLine at 1-877-371-5422.