

To: Pennsylvania Conference Ministers

From: Office of General Counsel

Date: March 3, 2015

Updated: July 21, 2015 for P.A. H.B. 1276

CONTINUING TESTAMENT
EXTRAVAGANT WELCOME
CHANGING LIVES

God is still speaking,
**UNITED CHURCH
OF CHRIST**



PENNSYLVANIA CHILD ABUSE PREVENTION LAWS UPDATE

The Pennsylvania legislature enacted a number of new child abuse prevention laws in 2014. [The new law was subsequently updated on July 1, 2015.](#) This memorandum is a summary of the provisions that most directly affect clergy, churches, and other religious organizations in the United Church of Christ.

I. Duty to Report Suspected Child Abuse

The new child abuse prevention laws include changes in who is required to report suspected child abuse and how that suspected abuse must be reported.

A. Who has the duty to report suspected child abuse?

We all have a moral duty to protect the most vulnerable members of our society. In the United Church of Christ, we encourage anyone who suspects that a child is being abused, ¹ at any time and under any circumstances, to report ² that information immediately to the appropriate authorities, regardless of whether an individual is required

OFFICE OF GENERAL COUNSEL
generalcounsel@ucc.org

Donald C. Clark, Jr.
GENERAL COUNSEL
clarkd@ucc.org
216.736.2121

Heather E. Kimmel
ASSOCIATE GENERAL COUNSEL
kimmelh@ucc.org
216.736.2138

¹ For the definition of child abuse, see Exhibit A.

² For details on how to make a report, see Exhibit B.

*Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update*

to do so under the law. Pennsylvania also encourages anyone who suspects child abuse to report the abuse. 23 Pa. C.S. § 6312. So long as a person makes the report in good faith, the law protects the reporter from legal liability if the report is ultimately deemed to be unfounded.³ 23 Pa. C.S. §§ 6318(a) and 6303(a).

Certain individuals are required by law to report suspected child abuse immediately to the appropriate authorities. The law refers to these individuals as mandated reporters. Clergy are mandated reporters in Pennsylvania. 23 Pa. C.S. § 6311(a)(6). Individuals who **are responsible for a child’s welfare or who have direct contact with children** ~~accept responsibility for a child~~ as part of the individual’s **integral** role in a regularly scheduled program, activity, or service are also mandated reporters. This includes both paid workers and volunteers. *Id.* at § 6311(a)(7).⁴ Some examples of programs, activities, and services include, but are not limited to youth camps or programs, recreational camps or programs, sports or athletic programs, **community or social** outreach programs, enrichment **or educational** programs, troops, and clubs. *Id.* at § 6303(a). Sunday school, youth group, youth retreats, summer camps, regional youth gatherings, community youth activities sponsored by churches or Conferences, parents’ night out programs, and preschools and daycares are all examples of common church activities that come under the definition of “program, activity, or service.” Many other church- or Conference-related activities are also likely to be included. ***This means that***

³ An “unfounded report” is one in which substantial evidence of abuse is not indicated or no official finding of abuse in accordance with the definition of “founded report” has occurred. 23 Pa. C.S. § 6303(a).

⁴ This memorandum is not intended to be a complete discussion of all categories of individuals who are mandated reporters in Pennsylvania. For a complete list of categories of individuals who are mandated reporters, see 23 Pa. C.S. § 6311(a), attached as Exhibit C **and Exhibit C Update**.

many Local Church volunteers who are involved in regular youth programming are mandated reporters under the new laws.

B. When does the duty to make a report arise? Don't I actually have to see the child or know who the abuser is?

The duty to make a report can arise in several different ways, but the following points should be kept in mind: the mandated reporter does not *ever* have to see the child for the duty to report to arise, and the mandated reporter *need not* identify the person responsible for the abuse. *Id.* at § 6311(b)(2) and (3).

First, a mandated reporter must make a report if he or she comes into contact with a child in the course of the mandated reporter's employment, occupation or practice of a profession, or through a regularly scheduled program, activity, or service, and suspects that the child is a victim of abuse. Pa. C.S. § 6311(b)(1)(i). One example of this would be a youth group trip chaperone or a Sunday school teacher who suspects that a child participating in the program is being abused. Another example would be a confirmation camp counselor who suspects that a child is being abused. This would also include a Local Church pastor who suspects that a child in the congregation is being abused.

Second, the duty to report can also arise if the mandated reporter is directly responsible for the care, supervision, guidance, or training of the child, or is affiliated with an agency, institution, church, or religious organization that is directly responsible for the care, supervision, guidance, or training of the child, and suspects that a child is the victim of abuse. *Id.* at § 6311(b)(1)(ii). For example, a Local Church pastor may suspect that a child who is enrolled in the church's preschool may be the victim of abuse; the pastor is required to report the suspected abuse.

*Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update*

Third, a mandated reporter must also report suspected abuse if another person tells the mandated reporter that a specific child is the victim of abuse. *Id.* at § 6311(b)(1)(iii). This provision includes a child disclosing to a mandated reporter that the child himself or herself is being abused. Note that the law does not provide a particular set of circumstances under which this duty arises, nor is there any case law interpreting this provision in Pennsylvania. A broad interpretation of this law may not restrict the provision to applying in circumstances in which an individual is acting in the capacity that defined the individual as a mandated reporter. It is possible that this provision could be interpreted to require a Local Church pastor whose neighbor tells the pastor that a specific child on the next street over is being abused to report the abuse, if the pastor suspects that it might be true, even if the pastor has no contact with the child or his or her family in the pastor's professional capacity. This is also true of any person, paid or volunteer, who is a mandated reporter under § 6311(a)(7).

Finally, a mandated reporter must make a report if an individual, aged 14 years or older, tells the mandated reporter that the individual has committed child abuse. *Id.* at § 6311(b)(1)(iv).

A mandated reporter must make the report *immediately* upon suspecting the abuse. It is not enough for the mandated reporter to tell his or her supervisor, if one exists, about the suspected abuse. In fact, if a mandated reporter is working or volunteering for an institution or organization, the mandated reporter is required to make the report *first*, and then notify the person in charge of the institution. The person in charge of the institution is required to facilitate the cooperation of the institution in the investigation. *Id.* at § 6311(c).

C. Does the mandated reporter have to be certain that the child is the victim of abuse? What if it turns out the child is not being abused?

No reporter of suspected child abuse, whether mandated or not, needs to be certain that a child is the victim of abuse. An individual reporting suspected child abuse, regardless of whether the individual is a mandated reporter, does not need to have proof that a child is being abused. All that is required is that the individual have a reasonable suspicion that a child is being abused. The reporter does not need to, and should not, investigate the suspicion independently; any investigation should be left to the appropriate authorities. So long as the report is made in good faith, a reporter is immune from civil and criminal liability for making such a report. 23 Pa. C.S. § 6318(a).

D. Doesn't the clergy-penitent privilege prevent a clergy person from making a report?

No, the clergy-penitent privilege does not prevent a clergy person from making a report, regardless of how the clergy person learned of the suspected abuse. The Office of General Counsel routinely receives questions regarding what some perceive as a conflict between a duty to report child abuse and a clergy person's duty to treat certain information as confidential. In the United Church of Christ, we distinguish between secrets and confidences. Secrets are not intended for further disclosure to any person at any time. We do not keep secrets. We define confidentiality as telling people who need to know, what they need to know, when they need to know it. We do honor confidences. Should a clergy person suspect that a child is the victim of abuse, even if that information was given to the clergy person confidentially, the best course of action is to report the information to the authorities, who need to know so that the child can be protected from further harm.

The clergy-penitent privilege applies in very limited circumstances in Pennsylvania. It applies only to confidential communications between a penitent and a clergy person in his or her role as confessor or spiritual counselor. *Commonwealth v. Stewart*, 547 Pa. 277, 283 (1997). The privilege functions to prohibit a clergy person from disclosing information that the clergy person has received “secretly and in confidence” from another person in a “legal proceeding, trial, or investigation before any government unit.” 42 Pa. C.S. § 5943. Pennsylvania law provides immunity from civil and criminal liability, however, for a person who reports suspected child abuse in good faith. 23 Pa. C.S. § 6318(a). A clergy person thus has significant protection against a claim that he or she disclosed privileged information in making such a report. While clergy persons are not required to report suspected abuse if they learn of the abuse in the very limited context of confidential communications as a spiritual counselor or confessor, a clergy person’s first consideration should be the welfare of the child, and not whether he or she will face liability for making the report. 23 Pa. C.S. § 6311.1(b). Moreover, the pastoral ethic of confidentiality is best understood as a moral imperative intended to assist all people in getting help for their problems, but it is not intended as a shield that precludes some people from being held accountable for their actions. As ethicist Sissela Bok has noted, the premises supporting confidentiality are important, but they do not justify practices of secrecy that undermine, if not contradict, the respect for human beings that clergy confidentiality, like all aspects of ministry, is meant to promote.

II. Required ~~Clearances~~Certifications

Pennsylvania requires certain ~~clearances~~certifications to be obtained by paid employees and volunteers having direct contact with children.

A. Do these laws apply to churches and other religious or charitable organizations?

Yes. No exceptions exist under the law for churches and other religious or charitable organizations. Churches and religious and charitable organizations are required to comply with the law.

B. Are employees and volunteers required to obtain clearancescertifications?

Employees hired on December 31, 2014 or later are required to obtain certain clearancescertifications if they have routine interaction with children. “Routine interaction of children is now defined by the statute. It is “regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.” Pa. C.S. § 6303(a). The law requires that individuals who are 14 years old or older applying for or holding a paid position as an employee with a program, activity, or service as a person who is responsible for the welfare of a child, or as an employee having direct contact with children, submit the following clearancescertifications to the person responsible for employment decisions:

- A Pennsylvania State Police Background Check;
- A Pennsylvania Child Abuse History ClearanceCertification; and
- A Federal Bureau of Investigation ClearanceCertification.

Pa. C.S. § 6344(a) and (b).⁵ An employee has “direct contact with children” if the employee engages in the care, supervision, guidance, or control of children or has routine interaction with children. Employees meeting this definition are required to obtain these

⁵ For comprehensive information and instructions on how to complete these background checks please visit <http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm>

~~clearances~~certifications. Most clergypersons who are Local Church pastors have routine interaction with children.

These same requirements apply to adult volunteers selected on or after July 1, 2015 who are applying for or holding an unpaid position with a child-care service, a school or a program, activity, or service as a person responsible for the child's welfare ~~of a child~~ or havinge direct volunteer contact with children. *Id.* at § 6344.2(a). "Direct volunteer contact" is defined by the statute as "the care, supervision, guidance or control of children and routine interaction with children." *Id.* at § 6303(a). Volunteers, however, need not submit a Federal Bureau of Investigation ~~Clearance~~-Certification if the volunteer position is unpaid, the volunteer has been a continuous resident of Pennsylvania for the 10 years prior to applying for the position, or if not a resident for the entire 10-year period has received certification since establishing residency as an employee that includes the Federal Bureau of Investigation Certification and provides it to the volunteer administrator, and the volunteer swears in writing that he or she is not disqualified from service.⁶ *Id.* at § 6344.2(b.1)(1)(i-iii). Disqualification from service is discussed in Section II.E.

Note that the law expressly prohibits certifications obtained for the purpose of volunteer certification from being used for purposes of employment certification. *Id.* at § 6344(b.3).

~~Clearances~~-Certifications for employees and volunteers must be obtained every ~~36~~ 60 months. *Id.* at § 6344.4. Employers and organizations that select volunteers must maintain records of the ~~clearances~~certifications. Failing to require an employee or

⁶ For an example of a statement that a volunteer can sign that meets the requirements of § 6344.2(b.1)(1)(iii), see Exhibit D.

volunteer to obtain the required ~~clearances~~-certifications before hiring the employee or selecting the volunteer is a criminal offense for the employer. *Id.* at § 6344(b.2); § 6344.2(b). The employer will also be subject to a civil penalty for failing to comply with any provision of § 6344.

Note that a presumption of good faith applies to an employer or volunteer administration regarding determining whether individuals are required to submit certifications and regarding the maintenance of records. *Id.* at § 6344.2(h).

- C. My ministerial profile includes a background check obtained through Oxford Document Management Company, Inc. Additionally, our church uses the United Church of Christ Insurance Board background check provider, Praesidium, to do background checks on potential employees and volunteers. Do we really need to do more?**

Yes. The Oxford background check in a clergy person's ministerial profile does not include a Pennsylvania Child Abuse History ~~Clearance~~-Certification or a Federal Bureau of Investigation ~~Clearance~~Certification. It does include a Pennsylvania State Police Background Check. Clergypersons should be aware that they may still have to obtain the Pennsylvania State Police Background Check if the Oxford background check attached to the ministerial profile becomes outdated in accordance with the law requiring ~~clearances~~-certifications to be performed every ~~36~~-60 months.

Praesidium, the background check service provided through the United Church of Christ Insurance Board, offers the Praesidium Pennsylvania Background Check Package, which includes the Pennsylvania State Police Background Check, but does not include a Pennsylvania Child Abuse History ~~Clearance~~-Certification or a Federal Bureau of Investigation ~~Clearance~~Certification.

*Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update*

Individuals using Oxford or Praesidium must still obtain the Pennsylvania Child Abuse ~~Clearance~~ Certification and the Federal Bureau of Investigation ~~Clearance~~ Certification on their own. See footnote 5 for a link to complete instructions on how to obtain all of the necessary ~~clearance~~ certifications.

D. Do employees who were hired and volunteers who were selected prior to December 31, 2014 have to obtain the ~~clearance~~ certifications?

Employees and volunteers responsible for the welfare of a child or having direct contact with children hired or selected prior to December 31, 2014 must also obtain the ~~clearance~~ certifications every ~~36-60~~ months, though the effective dates for employees and volunteers are different. *Id.* at § 6344.4(1)(i) and (2).

If an employee hired prior to December 31, 2014 obtained these ~~clearance~~ certifications more than ~~36-60~~ months ago, the employee has until December 31, 2015 to obtain new ~~clearance~~ certifications, and must obtain new ~~clearance~~ certifications every ~~36-60~~ months thereafter. *Id.* at § 6344.4(1)(iii). An employee who is without a certification or who was not previously required to have a certification must obtain the certifications by December 31, 2015, and every 60 months thereafter. *Id.* at 6344.4(1)(IV).

A volunteer selected before ~~July 1~~ August 25, 2015 who does not have certifications must obtain ~~clearance~~ certifications by July 1, 2016, and must obtain new ~~clearance~~ certifications every ~~36-60~~ months. *Id.* at § 6344.4(2). A volunteer selected before August 25, 2015 who already has certifications that are less than 60 months old must obtain new certifications every 60 months. Additionally, if a volunteer selected

before August 25, 2015 has ~~clearance~~-certifications that are older than 36-60 months, the volunteer has until July 1, 2016 to obtain new ~~clearance~~certifications.⁷

E. What if the ~~clearance~~-certifications reveal a criminal history or other negative information?

If the ~~clearance~~-certifications reveal that an individual has committed child abuse within the five years immediately preceding, the individual cannot be hired or selected as a volunteer, regardless of whether the individual's ~~clearance~~-certifications show a conviction related to the report or any other criminal history. *Id.* at § 6344(c)(1); § 6344.2(c).

The individual is also disqualified from employment or from being selected as a volunteer if the ~~clearance~~-certifications reveal that the individual has committed certain crimes under Pennsylvania law, federal law, or the law of another state. These crimes include, but are not limited to: criminal homicide, aggravated assault, stalking, kidnapping, rape and other sexual assault offenses, statutory sexual assault, indecent exposure, incest, child trafficking, prostitution, obscenity, corruption of minors, sexual abuse of children, and certain felonies under Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act.⁸ *Id.* at § 6344(c). Employers and volunteer supervisors should carefully review the list of disqualifying offenses.

If the individual is already serving as an employee or volunteer and the ~~clearance~~ certifications reveal information that disqualifies a person from serving in his or her position, the individual must immediately be terminated. *Id.* at § 6344(c.1).

⁷ Please see official guidance from the Department of Human Services at http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_135249.pdf, attached as Exhibit E.

⁸ For a complete list of crimes that prohibit a person from being an employee or volunteer who is responsible for the welfare of a child or having direct contact with children, see Exhibit F.

F. But we are a church and we believe in redemption and second chances! Besides, this felony conviction for drugs was three years ago and didn't have anything to do with children. Can we hire the individual as an employee or volunteer to work with children?

No. It is a violation of Pennsylvania law to hire an individual or select an individual as a volunteer to be responsible for the welfare of a child or to have direct contact with children, if that individual is disqualified under § 6344(c). Churches and religious organizations are required to comply with this law. The individual can serve the church in another way, but not in a capacity in which he or she is responsible for the welfare of a child or has direct contact with children.

G. What if the individual abuses a child or is convicted of a crime in the 3660-month period between obtaining clearancescertifications?

Employees and volunteers who have contact with children are required to notify their employer or administrator within 72 hours of being arrested or convicted of a disqualifying offense or being named as a perpetrator in a report of child abuse. *Id.* at § 6344.3(g)(2). Failing to do so is a separate criminal offense. *Id.* at § 6344.3(h). And employers or administrators who have reason to believe that that an employee or volunteer was arrested or convicted of a crime, or named as a perpetrator in a report of child abuse, must immediately require the individual to provide updated

clearancescertifications. *Id.* at § 6344.3(g)(2).

If the information provided by the employee or volunteer, or indicated in the updated clearancescertifications, disqualifies an individual under § 6344(c), the individual must be terminated immediately. If the information provided does not clearly disqualify an individual under § 6344(c), such as if the individual has been arrested but not yet convicted, the employer or administrator should contact a qualified attorney to

discuss the best course of action. ***In no event should the employee or volunteer be permitted to have contact with children until the employer or supervisor consults with an attorney.***

H. We need to hire someone who can start now—we can't wait for clearancescertifications! What can we do?

Under the law, an employer can employ an individual on a provisional basis for up to 90 days if the individual has applied for the clearances-certifications and provides proof of such application to the employer. *Id.* at § 6344(m). This may not be appropriate for every position, as the employee is not permitted to work alone with children and must be in the immediate vicinity of a permanent employee at all times while working. *Id.* at § 6344(m)(5). Additionally, the employer must not be aware of any information that would disqualify the individual from employment and the individual must swear in writing that he or she is not disqualified from employment under § 6344(c) and has not been convicted of any similar offenses in any other foreign or domestic jurisdiction.⁹ If the clearances-certifications subsequently reveal information that disqualifies the individual from service, he or she must be terminated immediately. *Id.* at § 6344(m)(4).

Note that no provisional status exists for volunteers—volunteers selected after ~~December 31, 2014~~ August 25, 2015 must have the proper clearances-certifications completed prior to starting service.

I. We want to sponsor a service project here in Pennsylvania but want to invite volunteers from other states to participate. Must those volunteers obtain Pennsylvania clearancescertifications?

Consider first whether the service project must involve out-of-state volunteers having direct contact with children. Under the law, an individual who lives in a

⁹ For an example of a statement that a provisional employee can sign that meets the requirements of § 6344(m)(3), see Exhibit G.

jurisdiction other than Pennsylvania may volunteer in a capacity in which he or she has direct contact with children in Pennsylvania for up to 30 days without obtaining

Pennsylvania ~~clearances~~certifications, so long as the individual has the proper ~~clearances~~certifications under his or her home state. *Id.* at § 6344.2(f). Note, however, that the Pennsylvania organization sponsoring the project is tasked with ensuring that the out-of-state volunteers are in compliance with their home states' laws. *Id.*

- J. We normally require these ~~clearances~~certifications for our volunteers who work with children, but also require much more information, such as references and a criminal background check from every state in which the prospective volunteer has lived. Can we continue to require this extra information for our volunteers?**

Absolutely. Nothing in the law prohibits requiring additional information as part of the process of selecting volunteers. ~~*Id.* at § 6344.2(e).~~

III. Training

The new Pennsylvania child abuse prevention laws also require that certain mandated reporters undergo training. While not all mandated reporters are required to undergo training, inexpensive training options such as virtual training make mandated reporter training an achievable and desirable goal.¹⁰

- A. Are clergypersons required to take mandated reporter training?**

It depends. Clergypersons are not required to take mandated reporter training simply because they are clergypersons. Training requirements apply if an individual is an operator of an institution, facility, or agency that cares for children and is also subject to supervision by the Department of Human Services under Article IX of the Public Welfare Code or an employee of such an institution, facility, or agency who has direct contact

¹⁰ Mandated Reporter training is available through a number of providers. For information on one provider of mandated reporter training see http://www.pa-fsa.org/mandated_reporters/about_mandated_reporters.aspx.

with children. 23 Pa. C.S. § 6383(c)(1)(i). Training requirements also apply if an individual is an operator of a facility or agency that cares for children and is also subject to licensure by the Department of Human Services under Article X of the Public Welfare Code or an employee of such a facility or agency who has direct contact with children. *Id.* at § 6383(c)(1)(iii). Foster parents and certain caregivers in family day care homes also must take the training. *Id.* at § 6383(c)(1)(ii) and (iv). If a clergy person falls into one of these categories, he or she must take the mandated reporter training. Even if a clergy person is not required to take mandated reporter training, he or she should strongly consider taking the training.

Institutions, facilities, and agencies that are subject to supervision or licensure by the Department of Human Services will typically be familiar with their obligations under the Public Welfare Code as these organizations receive approvals, licenses, or registrations from the Department. Examples may include a church-run day-care center or nursery school that requires licensing or registration with the state. Operators and certain employees of these organizations are required to take mandated reporter training. Questions as to whether a particular institution, agency, or facility is subject to supervision or licensing requirements under Pennsylvania's Public Welfare Code should be directed to an attorney or to the Department of Human Services.

B. Are volunteers required to take mandated reporter training?

No. The statute is limited to operators or employees of certain institutions, facilities, and agencies, and does not include volunteers. Volunteers, however, should strongly consider taking the mandated reporter training even though it is not required.

IV. Additional Questions

*Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update*

This memorandum is not intended to cover all possible circumstances that may arise under the new Pennsylvania child abuse prevention laws. This memorandum is also not a substitute for seeking legal advice. Contact the Office of General Counsel with if you have specific questions or particular circumstances for which you require guidance.

EXHIBIT A

DEFINITION OF CHILD ABUSE 23 Pa. C.S. § 6303

(b.1) *Child abuse.* -- The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

- (1) Causing bodily injury to a child through any recent act or failure to act.
- (2) 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.
- (3) 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.
- (4) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (7) Causing serious physical neglect of a child.
- (8) Engaging in any of the following recent acts:
 - (i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - (iii) Forcefully shaking a child under one year of age.
 - (iv) Forcefully slapping or otherwise striking a child under one year of age.
 - (v) Interfering with the breathing of a child.
 - (vi) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
 - (vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

*Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update*

(A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(9) Causing the death of the child through any act or failure to act.

EXHIBIT B

HOW TO REPORT SUSPECTED CHILD ABUSE

If the child is in immediate danger:

- Call 911 regardless of whether you are a mandated reporter

If you are a mandated reporter:

- Call ChildLine at 1-800-932-0313; or
- Report online at www.compass.state.pa.us/cwis
 - Note that you must have an account to make a report electronically; consider setting up an account ahead of time.

If you are not a mandated reporter:

- Call ChildLine at 1-800-932-0313

EXHIBIT C: MANDATED REPORTERS

[23 Pa.C.S. § 6311](#)

Pa.C.S. documents are current through 2014 Regular Session Act 204, Enacted October 31, 2014 P.S. documents are current through the end of the 2014 Regular Session

Pennsylvania Statutes, Annotated by LexisNexis > PENNSYLVANIA CONSOLIDATED STATUTES > TITLE 23. DOMESTIC RELATIONS > PART VII. ABUSE OF FAMILY > CHAPTER 63. CHILD PROTECTIVE SERVICES > SUBCHAPTER B. PROVISIONS AND RESPONSIBILITIES FOR REPORTING SUSPECTED CHILD ABUSE

§ 6311. Persons required to report suspected child abuse. [Effective December 31, 2014]

- (a) **Mandated reporters.** -- The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:
- (1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
 - (2) A medical examiner, coroner or funeral director.
 - (3) 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.
 - (4) A school employee.
 - (5) An employee of a child care service, who has direct contact with children in the course of employment.
 - (6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
 - (7) 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.
 - (8) An employee of a social services agency, who has direct contact with children in the course of employment.
 - (9) A peace officer or law enforcement official.
 - (10) An emergency medical services provider certified by the Department of Health.
 - (11) An employee of a public library, who has direct contact with children in the course of employment.
 - (12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.
 - (13) An independent contractor.
 - (14) 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.
 - (15) A foster parent.
- (b) **Basis to report.**
- (1) A mandated reporter enumerated in subsection (a) shall make a report of suspected child abuse in accordance with section 6313 (relating to reporting procedure), if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:
 - (i) 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.
 - (ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child,

*Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update*

Page 2 of 2

23 Pa.C.S. § 6344

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.

- (iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- (iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.
- (2) Nothing in this section shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.
- (3) Nothing in this section shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.
- (c) **Staff members of institutions, etc.** -- Whenever a person is required to report under subsection (b) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that person shall report immediately in accordance with section 6313 and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge. Upon notification, the person in charge or the designated agent, if any, shall facilitate the cooperation of the institution, school, facility or agency with the investigation of the report. Any intimidation, retaliation or obstruction in the investigation of the report is subject to the provisions of [18 Pa.C.S. § 4958](#) (relating to intimidation, retaliation or obstruction in child abuse cases). This chapter does not require more than one report from any such institution, school, facility or agency.
- (d) (Deleted by amendment).

History

[Act 1990-206](#) (H.B. 1023), P.L. 1240, § 2, approved Dec. 19, 1990, eff. in 90 days; [Act 1994-151](#) (H.B. 1001), P.L. 1292, § 3, approved Dec. 16, 1994, eff. July 1, 1995; [Act 2006-179](#) (S.B. 1054), P.L. 1581, § 3, approved Nov. 29, 2006, eff. in 180 days; [Act 2014-32](#) (H.B. 436), , § 1, approved Apr. 15, 2014, eff. in 60 days; [Act 2014-33](#) (S.B. 21), , § 2, approved Apr. 15, 2014, eff. Dec. 31, 2014; [Act 2014-34](#) (S.B. 33), , § 1, approved Apr. 15, 2014, eff. Dec. 31, 2014; [Act 2014-44](#) (S.B. 31), , § 2, approved May 14, 2014, eff. Dec. 31, 2014; [Act 2014-153](#) (H.B. 435), , § 3, approved Oct. 22, 2014, eff. Dec. 31, 2014.

**EXHIBIT C: MANDATED REPORTERS
UPDATE FROM HB 1276**

Section 6311. Persons required to report suspected child abuse.

- (a) Mandated reporters.-- The following adults shall make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:

* * *

- (7) 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~~ IS A PERSON RESPONSIBLE FOR THE CHILD'S WELFARE OR HAS DIRECT CONTACT WITH CHILDREN .

* * *

- (12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) ~~and~~, (11) AND (13), who has direct contact with children in the course of employment.

* * *

- (16) 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 ACT OF JUNE 13, 1967 (P.L. 31, NO. 21), KNOWN AS THE PUBLIC WELFARE CODE.

**DISCLOSURE STATEMENT APPLICATION FOR VOLUNTEERS
Required by the Child Protective Service Law
23 Pa. C.S. Section 6344.2 (relating to volunteers having contact with children)**

I swear/affirm that I am seeking a volunteer position and **AM NOT** required to obtain a clearance through the Federal Bureau of Investigation, as:

- the position I am applying for is unpaid; **and**
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

Chapter 25	(relating to criminal homicide)
Section 2702	(relating to aggravated assault)
Section 2709	(relating to stalking)
Section 2901	(relating to kidnapping)
Section 2902	(relating to unlawful restraint)
Section 3121	(relating to rape)
Section 3122.1	(relating to statutory sexual assault)
Section 3123	(relating to involuntary deviate sexual intercourse)
Section 3124.1	(relating to sexual assault)
Section 3125	(relating to aggravated indecent assault)
Section 3126	(relating to indecent assault)
Section 3127	(relating to indecent exposure)
Section 4302	(relating to incest)
Section 4303	(relating to concealing death of child)
Section 4304	(relating to endangering welfare of children)
Section 4305	(relating to dealing in infant children)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above or of offenses similar in nature to those crimes under the laws or former laws of the United States or one

*The Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update
Exhibit D*

of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current clearances obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation, as appropriate. The cost of clearances shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my clearances.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: _____ Signature: _____

Witness: _____ Signature: _____

Date: _____



Volunteer Frequently Asked Questions

Who needs certifications?

Adults applying for or holding an unpaid position as a volunteer with a child care service, a school or a program, activity or service responsible for the child's welfare or having direct volunteer contact with children you will need certifications.

If you were approved as a volunteer before August 25, 2015, and do not have certification (because you previously were not required to obtain certifications) you have until July 1, 2016, to get your certifications.

If your certifications are older than 60 months, you also have until July 1, 2016, to renew your certifications.

Examples of unpaid positions as a volunteer responsible for the welfare of a child or having direct contact with children can include but are not limited to:

- Parent/Guardian chaperones for schools
- Girl Scouts/Boy Scouts
- Agency volunteers that help with transportation or other services
- Big Brothers/Big Sisters
- Literacy programs
- Little League
- Coaches
- Church Sunday school teachers, child event coordinators
- Hospital volunteers working with children

NOTE: The above list is NOT inclusive of all volunteers. Please follow the following guidance to determine if a volunteer is required to obtain certifications:

In order to determine who in your agency or organization is required to obtain certifications 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 certifications.

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

The second avenue for consideration is whether the volunteer has direct volunteer contact with children because they provide care, supervision, guidance or control of children and have routine interaction with children. As the terms care, supervision, guidance or control 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 certifications. 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 and repeated contact that is integral to their volunteer responsibilities?

If you determine they do have direct contact with children, they need certifications. If, however, you determine that they do not have direct contact with children, certifications 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.

Are there any exceptions to the certification requirements for students who volunteer?

Yes, students who volunteer are not required to obtain certifications as long as they meet all of the following requirements:

- the individual is currently enrolled in a school;
- the individual is not a person responsible for the child's welfare;
- the individual is volunteering for an event that occurs on school grounds;
- the event is sponsored by the school in which the individual is enrolled as a student; and
- the event is not for children who are in the care of a child care service.

What is the definition of child?

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

How is direct volunteer contact with children defined?

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

How is routine interaction defined?

Routine interaction is regular and repeated contact that is integral to a person's employment or volunteer responsibilities.

Which certifications are needed?

All prospective volunteers must obtain the following certifications:

- Report of criminal history from the Pennsylvania State Police (PSP); and
- Child Abuse History certification 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 certification 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.



NOTE: If a volunteer has not been a resident of Pennsylvania for the past 10 years, but obtained their FBI certification at any time since establishing residency, they must provide a copy of the certification to the person responsible for the selection of volunteers and they are not required to obtain any additional FBI certifications.

I am already volunteering. When do I need to obtain the required certifications by?

If you were approved as a volunteer before August 25, 2015, and do not have certifications (because you previously were not required to obtain certifications) you have until July 1, 2016, to obtain your certifications.

If you were approved as a volunteer before August 25, 2015, and you have certifications because your organization required one or all of them and your certifications are older than 60 months, you also have until July 1, 2016, to obtain your certifications.

If you were approved as a volunteer before August 25, 2015, and you have certifications because your organization required one or all of them and your certifications are less 60 months, you have until 60 months from the date of your oldest certification to renew your certifications and to obtain any certifications now required that you may not been previously required to obtain (i.e. if your organization required the Child Abuse certification, but not the PSP certification, when your Child Abuse certification expires based on the 60 month cycle, you would naturally add in any of the other required certifications).

Are there are requirements for volunteers to obtain a free Child Abuse and PSP certification?

Yes. In order for the fee to be waived for the Child Abuse and PSP certifications the following conditions must be met:

- (1) The certifications are required as a condition to volunteer.
- (2) The certifications may not be used for employment or any other purpose.
- (3) The certifications shall only be provided free of charge to a volunteer once every 57 months.
- (4) The volunteer swears or affirms, in writing, under penalty of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), the following:
 - (i) The certifications are required as a condition to volunteer.
 - (ii) The volunteer has not received background certifications free of charge within the previous 57 months.
 - (iii) The volunteer understands that the certifications shall not be valid or used for any other purpose.

I am a new volunteer. When do I need to request a child abuse history certification?

Beginning August 25, 2015, all new volunteers must submit certifications prior to the commencement of service.

If you are required to obtain an updated child abuse history certification and submit your request prior to July 25, 2015, you will be required to pay the \$10 fee.

How often do I need to renew my certifications?

Beginning August 25, 2015, all volunteers will be required to obtain certifications every 60 months.

If an individual or agency, however, elects to renew all certifications at the same time, the date of the oldest certification, rather than the most recent, is the date to be used for the renewal date.



How much do the certifications cost?

From now until July 24, 2015:

- The PSP criminal history certification costs \$10
- The Child Abuse certification costs \$10
- The Federal Bureau of Investigation (FBI) federal criminal history certification costs \$25.75 through the Department of Human Services (DHS)
- The Federal Bureau of Investigation (FBI) federal criminal history certification costs \$27.00 through the Department of Education (PDE)

Beginning July 25, 2015:

- The PSP criminal history certification costs \$0
- The Child Abuse certification costs \$0
- The FBI federal criminal history certification costs \$25.75 through DHS
- The FBI federal criminal history certification costs \$27.00 through PDE

Are the Departments of Human Services and Education reducing the fee for the FBI certification?

No. The FBI sets the majority of the cost for this fee. The remainder of the fee covers the costs incurred by DHS, PDE, PSP, the vendor which processes the certification, and the fingerprint location.

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

The agency under which an applicant should submit their FBI certification 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 certification 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 certification through the Department of Human Services.

I requested a child abuse history certification prior to July 25, 2015. Am I able to get a refund for the waiving of the cost of the certification?

No. Unfortunately, DHS is unable to issue refunds for the payment of child abuse history certifications that were processed before July 25, 2015.

Will there be a new process to obtain a certifications?

No. The process to obtain child abuse and criminal history certifications will remain the same. The Child Abuse and PSP certifications will continue to be applied for and paid for electronically. When indicating the purpose of the certification, the applicant will continue to indicate volunteer.

All necessary instructions and links to apply for these certifications can be found at www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm.



The PSP website will be altered to reflect the waiving of the fee. In addition, new forms will be available to download from the website.

Can I use a child abuse history certification or PSP criminal history I obtained for my volunteer activities for other volunteer activities?

Yes, any person who obtained their certifications within the previous 60 months may serve in a volunteer capacity for any program, activity or service.

Can I use a child abuse history certification or PSP criminal history certification I obtained for my volunteer activities for employment purposes?

No. Child abuse history certifications and PSP criminal history certifications obtained for volunteer purposes can only be used for other volunteer activities. Child abuse history certifications obtained for volunteer purposes will indicate that the certification is to be used for volunteer purposes only.

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

Third-party vendors may be used to process Child Abuse, PSP and FBI certifications using the steps established above. They are **not** permitted to conduct background checks or certifications 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.

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

Beginning December 31, 2014, volunteers are no longer required to submit a copy of their PSP or FBI certifications 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 certifications.

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 certification requirement for volunteers?

“Non-resident volunteers”, specifically individuals who reside in another state or country may serve as a volunteer for no more than 30 days in a calendar year as long as they provide certifications from their state or country of residence. If the individual will be volunteering for more than 30 days in a calendar year, they must obtain certifications as outlined above under “Which certifications are needed.” Volunteers who reside in Pennsylvania do not have a provisional period and must obtain certifications as outlined above under “Which certifications are needed.” Non-resident volunteers must provide the person responsible for the selection of volunteers with documentation of their certifications from their state or country or residence.



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

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 certifications, shall maintain copies of the required information and require the individual to produce the required 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 certification before the applicant's hiring commits a misdemeanor of the third degree.

Agencies are reminded that the Child Abuse certification information is confidential and may not be released to other individuals.

Is there are immunity from liability for persons responsible for the selection of volunteers as it relates to the certification process?

Yes, employers, administrators, supervisors and other persons responsible for the selection of volunteers are immune and are presumed to have acted in good faith when identifying individuals required to submit certifications and maintain records as required by the law.

Can an agency or organization institute additional standards?

Yes, nothing prohibits an organization or person responsible for a program, activity or service from requiring establishing additional standards.

EXHIBIT F

**GROUND FOR DENYING EMPLOYMENT OR PARTICIPATION AS A
VOLUNTEER 23 Pa. C.S. §§ 6344(c) and 6344.2(c)**

(c) *Grounds for denying employment or participation in program, activity or service.*

(1) In no case shall an administrator hire or approve an applicant where the department has verified that the applicant is named in the Statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

(2) In no case shall an administrator hire an applicant if the applicant's criminal history record information indicates the applicant has been convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses) or an equivalent crime under Federal law or the law of another state:

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child).

*Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update*

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

The attempt, solicitation or conspiracy to commit any of the offenses set forth in this paragraph.

(3) In no case shall an employer, administrator, supervisor or other person responsible for employment decisions hire or approve an applicant if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding verification under this section.

**DISCLOSURE STATEMENT
APPLICATION FOR PROVISIONAL EMPLOYMENT
Required by the Child Protective Service Law**

23 Pa. C.S. Section 6344 (relating to employees having contact with children; adoptive and foster parents)

I swear/affirm that I have applied for clearances through ChildLine, the Pennsylvania State Police, and the Federal Bureau of Investigation and am submitting a copy of the appropriate completed request forms to the employer, administrator, supervisor or other person responsible for employment decision.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or equivalent crime under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

Chapter 25	(relating to criminal homicide)
Section 2702	(relating to aggravated assault)
Section 2709	(relating to stalking)
Section 2901	(relating to kidnapping)
Section 2902	(relating to unlawful restraint)
Section 3121	(relating to rape)
Section 3122.1	(relating to statutory sexual assault)
Section 3123	(relating to involuntary deviate sexual intercourse)
Section 3124.1	(relating to sexual assault)
Section 3125	(relating to aggravated indecent assault)
Section 3126	(relating to indecent assault)
Section 3127	(relating to indecent exposure)
Section 4302	(relating to incest)
Section 4303	(relating to concealing death of child)
Section 4304	(relating to endangering welfare of children)
Section 4305	(relating to dealing in infant children)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I must be dismissed from employment if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above.

*The Office of General Counsel of the United Church of Christ
Pennsylvania Child Abuse Prevention Laws Update
Exhibit G*

I understand that I am not permitted to work alone with children and must work in the immediate vicinity of a permanent employee during this provisional employment period.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current clearances obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of clearances shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my clearances.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: _____ Signature: _____

Witness: _____ Signature: _____

Date: _____