

# BOYERTOWN AREA MULTI-SERVICE

## BACKGROUND RECORD Q&A

[www.KeepKidsSafe.pa.gov](http://www.KeepKidsSafe.pa.gov) - Pennsylvania Department of Health

### **1. (Q) Who needs clearances?**

(A) Adults applying for or holding an unpaid position as a volunteer with a childcare service, school program, activity, or services responsible for a child's welfare or having direct volunteer contact with children will need clearances. For background record clearances, a child is an individual under 18.

### **2. (Q) How is direct volunteer contact with children defined?**

(A) Direct volunteer contact with children involves care, supervision, guidance or control, and routine interaction with children. Routine interaction with children is defined in §6303 as regular and repeated contact integral to a person's employment or volunteer responsibilities.

### **3. (Q) How do I determine which volunteers in my agency or organization need clearances?**

- The individual must be at least (18) or older.
- The individual is responsible or is acting instead of a parent for the welfare of a child.
- Having direct contact with children.
- The individual has routine interaction with children.

### **4. (Q) Which clearances are needed?**

(A) 1. Report of criminal history from the Pennsylvania State Police (PSP).  
2. Child Abuse History Clearance from the Department of Human Services (Child Abuse).  
3. FBI (Federal Criminal Record History) – submitted through Pennsylvania's authorized agent (*please see attached*) is required if the volunteer has lived outside of the Commonwealth of Pennsylvania in the last (10) years. If the volunteer is not required to obtain an FBI Criminal History Clearance, they must swear and acknowledge the Attestation Form that he/she is not disqualified from volunteering at Multi-Service based on a conviction of an offense under §6344 of the Child Protective Services Law.

### **5. (Q) When are clearances needed?**

(A) Must submit clearances before the commencement of service if working with children. If not working with children, the volunteer is eligible for a provisional volunteer start date if the PA State Police record clearance is returned in suitable standing and an Attestation Acknowledgement is completed and signed.

### **6. Are employees supervising minors through an internship, externship, co-operative, work-study, or similar program required to obtain clearances?**

(A) Yes. Employees who supervise minors through an internship, externship, co-operative, work-study, or similar program must obtain clearances because the supervisor is responsible for the child's welfare while participating in the program with the employer.

## **7. Are there exceptions to the clearance requirements for minors?**

(A) Yes. A minor (ages 14-17) applying for or holding a paid position in which they would be responsible for a child's welfare or have direct contact with children through a program, activity, or service is required to submit only their child abuse and PSP clearances if both the following apply:

1. The minor employee has been a resident of the commonwealth during the entirety of the previous (10-year) period or, if not a resident of Pennsylvania during the entirety of the last (10-year) period, has received an FBI clearance at any time since establishing residency in the Commonwealth.
2. The employee and their parent or legal guardian acknowledge the Attestation Form that the individual is not disqualified from service under the grounds for denying employment or has not been convicted of an offense similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possession etc.

## **8. Have the requirements changed for employees supervising minors through an internship, externship, co-operative, work-study, or similar program?**

(A) Yes. Act 54 of 2018 states that employees who participate in an internship, externship, co-operative, work-study or similar program with a school, who have identified as the minor's supervisor and the person responsible for the child's welfare are required to obtain the report of criminal history from the Pennsylvania state police and the child abuse clearance from the Department of Human Services- which are now provided free of charge for these employees, as they are considered volunteers under §§6344.2(a). The employee is not required to obtain a fingerprint-based criminal history (FBI) unless they have lived outside the commonwealth in the last 10 years.

## **9. What is the renewal requirement for clearances?**

All volunteers will be required to obtain clearance every (60 months). 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.

## **10. How much do clearances cost?**

- The PSP (PA State Police) clearance is free.
- The Child Abuse Clearance is free.
- The FBI clearance costs \$22.60 through the Department of Human Services.
- The FBI clearance costs \$22.60 through the Department of Education.

## **11. Who pays for clearances?**

The volunteer is responsible for paying the cost of the required clearances.

**12. Are there 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.

**13. What is the out of state provisional clearance requirement for volunteers?**

Individuals who reside in another state or country may serve as a volunteer for no more than (30 days) in a calendar year if they provide clearances from their state or country of residence. If the individual volunteers for more than (30 days) in a calendar year if they provide clearances from their state or country of residence. If the individual volunteers for more than (30 days) in a calendar year, they must obtain all necessary clearances outlined. Volunteers who reside in Pennsylvania do not have a provisional period and must obtain mandated clearances for Pennsylvania.

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

**15. Can my clearances be transferred?**

Yes, anyone who obtained their clearances within the previous 60 months may volunteer for any program, activity, or service. Clearances obtained for volunteer purposes may not be used for employment.

**16. As a Volunteer, do I obtain my Federal Bureau of Investigation Criminal History check through the Department of Education or 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 will 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 will apply for their FBI clearance through the Department of Human Services.

**17. We are an adult volunteer agency that sometimes has children attend, or the children ask to participate in the organization's activities. What are the clearance requirements?**

Allowing children to join an adult volunteer organization requires members to obtain clearances if those members would have direct contact with children.