VOLUNTEERS

FREQUENTLY ASKED QUESTIONS

Pennsylvania Child Protective Services Law (CPSL), 23 Pa.C.S. Chapter 63 (relating to child protective services)

Who needs volunteer clearances?

- Adults (age 18+) applying for or holding an unpaid position as a volunteer with a child-care service, a school or a program, activity or service, as a person responsible for a child's welfare or having direct volunteer contact with children.
- Adults (age 18+) applying for or holding a paid position with an employer that participates in a program, activity or service that is an internship, externship, work study, co-op or similar program with a school and whom the employer and the school identify as the child's supervisor and the person responsible for the child's welfare while the child participates in the program.

Which clearances are required?

All applicable prospective PA-resident volunteers, and all non-resident volunteers who will be volunteering in PA for more than 30 days in a calendar year, must submit the following clearances/information prior to approval and commencement of service:

1) PA Child Abuse History Certification from DHS (PA Child Abuse);
2) Pennsylvania State Police Criminal History Record Check (PSP); and either
3) (a) DHS fingerprint-based Federal Bureau of Investigation Criminal History Background Check (DHS FBI), if the prospective volunteer has not been a resident of PA for the entirety of the previous 10-year period or has not obtained a DHS FBI since establishing residency in PA; or

   (b) A written statement swearing and affirming that they are not disqualified from service pursuant to section 6344(c) of the CPSL or have not been convicted of an offense similar in nature to those crimes listed in section 6344(c) of the CPSL 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 PA, if the prospective volunteer has been a resident of PA for the entirety of the previous 10-year period or has received a DHS FBI since establishing residency in PA. **see Disclosure Statement for Volunteers**

Do volunteers that reside outside of PA but who will be volunteering in PA have to obtain the clearances?

A non-resident who will be serving as a volunteer in PA for no more than 30 days in a calendar year is not required to obtain the PA Child Abuse, PSP, and DHS FBI, however, must be in compliance with the clearance standards of the state they live and provide documentation of their clearances to the volunteer agency/ organization. If the non-resident will be volunteering for more than 30 days in a calendar year, they must obtain the PA Child Abuse, PSP, and DHS FBI.

Note: *The above applies to volunteer organizations located in PA as well as those located outside of PA if they have volunteers volunteering in PA.*

How do volunteers obtain the clearances?
The PA Child Abuse, PSP, and DHS FBI can each be applied and paid for electronically. The DHS FBI also requires a fingerprint submission. All necessary instructions and links to apply for these clearances can be found the DHS Keep Kids Safe "Clearances" webpage.

Is the use of a third-party vendor to apply for the clearances acceptable?
Third-party vendors may be used to apply for the PA Child Abuse, PSP, and DHS FBI but are not permitted to process clearances through other databases in lieu of these three clearances. In addition, persons responsible for the selection of volunteers remain responsible for selection decisions based upon the information obtained.

How much do the clearances cost?
1) The PA Child Abuse is free once every 57 months.
2) The PSP is free.
3) The DHS FBI costs $22.95.

Who pays for the clearances?
The volunteer is responsible for paying the cost of the required clearances. However, some agencies/ organizations choose to pay by establishing business accounts. The only time an agency must bear the cost is when they have a reasonable belief that the volunteer was arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the CPSL, or was named as a perpetrator in an indicated or founded report of child abuse, or the volunteer has provided written notice of such *(*see "Are there any other requirements?" for more information*)*. In these situations, the agency must immediately require the volunteer to obtain/submit current clearances.

How do agencies/organizations establish business accounts to pay for the clearances?

PA Child Abuse
Agencies/organizations can purchase one-time payment codes by registering for a Business Partner user account using the "Organization Account Access" link via the Child Welfare Portal. The pre-purchased codes can only be used once and allow the organization to access the volunteer's result once processed.

PSP
Agencies/organizations can call 1-888-783-7972 and select option 3 to request a business account to pay for clearances in bulk, or they can pay on an individual basis by using a credit card (if applying online) or by submitting a paper check (if applying by mail).

DHS FBI
IDEMIA offers agencies/organizations the option to pay for digital fingerprinting services using a No Charge Authorization (NCAC) Agreement which is backed by a credit card that must be provided at the time of account set up.

How often do volunteer clearances need to be obtained?
Volunteer clearances must be obtained every 60 months.

Additionally, an agency/organization must immediately require a volunteer to submit current clearances if the agency/organization has a reasonable belief that the volunteer was arrested or convicted for an offense that would constitute grounds for denying participation in a program, activity or service under the CPSL, or was named as a perpetrator in a founded or indicated report, or if the volunteer has provided written notice of such. **see "Are there any other requirements?" for more information**

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. 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.

Are agencies/organizations required to keep a copy of volunteer clearances?
Yes, the employer, administrator, supervisor or other person responsible for employment or acceptance decisions shall maintain a copy of each volunteer's required information/ clearance results.

Agencies/organizations are reminded that clearance information is confidential and may not be released to other individuals.

Are volunteer clearances portable/ transferrable?
Volunteer clearances in accordance with the CPSL may only be used for volunteering purposes under the CPSL so long as:

- The clearances were obtained within the last 60 months; and
- Prior to commencing service, the volunteer swears or affirms in writing that they have not been disqualified from employment or service under the CPSL or have not been convicted of an offense similar in nature under the laws or former laws of the U.S. 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 PA. **see Disclosure Statement for Volunteers**

Can an agency/organization institute additional standards?
Yes, nothing in the CPSL prohibits an employer or person responsible for a program, activity or service from making employment, discipline or termination decisions or establishing additional standards as part of the hiring or selection process for employees or volunteers. DHS recommends every agency consult with their solicitor/legal counsel when making these determinations as well as consult with their insurer regarding possible insurance coverage implications.

Life is beautiful.