



Pennsylvania Child Protective Services Law and the Cradle of Liberty Council, BSA

Summary Report
March 26, 2015



Key Slides



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★ What Will This Overview Cover?

- Child abuse
 - Definition
 - Mandated Reporters
 - When and how to report
- Clearances
 - Volunteers and Employees
 - Where to get clearances
 - Who pays
- Next Steps...





Child Abuse

- New definition, much broader in scope
- Expanded mandated reporters
 - Paid/Unpaid adult who accepts responsibility for children
 - Direct contact with children in the course of employment
- Reporting
 - www.compass.state.pa.us/cwis or 800-932-0313
 - Immediate written or verbal report
 - Written report within 48 hours
 - Notify Scout Executive after report

Detailed Information on Slides 10-14





What is Child Abuse?

Child abuse, according to the Child Protection Services Law, 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.
- Causing the death of the child through any act or failure to act.
- Causing serious physical neglect of a child.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.





What is Child Abuse?

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.





Mandated Reporters

Among others on a long list:

- 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 individual supervised or managed by a person listed above, who has direct contact with children in the course of employment.





When Must We Make a Report?

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

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





How to Report

- Mandated reporters must make an immediate and direct report of suspected child abuse to ChildLine either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313.
- After making the report to ChildLine, mandated reporters are required to immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.
- If an oral report was made to ChildLine, a report of suspected child abuse (CY 47) must also be completed and forwarded to the county children and youth agency within 48 hours after making the report. This form can be obtained at www.KeepKidsSafe.pa.gov or from the children and youth agency. If a report is made electronically, no CY-47 is required to be completed.

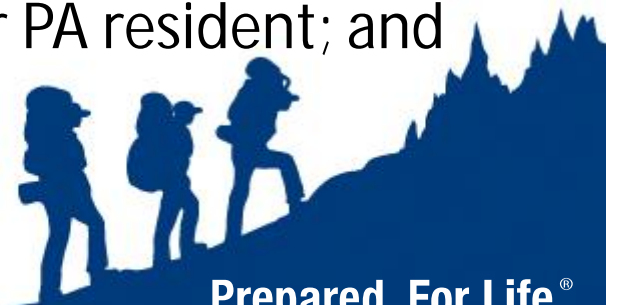




Clearances

- Volunteers (18+) responsible for welfare of a child or having direct contact with children will need clearances
- Employee (14+) responsible for welfare of a child or having direct contact with children will need clearances
- Required Clearances
 - Pennsylvania State Police (PSP); and
 - Child Abuse History Clearance; and
 - Fingerprint based federal criminal history (FBI). Excused if unpaid volunteer position; and a 10 year PA resident; and providing written disclosure statement.

Detailed Information on Slides 15-18





Volunteer Clearances

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.

- 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.
- Consider whether the volunteer has direct contact with children because they provide care, supervision, guidance or control of children or 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 they have direct contact they will need clearances.





Employee Clearances

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 will need clearances.

- Consider whether the employee has direct contact with children because they provide care, supervision, guidance or control of children or have routine interaction with children. If you determine that they do provide care, supervision, guidance or control of children, they need clearances.
- With regard to routine interaction, consideration should be given to what the employee's role is within the agency and based on that role determine if their contact with children is regular, ongoing contact that is integral to their day to day job responsibilities. If you determine that they do have direct contact with children, they need clearances.





Clearances Required

All prospective volunteers and employees must obtain the following:

- Report of criminal history from the Pennsylvania State Police (PSP); and
- Child Abuse History Clearance from the Department of Human Services (Child Abuse).
- Fingerprint based federal criminal history (FBI) submitted through the Pennsylvania State Police or its authorized agent.

A fingerprint based federal criminal history (FBI) is not required if:

- The position the volunteer is applying for is unpaid; and
- The volunteer has been a PA resident for the past 10 years; and
- The volunteer signs a disclosure statement that they are not disqualified from service based upon a conviction of an offense under §6344.





★ Need Clearances per BSA Legal

Registered Volunteers	Unregistered Volunteers	Employees
Unit leaders	Drivers	District executives
CORs	Summer or day camp	Summer camp staff
Commissioners	Two-deep leadership	Camp rangers
District and council	“Tag-alongs”	Office staff
Training and advancement	Unit “committee”	Trading post staff
Program staff	Program staff	Maintenance
Merit badge counselors	“Helping out”	Other professionals





Clearances Timeline

- Volunteers – effective July 1, 2015
 - New volunteers before service begins
 - Existing volunteers by July 1, 2016
 - Transferable
- Employees - effective December 31, 2014
 - New employees before service begins
 - Existing employees by December 31, 2015
 - Not transferable

Detailed Information on Slides 21-22





Volunteer Clearances Timeline

- Beginning July 1, 2015, prospective volunteers must submit clearances prior to the commencement of service.
- Beginning July 1, 2015, all volunteers will be required to obtain clearances every 36 months.
- 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.
- Volunteer clearances are transferable to another volunteer position





Employee Clearances Timeline

- Beginning December 31, 2014, prospective employees must submit clearances prior to the commencement of service.
- Beginning December 31, 2014, all employees will be required to obtain clearances every 36 months.
- Persons employed prior to December 31, 2014 are required to obtain updated clearances as follows:
 - Within 36 months of the date of the most recent clearance;
 - By December 31, 2015, if the clearance is older than 36 months; or
 - By December 31, 2015, if they have not received a clearance because they were employed in the same position and were not required to obtain a clearance under the prior law (grandfathered).
- Employee clearances are NOT transferable to another employer.





Where to get clearances

- PA State Police Background Check - \$10 (10-15 Minutes)
 - <https://epatch.state.pa.us/Home.jsp>
- PA Child Abuse Clearance - \$10 (30 minutes)
 - <https://www.compass.state.pa.us/cwis/public/home>
- FBI Fingerprint registration \$25-29 (5-10 minutes)
 - https://www.pa.cogentid.com/index_dpwNew.htm
- FBI Fingerprint Locations (5-10 minutes in the store)
 - https://www.pa.cogentid.com/ohio/DPW/DPW_map/DPW_Regions_Clickable.html
- Disclosure Statement for Volunteers
 - http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_160267.pdf





Who pays?

- The individual is responsible for paying the cost of the required clearances.
- The only time an agency is required to bear the cost of the clearance is when there is reasonable belief that the individual 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 individual to obtain their clearances.





Other Resources

- Pennsylvania Website on Child Protection
 - www.keepkidssafe.pa.gov
- Volunteer FAQ
 - http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_135249.pdf
- Employee FAQ
 - http://www.dpw.state.pa.us/cs/groups/webcontent/documents/document/C_135246.pdf
- Mandated Reporter FAQ
 - http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_137646.pdf





Next Steps...

- To be determined...
 - Unit collection process?
 - Coincide due dates with 2016 recharter dates?
 - Who reviews the clearances?
 - Rollout to the masses?
 - How do we file the clearances?
 - How do we track compliance?
 - How do we track renewals?
 - Who is responsible to ensure compliance?
 - Will current staffing level support extra efforts?
 - More?

