

Adult Leader Clearances in accordance with Act 15
Bucktail Council, BSA

All new leaders (after August 25, 2015) will need to have their clearances done prior to becoming a leader. To process new leaders, turn in their copies of the clearances and the approved BSA adult application.

Currently registered leaders (prior to August 25, 2015) that are renewed on the December 2015 Charter Renewal, will need to have their clearances completed at the time the charter renewal paperwork is submitted. Leaders that do not have clearances will not be able to be renewed.

Please begin to have your leaders go through this process. Note that copies of clearances are acceptable for volunteer positions.

Attached are a set of FAQ's from the Department of Human Services.



Bucktail Council

AFFIRMATION OF NON-DISQUALIFYING OFFENSE

(CHILD PROTECTIVE SERVICES LAW, VOLUNTEER FORM)

I SWEAR OR AFFIRM THAT I HAVE BEEN A RESIDENT OF THE COMMONWEALTH OF PENNSYLVANIA FOR THE LAST TEN (10) YEARS. FURTHERMORE, I SWEAR OR AFFIRM THAT I HAVE NOT BEEN CONVICTED OF A DISQUALIFYING OFFENSE LISTED UNDER §6344 (TITLE 23- DOMESTIC RELATIONS). THESE OFFENSES ARE COMPRISED OF THE FOLLOWING:

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).
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).

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

NAME (PRINT)	_____
SIGNATURE	_____
DATE	_____

NOTICE Under Section 4904 of the Pa. Crimes Code, Unsworn falsification to authorities, a person commits a misdemeanor of the third degree if he makes a false written statement which he does not believe to be true.

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 of 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.