# VOLUNTEERS

FREQUENTLY ASKED QUESTIONS

### Who needs clearances?

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

Examples of unpaid positions as a volunteer responsible for the welfare of a child or having direct contact with children can include:

- Parent/chaperone at school events
- Girl Scouts/Boy Scouts
- Agency volunteers who help with transportation or other services
- Big Brothers/Big Sisters
- Literacy programs
- Little League/coaches/sports officials
- Church Sunday school teachers, child event coordinators
- Hospital volunteers
- Bible Schools
- Librarians
- Day camps
- School officials/referees
- Employees that supervise minors through an internship, externship, work study, co-operative, or similar program.

### What is the definition of child?

For purposes of clearances, 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 and routine interaction with children. Routine interaction with children is defined in §6303 as regular and repeated contact that is integral to a person's employment or volunteer responsibilities.

### How do I determine which volunteers in my agency or organization needs clearances?

Please review the following four questions to determine if volunteers in your agency/organization will need clearances:

1. Is the volunteer an adult? Only adults (18 years of age or older) require clearances. If the answer to the question is "yes," please move on to the next questions.
2. Is the adult volunteer responsible for the welfare of a child? If the volunteer is acting in lieu of or on behalf of a parent, they will need clearances.
3. Does the adult volunteer have direct contact with children? Consider if the adult volunteer provides care, supervision, guidance or control of children. As the terms above are not defined in statute, we suggest that the common meaning of these terms be used, with child safety serving as the paramount consideration. If it is determined that the adult volunteer provides care, supervision, guidance or control of a child or children, then they will require clearances.
4. Does the adult volunteer have routine interaction with children? With regard to routine interaction,

*NOTE: The above list in NOT inclusive of all volunteers.*

consideration should be given to what the volunteer's role is within the agency or organization. Is their contact with children regular, ongoing contact that is integral to their volunteer responsibilities? If yes, then clearances are required.

### Which clearances are needed?

All prospective volunteers must obtain the following clearances:

1. Report of criminal history from the Pennsylvania State Police (PSP); and
2. Child Abuse History Clearance 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 volunteer has lived outside 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 affirm in writing that they are not disqualified from service based upon a conviction of an offense under §6344 of the Child Protective Services Law.

### When are clearances needed?

All prospective volunteers must submit clearances prior to the commencement of service.

### Are employees that supervise minors through an internship, externship, co-operative, work study or similar program required to obtain clearances?

Yes. Employees that supervise minors through an internship, externship, co-operative, work study, or similar program are required to obtain clearances because the supervisor is considered responsible for the child's welfare while participating in the program with the employer.

### Are there exceptions to the clearance requirements for minors?

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 of 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 previous 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 swear or affirm in writing that the minor child/employee are not disqualified from service under the grounds for denying employment or have 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 possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or foreign nation, or under a former law of this commonwealth.

### Have the requirements changed for employees who supervise minors through an internship, externship, co-operative, work study, or similar program?

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 the fingerprint-based criminal history (FBI) unless they have lived outside of the commonwealth in the last 10 years.

### What is the renewal requirement for clearances?

All volunteers will be required to obtain clearances every 60 months. Time frames for renewed clearances are based upon the date of each individual clearance. 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.

### How do I obtain my clearances?

The Child Abuse, PSP, and FBI clearances can all be applied and paid for electronically. The FBI clearance also requires a fingerprint submission. All necessary instructions and links to apply for these clearances can be found on the "Clearances" page of the KeepKidsSafe.pa.gov website.

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

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

### How much do clearances cost?

- The PSP 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.

### Who pays for clearances?

The volunteer is responsible for paying the cost of the required clearances. However, some agencies choose to pay for clearances for their volunteers and are able to establish business accounts to pay for clearances. The only time an agency is required to bear the cost of the clearance is when there is reasonable belief that the volunteer 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 volunteer to obtain their clearances.

### Can an agency or organization pay for clearances?

#### Child Abuse clearances

Yes. Agencies and businesses can pay for child abuse history clearances by registering for a Business Partner user account using the "Organization Account Access" link on the Child Welfare Portal, (www.compass.state.pa.us/cwis/public/home). The business account will allow organizations to purchase Child Abuse clearance payment codes to be distributed to applicants or employees. Individual applicants or employees will then go onto the Child Welfare Portal to apply for the clearance using the code. The pre-purchased codes can only be used once and allows the organization to have access to the applicant's Child Abuse clearance results once those results are processed.

#### FBI clearances

An agency pay agreement/business account can also be created between an organization and the FBI, or its authorized agent, for payment of FBI clearances. Information on creating an agency pay agreement for FBI clearances through the Department of Human Services can be found on the "Clearances" page of the KeepKidsSafe.pa.gov website.

#### PSP clearances

An agency business account can be requested from the Pennsylvania State Police to pay for clearances in bulk by calling 1-888-783-7972 and selecting Option 3. Organizations are also able to pay an for applicant's PSP clearance on an individual basis by using a credit card if applying online or submitting a paper check if applying by mail.

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

Volunteers are no longer required to submit a copy of their PSP or FBI clearances with their Child Abuse application. If the department receives copies attached to the child abuse application, those copies will not be returned and will be shredded due to the confidential nature of the information contained on the clearances.

### 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.

### 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, as long as they provide clearances 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 clearances as outlined in this FAQ under “Which clearances are needed.” Volunteers who reside in Pennsylvania do not have a provisional period and must obtain mandated clearances for Pennsylvania.

### 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.

### Can an agency or organization institute additional standards?

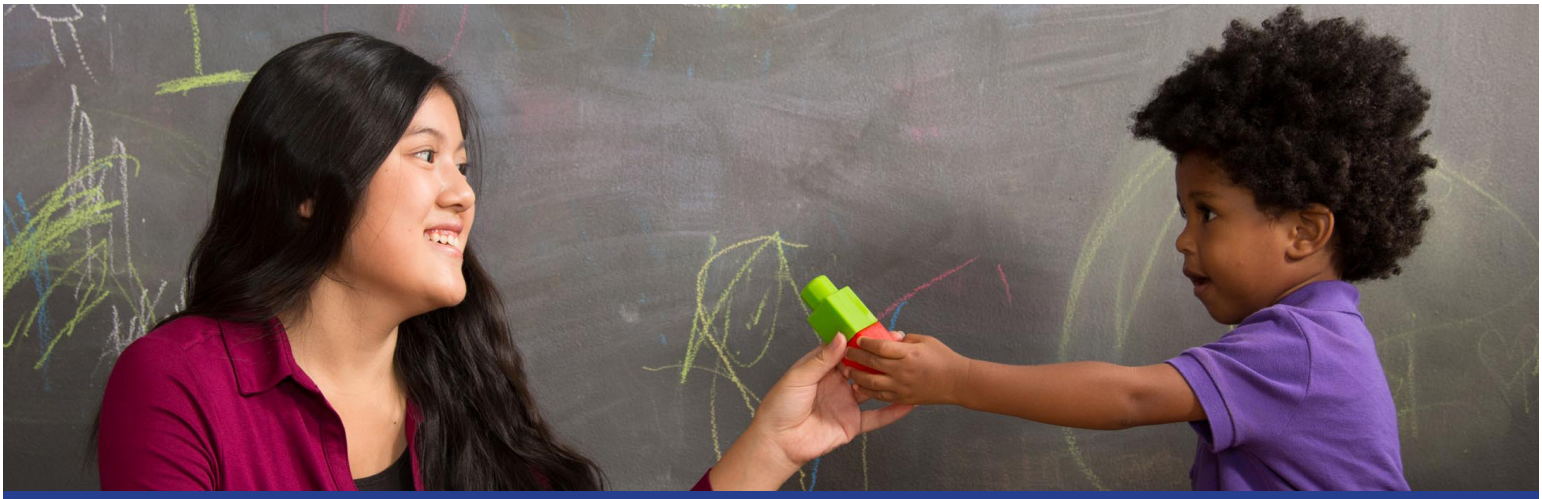
Yes, nothing prohibits the employer or person responsible for a program, activity or service from making employment, discipline or termination decisions or establishing additional standards as part of the hiring or selection process for employees or volunteers.

### Can my clearances be transferred?

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

### As a volunteer, do I obtain my Federal Bureau of Investigation Criminal History check through the Department of Education or the Department of 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 would 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 would apply for their FBI clearance through the Department of Human Services.

**We are an agency located outside of Pennsylvania but have volunteers providing services within Pennsylvania. What are the clearance requirements?**

If approved by the person responsible for the selection of volunteers are permitted to serve on a provisional basis for no more than 30 days in a calendar year. However, this is only permitted if that volunteer is in compliance with the clearance standards of the jurisdiction in which they live and they provide documentation of this. If the volunteer's service will exceed 30 days within a calendar year then volunteers are required to obtain all three Pennsylvania mandated clearances.

**We are an adult, volunteer agency who 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.

It is recommended that you also review the other section of this FAQ titled, "Who needs clearances?" for additional information.

Life is beautiful.