

## Act 153 of 2014

### Requirements for Volunteers

The Act modifies section 6344.2 of the Child Protective Services Law requiring background checks for volunteers. The requirement applies to adults applying for unpaid positions as volunteers in a position responsible for the welfare of a child or having direct contact with children (care, supervision, guidance or control of children, or routine interaction with children).

The Act requires volunteer applicants to submit the following background check information:

- Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).
- A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded report of child abuse, indicated report of child abuse, founded report for school employee or indicated report for school employee.
- A report of Federal criminal history record information. The applicant shall submit a full set of fingerprints in a manner prescribed by the department. The Commonwealth shall submit the fingerprints to the Federal Bureau of Investigation in order to obtain a report of Federal criminal history record information and serve as intermediary for the purposes of this section.

An individual responsible for selecting volunteers will commit a misdemeanor of the third degree if he or she intentionally fails to require these submissions from a prospective volunteer prior to hiring the volunteer.

### Exceptions to Requirements

The Act provides a slight exception that would require only the state criminal history information and the child abuse clearance for those prospective volunteers who:

- Are applying for unpaid positions
- Have been residents of Pennsylvania for the entirety of the previous 10 years
- Swears or affirms in writing that he or she is not disqualified from service pursuant to section 6344(C)(the list of prohibited offenses) nor has he or she been convicted of any offense of a similar nature elsewhere.

There is also a provision that permits an individual responsible for the selection of volunteers to allow a volunteer to serve on a provisional basis for a period not to exceed 30 days if the volunteer is in compliance with the clearance standards in the jurisdiction where he or she resides.

**Volunteer Notification**

Just like the requirements for school employees, a volunteer is required to provide notice of an arrest or conviction of certain offenses or when the volunteer has been named as a perpetrator in a founded or indicated report within 72 hours of the arrest, conviction or listing as a perpetrator.

If the individual responsible for selecting volunteers has a reasonable belief that the volunteer was arrested, convicted or named as a perpetrator, the individual must require the volunteer to submit current information. The cost for these clearances will be borne by the entity, not the volunteer.

All of the above requirements regarding volunteers go into effect on December 31, 2014.

**Timetable for Certification Compliance**

The Act adds a new section 6344.4 to the Child Protective Services law setting forth a timetable for obtaining new clearances.

**Volunteers**

Volunteers must obtain the required clearances every 36 months, beginning on July 1, 2015.

**School Employees**

Beginning December 31, 2014, school employees must obtain the criminal history information, child abuse clearance and Federal background check every 36 months.

Any employee with current clearances issued prior to December 31, 2014 must obtain the certifications within 36 months of the date of their most recent clearances.

If an employee's current clearances are older than 36 months, the updated clearances must be obtained by December 31, 2015.