



## Volunteer Frequently Asked Questions

### **Who needs clearances?**

If you are an adult applying for an unpaid position as a volunteer responsible for the welfare of a child or having direct contact with children you will need clearances beginning July 1, 2015.

If you were approved as a volunteer before July 1, 2015, and do not have clearances (because you previously were not required to obtain clearances) you have until July 1, 2016, to get your clearances.

If your clearances are older than 36 months, you also have until July 1, 2016, to get your clearances.

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 clearances:

In order to determine who in your agency or organization is required to obtain clearances 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 clearances.

You should then carefully consider whether the volunteer is responsible for the welfare of a child or has direct 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 clearances. 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 contact with children.

The second avenue for consideration is whether the volunteer has direct contact with children because they provide care, supervision, guidance or control of children or have routine interaction with children. As the terms 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 clearances. 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, ongoing contact that is integral to their volunteer responsibilities?

If you determine they do have direct contact with children, they need clearances. If, however, you determine that they do not have direct contact with children, clearances 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.

### **What is the definition of child?**

For purposes of clearances, a child is an individual under 18 years of age.

### **How is direct contact with children defined?**

Direct contact with children is defined in § 6303 (relating to definitions) as the care, supervision, guidance or control of children or routine interaction with children.

### **Which clearances are needed?**

All prospective volunteers must obtain the following clearances:

- Report of criminal history from the Pennsylvania State Police (PSP); and
- 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 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 Clearance 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.

### **I am already volunteering. When do I need to obtain a child abuse history clearance by?**

If you were approved as a volunteer before July 1, 2015, and do not have clearances (because you previously were not required to obtain clearances) you have until July 1, 2016, to get your clearances. If your clearances are older than 36 months, you also have until July 1, 2016, to get your clearance.



### **I am a new volunteer. Can I wait until July 25, 2015, to request a child abuse history clearance?**

Beginning July 1, 2015, all new volunteers must submit clearances prior to the commencement of service.

If you are required to obtain an updated child abuse history clearance and submit your request prior to July 25, 2015, you will be required to pay the \$10 fee.

The Commonwealth's primary goal is to ensure the safety and well-being of Pennsylvania's children. We are working to implement the fee reductions announced by the Governor as quickly as possible while maintaining the integrity of the clearance process and assuring that vital background checks can continue to be performed.

### **How often do I need to renew my clearance?**

Beginning July 1, 2015, all volunteers will be required to obtain clearances every 36 months.

If an individual or agency, however, elects to renew all clearances at the same time, the date of the oldest clearance, rather than the most recent, is the date to be used for the renewal date.

### **How much do the clearances cost?**

#### **From now until July 24, 2015:**

- The PSP criminal history clearance costs \$10
- The Child Abuse clearance costs \$10
- The Federal Bureau of Investigation (FBI) federal criminal history clearance costs \$27.50 through the Department of Human Services (DHS)
- The Federal Bureau of Investigation (FBI) federal criminal history clearance costs \$28.75 through the Department of Education (PDE)

#### **Beginning July 25, 2015:**

- The PSP criminal history clearance costs \$0
- The Child Abuse clearance costs \$0
- The FBI federal criminal history clearance costs \$27.50 through DHS
- The FBI federal criminal history clearance costs \$28.75 through PDE

### **Are the Departments of Human Services and Education reducing the fee for the FBI clearance?**

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 clearance, and the fingerprint location.

### **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.

**I requested a child abuse history clearance prior to July 25, 2015. Am I able to get a refund for the waiving of the cost of the clearance?**

No. Unfortunately, DHS is unable to issue refunds for the payment of child abuse history clearances that were processed before July 25, 2015.

**Will there be a new process to obtain a clearance?**

No. The process to obtain child abuse and criminal history clearances will remain the same. The Child Abuse and PSP clearances will continue to be applied for and paid for electronically. When indicating the purpose of the clearance, the applicant will continue to indicate volunteer.

All necessary instructions and links to apply for these clearances can be found at <http://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 clearance or PSP criminal history I obtained for my volunteer activities for other volunteer activities?**

Yes, any person who obtained their clearances within the previous 36 months may serve in a volunteer capacity for any program, activity or service.

**Can I use a child abuse history clearance or PSP criminal history clearance I obtained for my volunteer activities for employment purposes?**

No. Child abuse history clearances and PSP criminal history clearances obtained for volunteer purposes can only be used for other volunteer activities. Child abuse history clearances obtained for volunteer purposes will indicate that the clearance is to be used for volunteer purposes only.

**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.



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

Beginning December 31, 2014, 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 we will not return those copies and they will be shredded due to the confidential nature of the information contained on the clearances.

### **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 clearance requirement for volunteers?**

Individuals who reside in another state or country may serve as a volunteer for no more than 30 days as long as they provide clearances from their state or country of residence. If the individual will be volunteering for more than 30 days, they must obtain clearances as outlined above under "Which clearances are needed." Volunteers who reside in Pennsylvania do not have a provisional period and must obtain clearances as outlined above under "Which clearances are needed."

### **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 and require the individual to produce the original 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 clearance before the applicant's hiring commits a misdemeanor of the third degree.

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 an organization from requiring additional information as part of the clearance process.