

Episcopal Diocese of Northwestern Pennsylvania
Requirements for Clergy, Employees and Volunteers Under PA Law and Diocesan Policy

Volunteer Requirements

Effective July 1, 2015, Pennsylvania law requires that adult volunteers responsible for the welfare of a child, or having direct contact with children, must first submit adequate clearances relating to any potential criminal record or child abuse history. Beginning July 1, 2015, prospective volunteers must submit clearances prior to the commencement of service. Clearances and Safeguarding trainings will both need to be renewed every 36 months. Congregations are required to see original documentation and maintain record of their volunteers' compliance with these guidelines. Any administrator or supervisor responsible for employment decisions who intentionally fails to require the submission of the required documentation commits a misdemeanor of the third degree. The chancellor recommends that these records be kept indefinitely.

There are different requirements depending on the volunteers' length of residency in Pennsylvania:

Volunteers (continuous resident of Pennsylvania for the past 10 years)

1. Safeguarding God's Children and Safeguarding God's People Training
2. Report of criminal history from the Pennsylvania State Police (PSP)
3. Child Abuse History Clearance from the Department of Human Services (Child Abuse)
4. A verification that the volunteer is not disqualified from service based upon a conviction of any disqualifying offense in any other jurisdiction (form provided by diocese)

Volunteers (NOT a continuous resident of Pennsylvania for the past 10 years)

1. Safeguarding God's Children and Safeguarding God's People Training
2. Report of criminal history from the Pennsylvania State Police (PSP)
3. Child Abuse History Clearance from the Department of Human Services (Child Abuse)
4. A fingerprint based federal criminal history (FBI) clearance

Clergy and Employee Requirements

Effective July 1, 2015, all clergy and paid employees must submit adequate clearances relating to any potential criminal record or child abuse history before employment commences. Clearances and Safeguarding trainings will both need to be renewed every 36 months. The Diocese will maintain record of clergy compliance with these guidelines. Congregations are required to see original documentation and maintain record of their lay employees' compliance with these guidelines. Any administrator or supervisor responsible for employment decisions who intentionally fails to require the submission of the required documentation commits a misdemeanor of the third degree. The chancellor recommends that these records be kept indefinitely.

There are different requirements depending on the length of time someone will be employed:

Clergy and Permanent Employees (ages 14 and up)

1. Safeguarding God's Children and Safeguarding God's People Training
2. Report of criminal history from the Pennsylvania State Police (PSP)
3. Child Abuse History Clearance from the Department of Human Services (Child Abuse)
4. A fingerprint based federal criminal history (FBI) clearance

Provisional Employees (less than 90 days)

1. Safeguarding God's Children and Safeguarding God's People Training
2. Report of criminal history from the Pennsylvania State Police (PSP)
3. Child Abuse History Clearance from the Department of Human Services (Child Abuse)
4. A verification that the provisional employee is not disqualified from service based upon a conviction of any disqualifying offense in any other jurisdiction (form provided by diocese)

Obtaining Clearances and Training

The Child Abuse, PSP and FBI clearances can all be applied for and paid for online. Child Abuse and PSP clearances for volunteers working with children will be provided at no cost by the state.

Clearances obtained within the last 36 months will be accepted provided the volunteer or employee presents the original clearances for verification.

PA Child Abuse History Clearance Instructions

Electronic Submission - Go to <https://www.compass.state.pa.us/CWIS> to apply online. Creating an account and submitting your clearance application online will give immediate access to your results or the status of your results if your results cannot be processed immediately, OR

Paper Submission – Paper submissions of the Child Abuse History Clearance application are still accepted for anyone who may not have access to the internet. Mail to: ChildLine and Abuse Registry, Pennsylvania Department of Human Services, PO Box 8170, Harrisburg, PA 17105-8170

For questions related to the Pennsylvania Child Abuse History Clearance, please contact the ChildLine Verification Unit at 717-783-6211 or toll free at 1-877-371-5422.

PA State Police Criminal Record Check Instructions

Electronic Submission - Applicants can go to the Pennsylvania Access to Criminal History website and apply for their criminal record check online with the Pennsylvania State Police at: <https://epatch.state.pa.us/Home.jsp>

Paper Submission - Below is the link to the Pennsylvania Criminal Record Check form (SP4-164): http://www.dhs.state.pa.us/cs/groups/webcontent/documents/form/s_001769.pdf

If you have questions about the Pennsylvania State Police Request for Criminal Record Checks form (SP4 164), please call: (717) 783-9973 or toll free 1-888-783-7972.

FBI Criminal Background Check Instructions

The Pennsylvania Department of Human Services is utilizing IDEMIA to process fingerprint-based FBI criminal background checks. The fingerprint based background check is a multiple step process. Registration is required before going for fingerprinting. For more information and to begin the registration process, go to <https://uenroll.identogo.com>. When you visit the site, you will be asked for a Service Code. For employees, that code is 1KG738. For volunteers, that code is 1KG6ZJ.

For assistance accessing the online form, please contact the diocesan office at 814.456.4203.

Safeguarding Training

Training for the prevention of Child Abuse and the Sexual Exploitation and Harassment of Adults is offered through the Safeguarding program of the Church Pension Group. At no charge to the individual or congregation, employees and volunteers can complete the training through diocesan provided trainings. For initial training or to renew your Safeguarding training, which needs to happen every 36 months, online training is available. Contact Valerie Hudson in the diocesan office (vhudson@dionwpa.org or 814.456.4203) with your name, email, congregation, and role (volunteer, employee, etc.) to sign up for training or renewal.

How to Report Suspected Child Abuse

All employees and volunteers are now considered mandated reporters and 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. Anyone can call ChildLine if they are wondering whether they should make a report.

There is also a non-required course for Mandated Reporters in Pennsylvania available at www.reportabusepa.pitt.edu that could be helpful for those who train or supervise employees or volunteers who work with children and youth.

SEE BELOW FOR VOLUNTEER AND PROVISIONAL EMPLOYEE VERIFICATION FORMS AS WELL AS EXAMPLES OF THE COMPLETED CLEARANCE DOCUMENTATION THAT SHOULD BE RETURNED TO THE CONGREGATION OR DIOCESE. ALSO INCLUDED BELOW IS A COPY OF THE STATE LAW MANDATING THESE REQUIREMENTS.

THE EPISCOPAL CHURCH IN THE DIOCESE OF
NORTHWESTERN PENNSYLVANIA

VOLUNTEER VERIFICATION FORM

The undersigned individual hereby verifies that he or she is applying for an unpaid volunteer position in which she or he will have contact with children at _____ Episcopal Church, located in _____, Pennsylvania.

The undersigned hereby swears or affirms that he or she has been a resident of the Commonwealth of Pennsylvania during the entirety of the last 10 years and does hereby swear or affirm that he or she is not disqualified from service pursuant to 23 Pa.C.S.A. § 6344 (c) or has not been convicted of an offense similar in nature to those crimes listed in that section, a copy of which is attached, 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 a foreign nation, or under a former law of this Commonwealth.

I hereby verify that the statements made in this Provisional Employee Verification Form are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of proposed volunteer

Printed name of proposed volunteer

Address of proposed volunteer

Phone: _____ Cell: _____

Email: _____

THE EPISCOPAL CHURCH IN THE DIOCESE OF
NORTHWESTERN PENNSYLVANIA

PROVISIONAL EMPLOYEE VERIFICATION FORM

The undersigned individual hereby verifies that he or she is applying for employment in which she or he will have contact with children at _____ Episcopal Church, located in _____, Pennsylvania.

The undersigned hereby swears or affirms that he or she has been a resident of the Commonwealth of Pennsylvania during the entirety of the last 10 years and does hereby swear or affirm that he or she is not disqualified from service pursuant to 23 Pa.C.S.A. § 6344 (c) or has not been convicted of an offense similar in nature to those crimes listed in that section, a copy of which is attached, 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 a foreign nation, or under a former law of this Commonwealth.

I hereby verify that the statements made in this Provisional Employee Verification Form are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of provisional employee

Printed name of provisional employee

Address of provisional employee

Phone: _____ Cell: _____

Email: _____



pennsylvania
DEPARTMENT OF HUMAN SERVICES

PENNSYLVANIA CHILD ABUSE HISTORY CERTIFICATION

CERTIFICATION ID:
CERTIFICATION PURPOSE: EMPLOYMENT
VERIFICATION DATE: 12/23/2015
SOCIAL SECURITY #:
DATE OF BIRTH:

The above named person has applied for a Pennsylvania Child Abuse History Certification pursuant to 23 Pa. C.S., Chapter 63 related to the Child Protective Services Law. **NO RECORDS EXIST** in the Pennsylvania Department of Human Services' Statewide database listing the applicant as a perpetrator of an Indicated or Founded report of child abuse.

Applicants are required to show the Administrator the results of their Child Abuse History Certification. Administrators are required to keep a copy of this Child Abuse History Certification on file. Any person altering the contents of this document may be subject to civil, criminal or administrative action.

ISSUED BY Commonwealth of Pennsylvania
Department of Human Services
CHILDLINE AND ABUSE REGISTRY
ChildLine Verification Unit
P.O. Box 8170
Harrisburg, PA 17105-8170
1-877-371-5422

ANY ALTERATION OR ERASURE VOIDS THIS DOCUMENT



Pennsylvania State Police

1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110

Response for Criminal Record Check

TELEPHONE:

TO WHOM IT MAY CONCERN:

THE PENNSYLVANIA STATE POLICE DOES HEREBY CERTIFY THAT:

Name:
Date of Birth:
Social Security #:
Sex: F
Race: White
Date of Request: 01/28/2016 10:44 AM
Purpose of Request: Employment

Maiden Name and/or Alias (1)

(2)

(3)

(4)

***** HAS NO CRIMINAL RECORD IN PENNSYLVANIA BASED ON A CHECK BASED ON THE ABOVE IDENTIFIERS. REFER TO CONTROL #R15666799 *****

THE RESPONSE IS BASED ON A COMPARISON OF DATA PROVIDED BY THE REQUESTER AGAINST INFORMATION CONTAINED IN THE FILES OF THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY ONLY. PLEASE CONFIRM IDENTIFIERS PROVIDED. POSITIVE IDENTIFICATION CANNOT BE MADE WITHOUT FINGERPRINTS. THE PENNSYLVANIA STATE POLICE RESPONSE DOES NOT PRECLUDE THE EXISTENCE OF CRIMINAL RECORDS, WHICH MIGHT BE CONTAINED IN THE REPOSITORIES OF OTHER LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCIES. THE INFORMATION ON THIS CERTIFICATION FORM CAN BE VALIDATED BY ACCESSING THE PENNSYLVANIA ACCESS TO CRIMINAL HISTORY (PATCH) RECORD CHECK STATUS SCREEN (<https://epatch.state.pa.us/RCStatusSearch.jsp>) AND SUBMITTING A STATUS CHECK REQUEST THAT CONTAINS THE FOLLOWING - SUBJECT'S NAME (EXACTLY AS INITIALLY ENTERED), CONTROL NUMBER AND DATE OF REQUEST. PATCH WILL FIND AND DISPLAY THE CORRESPONDING RECORD CHECK REQUEST. DETAILS ON THE REQUEST CAN BE VIEWED BY CLICKING ON THE CONTROL NUMBER. YOU WILL BE ABLE TO VERIFY IF THIS REQUEST WAS SENT OUT AS A NO RECORD OR RECORD RESPONSE BY THE PENNSYLVANIA STATE POLICE. QUESTIONS CONCERNING THIS CRIMINAL RECORD CHECK SHOULD BE DIRECTED TO THE PATCH HELP LINE TOLL FREE AT 1-888-QUERY-PA (1-888-783-7972)

Certified by:

Lieutenant Kevin J. Deskiewicz, Director
Criminal Records and Identification Division
Pennsylvania State Police

DISSEMINATED BY: SYSTEM

01/28/2016 10:45 AM



pennsylvania
DEPARTMENT OF HUMAN SERVICES

SSN:
TCN:

Your Federal Bureau of Investigation (FBI) fingerprint based record check has been processed in accordance with Public Law 92-544 and the Child Protective Services Law (Title 23, Pa C.S. Chapter 63). **The following is the result of your federal criminal history background check as of 12/21/2015.**

NO RECORD EXISTS

RECORD EXISTS but conviction(s) **does not prohibit hire** in a childcare position according to the Child Protective Services Law.

RECORD EXISTS but no conviction(s) is shown. This **does not prohibit hire** in a childcare position according to the Child Protective Services Law.

DISQUALIFICATION - Record exists and contains a conviction(s) that is grounds for denying employment in a childcare position according to the Child Protective Services Law.

If you are questioning the accuracy of this response, please submit court documents to support your position. You may request a copy of your record from one year following receipt of verification by making a written request to the address listed above. Applicants are encouraged to provide this verification to the prospective employer immediately upon receipt.

Sincerely,

Cindi E. Horshaw, Acting Bureau Director
Bureau of Policy, Programs and Operations

§ 6344. Employees having contact with children; adoptive and foster parents.

(a) **Applicability.**--Beginning December 31, 2014, this section applies to the following individuals:

- (1) An employee of child-care services.
- (2) A foster parent.
- (3) A prospective adoptive parent.
- (4) A self-employed provider of child-care services in a family child-care home.
- (5) (i) Except as provided under subparagraph (ii), an individual 14 years of age or older who is applying for or holding a paid position as an employee with a program, activity or service, as a person responsible for the child's welfare or having direct contact with children.
(ii) If the program, activity or service is an internship, externship, work study, co-op or similar program, an adult applying for or holding a paid position with an employer that participates in the internship, externship, work study, co-op or similar program with a school and whom the employer and the school identify as the child's supervisor and the person responsible for the child's welfare while the child participates in the program with the employer. The adult identified under this subparagraph as the person responsible for the child's welfare is required to be in the immediate vicinity at regular intervals with the child during the program.
- (6) Any individual seeking to provide child-care services under contract with a child-care facility or program.
- (7) An individual 18 years of age or older who resides in the home of a foster parent for at least 30 days in a calendar year or who resides in the home of a prospective adoptive parent for at least 30 days in a calendar year.
- (8) An individual 18 years of age or older who resides for at least 30 days in a calendar year in the following homes which are subject to supervision or licensure by the department under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code:
 - (i) A family living home.
 - (ii) A community home for individuals with an intellectual disability.
 - (iii) A host home for children.

This paragraph does not include an individual with an intellectual disability or chronic psychiatric disability receiving services in a home.

(a.1) **School employees.**--This section shall apply to school employees as follows:

- (1) School employees governed by the provisions of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall be subject to the provisions of section 111 of the Public School Code of 1949, except that this section shall apply with regard to the certification required under subsection (b)(2).
- (2) (i) School employees not governed by the provisions of the Public School Code of 1949 shall be governed by this section.
(ii) This paragraph shall not apply to an employee of an institution of higher education whose direct contact with children, in the course of employment, is limited to either:
 - (A) prospective students visiting a campus operated by the institution of higher education; or
 - (B) matriculated students who are enrolled with the institution.

(iii) The exemption under subparagraph (ii)(B) shall not apply to students who are enrolled in a secondary school.

(a.2) Minors.--An individual between 14 and 17 years of age who applies for or holds a paid position as an employee who is a person responsible for the child's welfare or a person with direct contact with children through a program, activity or service prior to the commencement of employment or under section 6344.4 (relating to recertification) shall be required to submit only the information under subsection (b)(1) and (2) to an employer, administrator, supervisor or other person responsible for employment decisions, if the following apply:

(1) The individual has been a resident of this Commonwealth during the entirety of the previous 10-year period or, if not a resident of this Commonwealth during the entirety of the previous 10-year period, has received certification under subsection (b)(3) at any time since establishing residency in this Commonwealth and provides a copy of the certification to the employer.

(2) The individual and the individual's parent or legal guardian swear or affirm in writing that the individual is not disqualified from service under subsection (c) or has not been convicted of an offense similar in nature to those crimes listed in subsection (c) 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 a foreign nation, or under a former law of this Commonwealth.

(a.3) Exchange visitor.--An individual in possession of a nonimmigrant visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J) (relating to definitions) to an exchange visitor, commonly referred to as a "J-1" Visa, shall not be required to submit information under subsection (b) if all of the following apply:

(1) The individual is applying for or holds a paid position with a program, activity or service for a period not to exceed a total of 90 days in a calendar year.

(2) The individual has not been employed previously in this Commonwealth or another state, the District of Columbia or the Commonwealth of Puerto Rico.

(3) The individual swears or affirms in writing that the individual is not disqualified from service under subsection (c) or has not been convicted of an offense similar in nature to the crimes listed under subsection (c) 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 a foreign nation, or under a former law of this Commonwealth.

(b) Information to be submitted.--An individual identified in subsection (a)(7) or (8) at the time the individual meets the description set forth in subsection (a)(7) or (8) and an individual identified in subsection (a)(1), (2), (3), (4), (5) or (6), (a.1) or (a.2) prior to the commencement of employment or service or in accordance with section 6344.4 shall be required to submit the following information to an employer, administrator, supervisor or other person responsible for employment decisions or involved in the selection of volunteers:

(1) 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).

(2) A certification from the department as to whether the applicant is named in the Statewide database as the alleged

perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or an indicated report.

(3) A report of Federal criminal history record information. The applicant shall submit a full set of fingerprints to the Pennsylvania State Police for the purpose of a record check, and the Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.

(b.1) Required documentation to be maintained and produced.--

The employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity identified in subsection (a) (1), (2), (3), (4), (5) or (6), (a.1) or (a.2) shall maintain a copy of the required information and require the individual to submit the required documents prior to employment or acceptance to serve in any such capacity or as required in section 6344.4, except as allowed under subsection (m).

(b.2) Investigation.--An employer, administrator, supervisor or other person responsible for employment decisions shall require an applicant to submit the required documentation set forth in this chapter or as required in section 6344.4. An employer, administrator, supervisor or other person responsible for employment decisions that intentionally fails to require an applicant to submit the required documentation before the applicant's hiring or upon recertification commits a misdemeanor of the third degree.

(b.3) Volunteer certification prohibition.--An employer, administrator, supervisor or other person responsible for employment decisions is prohibited from accepting a certification that was obtained for volunteering purposes under section 6344.2 (relating to volunteers having contact with children).

(c) Grounds for denying employment or participation in program, activity or service.--

(1) In no case shall an administrator hire or approve an applicant where the department has verified that the applicant is named in the Statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

(2) In no case shall an administrator hire an applicant if the applicant's criminal history record information indicates the applicant has been convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses) or an equivalent crime under Federal law or the law of another state:

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).

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

(3) In no case shall an employer, administrator, supervisor or other person responsible for employment decisions hire or approve an applicant if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding verification under this section.

(c.1) Dismissal.--If the information obtained pursuant to subsection (b) reveals that the applicant is disqualified from employment or approval pursuant to subsection (c), the applicant shall be immediately dismissed from employment or approval.

(d) Prospective adoptive or foster parents.--With regard to prospective adoptive or prospective foster parents, the following shall apply:

(1) In the course of causing an investigation to be made pursuant to section 2535(a) (relating to investigation), an agency or person designated by the court to conduct the investigation shall require prospective adoptive parents and any individual over the age of 18 years residing in the home to submit the information set forth in subsection (b) for review in accordance with this section. If a prospective adoptive parent, or any individual over 18 years of age residing in the home, has resided outside this Commonwealth at any time within the previous five-year period, the agency or person designated by the court shall require that person to submit a certification obtained within the previous one-year period from the Statewide central registry, or its equivalent in each state in which the person has resided within the previous five-year period, as to whether the person is named as a perpetrator of child abuse. If the certification shows that the person is named as a perpetrator of child abuse within the previous five-year period, the agency or person designated by the court shall forward the certification to the department for review. The agency or person designated by the court shall not approve the prospective adoptive parent if the department determines that the person is named as the equivalent of a perpetrator of a founded report of child abuse within the previous five-year period.

(2) In the course of approving a prospective foster parent, a foster family care agency shall require prospective foster parents and any individual over the age of 18 years residing in the home to submit the information set forth in subsection (b) for review by the foster family care agency in accordance with this section. If a prospective foster parent, or any individual over 18 years of age residing in the home, has resided outside this Commonwealth at any time within the previous five-year period, the foster family care agency shall require that person to submit a certification obtained within the previous one-year period from the Statewide central registry, or its equivalent in each state in which the person has resided within the previous five-year period, as to whether the person is named as a perpetrator of child abuse. If the certification shows that the person is named as a perpetrator of child abuse within the previous five-year period, the foster family care agency shall forward the certification to the department for review. The foster family care agency shall not approve the prospective foster parent if the department determines that the person is named as the equivalent of a perpetrator of a founded report of child abuse within the

previous five-year period. In addition, the foster family care agency shall consider the following when assessing the ability of applicants for approval as foster parents:

- (i) The ability to provide care, nurturing and supervision to children.
- (ii) Mental and emotional well-being. If there is a question regarding the mental or emotional stability of a family member which might have a negative effect on a foster child, the foster family care agency shall require a psychological evaluation of that person before approving the foster family home.
- (iii) Supportive community ties with family, friends and neighbors.
- (iv) Existing family relationships, attitudes and expectations regarding the applicant's own children and parent/child relationships, especially as they might affect a foster child.
- (v) Ability of the applicant to accept a foster child's relationship with his own parents.
- (vi) The applicant's ability to care for children with special needs.
- (vii) Number and characteristics of foster children best suited to the foster family.
- (viii) Ability of the applicant to work in partnership with a foster family care agency. This subparagraph shall not be construed to preclude an applicant from advocating on the part of a child.
- (3) (Deleted by amendment).
- (4) (Deleted by amendment).

(4.1) If a foster parent, prospective adoptive parent or an individual over 18 years of age residing in the home is arrested for or convicted of an offense that would constitute grounds for denying approval under this chapter or is named as a perpetrator in a founded or indicated report, the foster parent or prospective adoptive parent shall provide the foster family care agency or the agency listed to provide adoption services with written notice not later than 72 hours after the arrest, conviction or notification that the individual was named as a perpetrator in the Statewide database.

(5) Foster parents and prospective adoptive parents shall be required to report any other change in the family household composition within 30 days of the change for review by the foster family care agency or the agency listed to provide adoption services. If any individual over 18 years of age, who has resided outside this Commonwealth at any time within the previous five-year period, begins residing in the home of an approved foster family or a prospective adoptive family, that individual shall, within 30 days of beginning residence, submit to the foster family care agency or the agency listed to provide adoption services a certification obtained from the Statewide database, or its equivalent in each state in which the person has resided within the previous five-year period, as to whether the person is named as a perpetrator. If the certification shows that the person is named as a perpetrator within the previous five-year period, the foster family care agency or the agency listed to provide adoption services shall forward the certification to the department for review. If the department determines that the person is named as the equivalent of a perpetrator of a founded report within the previous five-year period and the person does not cease residing in the home immediately, the county agency shall immediately seek court authorization to remove the foster child or children from the home. In emergency situations when a judge cannot be reached, the county agency shall proceed in accordance with the Pennsylvania Rules of Juvenile Court Procedure.

(6) In cases where foster parents knowingly fail to submit the material information required in paragraphs (4.1) and (5) and section 6344.4 such that it would disqualify them as foster parents, the county agency shall immediately seek court authorization to remove the foster child or children from the home. In emergency situations when a judge cannot be reached, the county agency shall proceed in accordance with the Pennsylvania Rules of Juvenile Court Procedure.

(7) An approved foster parent shall not be considered an employee for any purpose, including, but not limited to, liability, unemployment compensation, workers' compensation or other employee benefits provided by the county agency.

(8) The department shall require information based upon certain criteria for foster and adoptive parent applications. The criteria shall include, but not be limited to, information provided by the applicant or other sources in the following areas:

- (i) Previous addresses within the last 10 years.
- (ii) Criminal history background certification generated by the process outlined in this section.
- (iii) Child abuse certification generated by the process outlined in this section.
- (iv) Composition of the resident family unit.
- (v) Protection from abuse orders filed by or against either parent, provided that such orders are accessible to the county or private agency.
- (vi) Details of any proceedings brought in family court, provided that such records in such proceedings are accessible to the county or private agency.
- (vii) Drug-related or alcohol-related arrests, if criminal charges or judicial proceedings are pending, and any convictions or hospitalizations within the last five years. If the applicant provides information regarding convictions or hospitalizations in that five-year period, then information on the prior five years shall be requested related to any additional convictions or hospitalizations.
- (viii) Evidence of financial stability, including income verification, employment history, current liens and bankruptcy findings within the last 10 years.
- (ix) Number of and ages of foster children and other dependents currently placed in the home.
- (x) Detailed information regarding children with special needs currently living in the home.
- (xi) Previous history as a foster parent, including number and types of children served.
- (xii) Related education, training or personal experience working with foster children or the child welfare system.

(d.1) Establishment of a resource family registry.--

- (1) The department shall establish a registry of resource family applicants.
- (2) The foster family care agency or adoption agency shall register all resource family applicants on the resource family registry in accordance with subsection (d.2).
- (3) The foster family care agency or adoption agency shall register all resource families that are approved on the effective date of this subsection within six months of the effective date of this subsection.
- (4) Any resource family that is voluntarily registered on the foster parent registry shall be maintained on the resource family registry mandated under this section.

(d.2) Information in the resource family registry.--

- (1) The resource family registry shall include, but not be limited to, the following:
 - (i) The name, Social Security number, date of birth, sex, marital status, race and ethnicity of the applicants.

- (ii) The date or dates of the resource family application.
- (iii) The current and previous home addresses of the applicants.
- (iv) The county of residence of the applicants.
- (v) The name, date of birth, Social Security number and relationship of all household members.
- (vi) The name, address and telephone number of all current and previous foster family care agency or adoption agency affiliations.
- (vii) The foster family care agency or adoption agency disposition related to the approval or disapproval of the applicants and the date and basis for the disposition.
- (viii) The type of care the resource family will provide.
- (ix) The number of children that may be placed in the resource family home.
- (x) The age, race, gender and level of special needs of children that may be placed in the resource family home.
- (xi) The ability of the resource family to provide care for sibling groups.
- (xii) The date and reason for any closure of the resource family home.
- (xiii) The appeal activity initiated by a resource family applicant or an approved resource family and the basis for the appeal. This subparagraph shall not be construed to limit legitimate appeals.
- (xiv) The status and disposition of all appeal-related activities. This subparagraph shall not be construed to limit legitimate appeals.

(2) The information maintained in the resource family registry may be released to the following individuals when the department has positively identified the individual requesting the information and the department, except in the case of subparagraphs (iii) and (iv), has inquired into whether and if it is satisfied that the individual has a legitimate need within the scope of the individual's official duties to obtain the information:

- (i) An authorized official of a county or private agency, a Federal agency or an agency of another state who performs resource family approvals or the department in the course of the official's duties.
- (ii) A guardian ad litem or court-designated advocate for a child. The information is limited to the information related to the resource family with whom the child resides.
- (iii) A court of competent jurisdiction, including a district justice, a judge of the Municipal Court of Philadelphia or a judge of the Pittsburgh Magistrates Court, pursuant to court order or subpoena in a criminal matter involving a charge of child abuse under Chapter 63 (relating to child protective services).
- (iv) A court of competent jurisdiction in connection with any matter involving custody of a child. The department shall provide to the court any files that the court considers relevant.
- (v) The Attorney General.
- (vi) Federal auditors, if required for Federal financial participation in funding of agencies, except that Federal auditors may not remove identifiable information or copies thereof from the department or county or private agencies.
- (vii) Law enforcement agents of any jurisdiction, as long as the information is relevant in the course of investigating crimes involving the resource family.
- (viii) Appropriate officials of a private agency or another county or state regarding a resource family that

has applied to become a resource family for that agency, county or state.

(3) At any time and upon written request, a resource family may receive a copy of all information pertaining to that resource family contained in the resource family registry.

(d.3) Family living homes, community homes for individuals with an intellectual disability and host homes.--

(1) The following shall apply to an individual over 18 years of age residing in a family living home, a community home for individuals with an intellectual disability or a host home for children, which are subject to supervision or licensure by the department under Articles IX and X of the Public Welfare Code:

(i) If an individual is arrested for or convicted of an offense that would constitute grounds for denying approval under this chapter, or is named as a perpetrator in a founded or indicated report, the individual shall provide the agency with written notice not later than 72 hours after the arrest, conviction or notification that the individual was named as a perpetrator in the Statewide database.

(ii) The adult family member who is providing services to a child in the home shall be required to report any other change in the household composition within 30 days of the change for review by the agency. If any individual over 18 years of age, who has resided outside this Commonwealth at any time within the previous five-year period, begins residing in the home, that individual shall, within 30 days of beginning residence, submit to the agency a certification obtained from the Statewide database, or its equivalent in each state in which the individual has resided within the previous five-year period, as to whether the person is named as a perpetrator. If the certification shows that the person is named as a perpetrator within the previous five-year period, the agency shall forward the certification to the department for review.

(2) This subsection shall not apply to an individual with an intellectual disability or chronic psychiatric disability receiving services in a home.

(3) As used in this subsection, the term "agency" means a family living home agency, community home agency for individuals with an intellectual disability or a host home agency.

(e) Self-employed family child-care providers.--Self-employed family child-care providers who apply for a license with the department shall submit with their licensure application the information set forth under subsection (b) for review in accordance with this section.

(f) Submissions by operators of child-care services.--The department shall require persons seeking to operate child-care services to submit the information set forth in subsection (b) for review in accordance with this section.

(g) Regulations.--The department shall promulgate the regulations necessary to carry out this section. These regulations shall:

(1) Set forth criteria for unsuitability for employment in a child-care service in relation to criminal history record information which may include criminal history record information in addition to that set forth above. The criteria shall be reasonably related to the prevention of child abuse.

(2) Set forth sanctions for administrators who willfully hire applicants in violation of this section or in violation of the regulations promulgated under this section.

(h) Fees.--The department may charge a fee not to exceed \$10 in order to conduct the certification as required in subsection (b)(2), except that no fee shall be charged to an individual who

makes the request in order to apply to become a volunteer with an affiliate of Big Brothers of America or Big Sisters of America or with a rape crisis center or domestic violence shelter.

(h.1) Form of payment.--Payment of the fee authorized under subsection (h) may be made by an individual or organization by check, money order, credit card or debit card.

(i) Time limit for certification.--The department shall comply with certification requests no later than 14 days from the receipt of the request.

(j) Voluntary certification of child caretakers.--The department shall develop a procedure for the voluntary certification of child caretakers to allow persons to apply to the department for a certificate indicating the person has met the requirements of subsection (b). The department shall also provide for the biennial recertification of child caretakers.

(k) Existing or transferred employees.--(Deleted by amendment).

(l) Temporary employees under special programs.--(Deleted by amendment).

(m) Provisional employees for limited periods.--Notwithstanding subsection (b), employers, administrators, supervisors or other persons responsible for employment decisions may employ applicants on a provisional basis for a single period not to exceed 90 days, if all of the following conditions are met:

(1) The applicant has applied for the information required under subsection (b) and the applicant provides a copy of the appropriate completed request forms to the employer, administrator, supervisor or other person responsible for employment decisions.

(2) The employer, administrator, supervisor or other person responsible for employment decisions has no knowledge of information pertaining to the applicant which would disqualify him from employment pursuant to subsection (c).

(3) The applicant swears or affirms in writing that he is not disqualified from employment pursuant to subsection (c) or has not been convicted of an offense similar in nature to those crimes listed in subsection (c) 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 a foreign nation, or under a former law of this Commonwealth.

(4) If the information obtained pursuant to subsection (b) reveals that the applicant is disqualified from employment pursuant to subsection (c), the applicant shall be immediately dismissed by the employer, administrator, supervisor or other person responsible for employment decisions.

(5) The employer, administrator, supervisor or other person responsible for employment decisions requires that the applicant not be permitted to work alone with children and that the applicant work in the immediate vicinity of a permanent employee.

(n) Confidentiality.--The information provided and compiled under this section, including, but not limited to, the names, addresses and telephone numbers of applicants and foster and adoptive parents, shall be confidential and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. This information shall not be released except as permitted by the department through regulation.

(o) Use of information.--A foster family care agency may not approve a prospective foster parent if the prospective foster parent or an individual 18 years of age or older who resides for at least 30 days in a calendar year with the prospective foster parent meets either of the following:

(1) Is named in the Statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

(2) Has been found guilty of an offense listed in subsection (c).

(p) Use of information.--A prospective adoptive parent may not be approved if the prospective adoptive parent or an individual 18 years of age or older who resides for at least 30 days in a calendar year with the prospective adoptive parent meets either of the following:

(1) Is named in the Statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

(2) Has been found guilty of an offense listed in subsection (c).

(Dec. 16, 1994, P.L.1292, No.151, eff. July 1, 1995; Mar. 31, 1995, 1st Sp.Sess., P.L.985, No.10, eff. 60 days; Dec. 15, 1998, P.L.963, No.127, eff. Jan. 1, 1999; Dec. 17, 2001, P.L.942, No.112, eff. imd.; Dec. 9, 2002, P.L.1759, No.218, eff. 60 days; Nov. 29, 2004, P.L.1291, No.160, eff. 60 days; Nov. 29, 2006, P.L.1581, No.179, eff. 180 days; Dec. 18, 2007, P.L.469, No.73; Apr. 7, 2014, P.L.388, No.29, eff. Dec. 31, 2014; May 14, 2014, P.L.653, No.45, eff. Dec. 31, 2014; Oct. 22, 2014, P.L.2529, No.153, eff. Dec. 31, 2014; July 1, 2015, P.L.94, No.15, eff. imd.)

2015 Amendment. Act 15 amended subsecs. (a), (a.1), (b), (b.1), (b.2), (d)(4.1), (5), (6) and (8) and (e) and added subsecs. (a.2), (a.3), (b.3) and (d.3).

2014 Amendments. Act 29 amended subsecs. (b)(2), (o)(1) and (p)(1) and added subsec. (h.1), Act 45 amended subsecs. (b), (c) hdg. and (1), (o) and (p) and Act 153 amended the section heading and subsecs. (a), (b), (c)(3), (d)(5) and (6), (m), (n) and (p), added subsecs. (a.1), (b.1), (b.2), (c.1) and (d)(4.1) and deleted subsecs. (d)(3) and (4), (k) and (l).

2007 Amendment. Act 73 amended subsecs. (b), (d)(1), (2), (3), (4) and (5), (e), (f) and (k) and added subsec. (b.1), effective immediately as to subsec. (b.1), January 1, 2008, as to subsecs. (b) and (d)(1), (2), (3), (4) and (5) and July 1, 2008, as to subsecs. (e), (f) and (k).

2006 Amendment. Act 179 amended subsecs. (a) and (c)(1) and added subsecs. (o) and (p).

2004 Amendment. Act 160 amended subsecs. (d) and (g) and added subsecs. (d.1), (d.2) and (n).

2002 Amendment. Act 218 amended subsec. (c)(2).

2001 Amendment. Act 112 amended subsec. (h).

1998 Amendment. Act 127 amended subsecs. (b), (c) and (h).

Special Provisions in Appendix. See section 28 of Act 207 of 2004 in the appendix to this title for special provisions relating to applicability.

See section 6 of Act 33 of 2008 in the appendix to this title for special provisions relating to Department of Public Welfare reports.

See section 15 of Act 153 of 2014 in the appendix to this title for special provisions relating to study by Department of Human Services.

References in Text. Subsec. (a)(1), (2), (3), (4), (5) and (6), referred to in subsec. (b), do not exist.

The Statewide central registry, referred to in subsec. (d)(1) and (2), shall be deemed a reference to the Statewide database.

The short title of the act of June 13, 1967, P.L.31, No.21, known as the Public Welfare Code, referred to in subsections (a) and (d.3), was amended by the act of December 28, 2015, P.L.500, No.92. The amended short title is now the Human Services Code.

Cross References. Section 6344 is referred to in sections 2530, 6335, 6338.1, 6340, 6344.1, 6344.2, 6344.3, 6344.4, 6349, 6383 of this title; section 6351.1 of Title 42 (Judiciary and Judicial Procedure).