

Volunteer Requirements Frequently Asked Questions

Who needs clearances?

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 clearances.

If you were approved as a volunteer before August 25, 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 60 months, you also have until July 1, 2016, to renew 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 certifications:

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 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 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 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 controls are not defined in the law 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 and repeated 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 the Office of Parent and Family Engagement or the Office of Student Rights and Responsibilities if you have any questions.

Are there any exceptions to the clearances requirements for students who volunteer?

Yes, students who volunteer are not required to obtain clearances 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 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 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 clearances 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 clearance at any time since establishing residency, they must provide a copy of the clearance to the person responsible for the selection of volunteers and they are not required to obtain any additional FBI clearances.

Examples of Volunteers (have routine interaction, direct contact, or are responsible for children’s welfare; clearances are required)	Examples of Visitors (do not have routine interaction, direct contact, nor are responsible for children’s welfare; clearances not required)
<ul style="list-style-type: none"> • Parent/Guardian chaperones for schools • Girl Scouts/Boy Scouts • Big Brothers/Big Sisters • Literacy programs • Little League • Coaches 	<ul style="list-style-type: none"> • Helping with a bake sale • Career day speakers • Assembly presenters • Helping with a school garage sale

I am already volunteering. When do I need to obtain the required clearances by?

If you were approved as a volunteer before August 25, 2015, and do not have clearances (because you previously were not required to obtain clearances) you have until July 1, 2016, to obtain your clearances.

If you were approved as a volunteer before August 25, 2015, and you have clearances because your organization required one or all of them and your clearances are older than 60 months, you also have until July 1, 2016, to obtain your clearances.

If you were approved as a volunteer before August 25, 2015, and you have clearances because your organization required one or all of them and your clearances are less 60 months, you have until 60 months from the date of your oldest clearance to renew your clearances and to obtain any clearances now required that you may not been previously required to obtain (i.e. if your organization required the Child Abuse clearance , but not the PSP clearance, when your Child Abuse clearance expires based on the 60 month cycle, you would naturally add in any of the other required clearances).

Are there are requirements for volunteers to obtain a free Child Abuse and PSP clearance?

Yes. In order for the fee to be waived for the Child Abuse and PSP clearance the following conditions must be met:

- 1) The clearances are required as a condition to volunteer.
- 2) The clearances may not be used for employment or any other purpose.
- 3) The clearances 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 clearances are required as a condition to volunteer.
 - (ii) The volunteer has not received background clearances free of charge within the previous 57 months.
 - (iii) The volunteer understands that the clearance 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 clearance?

Beginning August 25, 2015, all new volunteers must submit clearance 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.

How often do I need to renew my clearance?

Beginning August 25, 2015, all volunteers will be required to obtain clearances every 60 months.

If an individual or agency, however, elects to renew all clearances 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.

Beginning July 25, 2015:

- The PSP criminal history clearance 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 clearances?

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 clearances, and the fingerprint location.

As a volunteer, do I obtain my Federal Bureau of Investigation Criminal History clearances 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 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 certification 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 certifications 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 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 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 60 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 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 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 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.” Non-resident volunteers must provide the person responsible for the selection of volunteers with documentation of their clearances from their state or country or residence.

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 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 clearance 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 clearance 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 clearances 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.

Are volunteers mandated reporters of child abuse and neglect?

Yes, all volunteers are mandated reporter. Although training is not required , a free 3 hour on-line training can be found at www.reportabusepa.pitt.edu