



**ANNOUNCEMENT: C-18-01
OFFICE OF CHILD DEVELOPMENT AND EARLY LEARNING
BUREAU OF CERTIFICATION**

ISSUE DATE: January 23, 2017
REISSUE DATE: September 24, 2018
EFFECTIVE DATE: Immediately
SUNSET DATE: Ongoing

SUBJECT:	Meeting the Requirements of the Child Protective Services Law (CPSL) for Child Care facilities
TO:	Child Care Operators and Employees ELRCs Office of Child Development and Early Learning Staff
FROM:	Suzann Morris Deputy Secretary, Office of Child Development & Early Learning

PURPOSE:

The purpose of this announcement is to clarify the requirements in 55 Pa. Code Chapters 3270.32, 3280.32 and 3290.32 to meet the Child Protective Services Law (CPSL) requirements for current staff and new hires in child care facilities.

This announcement was originally issued on January 23, 2017 and is being reissued for three primary purposes. First, the Department of Human Services (Department) wishes to clarify the frequency with which all criminal clearances must be updated to ensure that providers conform to CPSL and the Department's regulatory requirements. The second purpose is to provide notice that the provider of fingerprinting services has changed from Cogent to IDEMIA/IdentoGO. The third purpose is to clarify that the Pennsylvania Department of Education (PDE) Federal Bureau of Investigation (FBI) clearance can never be used as a substitute for the DHS FBI clearance, which is discussed more fully herein. As well, the Criminal Justice Information Services (CJIS) FBI check can never be used as a substitute for the DHS FBI clearance. See Appendix 6 for an example of the said CJIS FBI check. As such, the only acceptable FBI clearance is the Department of Human Services (DHS) FBI clearance complete with the rap sheet, when applicable.

BACKGROUND:

Over the past several years, there have been changes to CPSL in Pennsylvania that have had an impact on child care facilities. OCDEL distributed these changes through a series of listserv Announcements to child care providers in 2014 and 2015. Since that time, the Child Care Development Fund (CCDF) final rule was released in September 2016. We recognize that because of the importance of CPSL and ensuring the safety of all children in care throughout the Commonwealth, we need to continue to clarify the process for all regulated child care providers.

DISCUSSION:

When reviewing citations on inspection summaries that the regional certification representatives distribute to providers after an inspection, we have noticed an increase in the number of violations for not meeting the requirements of CPSL and the Department's regulations. It is critical that all

regulated child care providers understand their responsibilities for adhering to CPSL and the Department's regulatory requirements.

The requirement that regulated child care providers must follow CPSL are in 55 Pa. Code §3270.32, §3280.32 and §3290.32.

See Appendix 1 for a chart which describes CPSL requirements for centers, group homes and family child care homes.

REQUIREMENTS FOR CURRENT STAFF, VOLUNTEERS, HOUSEHOLD MEMBERS, AND DIRECTOR/OPERATOR:

Clearance requirements for all staff :

There are three background checks required for staff persons which include:

- Pennsylvania Child Abuse History Clearance
- Pennsylvania State Police (PSP) Criminal History Clearance
- DHS FBI Criminal History Clearance

Note that any clearance indicating a previous conviction must include a complete "rap sheet" in order for the clearance to be considered complete. Also note that the PDE FBI clearance is unacceptable in all cases, and the only acceptable FBI clearance is the DHS FBI clearance. Each clearance must be renewed every 60 months from the date of the existing clearance. There is no requirement that all three clearances be requested or renewed simultaneously. For example, if the Child Abuse clearance was obtained January 2, 2014, then no renewal would be needed until January 2, 2019. Similarly, if the PSP Criminal History clearance was obtained February 2, 2014, then no renewal would be needed until February 2, 2019. And if the DHS FBI Criminal History clearance was obtained March 2, 2014, then no renewal would be needed until March 2, 2019. It is recommended, not required, that staff renew all 3 clearances based on the date of the oldest clearance in order to ensure the timely renewal of all clearances going forward. Renewals should be dated prior to the expiration of the current clearance. For example if the PSP Criminal History Clearance expires February 2, 2019, the renewal should be dated on or before February 2, 2019.

The requirement for background checks is found under the Child Protective Services Law (CPSL) at: <http://www.pacode.com/secure/data/055/chapter3490/subchapter3490.html>.

Specific information about the responsibilities for a child care provider as it relates to CPSL as referenced above, is found at:

<http://www.pacode.com/secure/data/055/chapter3490/s3490.122.html>

- The Pennsylvania Child Abuse History Clearance may be obtained online through the Child Welfare Portal: <https://www.compass.state.pa.us/cwis/public/home>
- The PSP Request for Criminal History Check may be obtained on the PSP website: <https://epatch.state.pa.us/>
- The DHS FBI Criminal History Clearance is obtained by registering with IDEMIA and being fingerprinted at an Identogo site. A service code is required in order to schedule an appointment at an Identogo location. Service codes for applicants applying under DHS can be obtained at <http://keepkidssafe.pa.gov/resources/clearances/index.htm>. In addition, you may view a complete listing of service codes in Appendix 5. Once you have located the appropriate service code, you may enter such code at the Identogo website at <https://uenroll.identogo.com/> to begin processing your request. For any additional IDEMIA registration, processing, or billing questions, please contact IDEMIA/Identogo at 1-844-321-

2101. Documentation stating that the fingerprints have been submitted must be in the staff/facility person's file if the employee is hired on a provisional basis.

Mandated Reporter training:

Staff hired on or after December 31, 2014 have 90 days to verify completion of the training from the time of hire. The training is required to be renewed for every staff person every five years thereafter.

Note that operators must obtain this training prior to the issuance of a certificate of compliance. Regional certification staff have been assessing compliance with this training during annual inspections.

Refer to http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_227007.xlsx for a list of approved trainings. Evidence of completion of the requirement is required and can be fulfilled by a certificate of completion from the approved trainer. Please refer to the "Audience Approved to Train" column in order to determine if appropriate for child care staff.

Operators, Staff and Household Members of Family Child Care Homes (FCCH) and Group Homes (GH) operated in a residence:

All household members age 18 and older residing for at least 30 calendar days per year in a FCCH or a GCCH operating in a residence must provide updated PSP, Child Abuse and FBI clearances every 60 months. Volunteer clearances will not be accepted for household members, operators, or any staff persons working in child care.

Volunteers:

Clearances are required for a volunteer if that individual provides care, supervision, guidance or control of children AND has routine interaction with children. Routine interaction is defined as regular and repeated contact that is integral to a person's employment or volunteer responsibilities. Note: Volunteers are not permitted to work alone with children and are required to work in the immediate vicinity of a permanent employee qualified, at minimum, as an Assistant Group Supervisor (AGS).

A volunteer is required to obtain a Pennsylvania Child Abuse History clearance and PSP Criminal History clearance. If the volunteer has been a resident of Pennsylvania for the previous 10 years, the volunteer is not required to obtain a DHS FBI Criminal History clearance. The volunteer must sign the "Disclosure Statement Application for Volunteers" (Appendix 4). If the volunteer has not been a resident of Pennsylvania for the previous 10 years, the volunteer must obtain an FBI Criminal History clearance in addition to the Pennsylvania Child Abuse History clearance and Pennsylvania State Police Criminal History clearance.

Effective July 25, 2015 the fees for the Pennsylvania Child Abuse History and PSP clearances were waived for a volunteer. A volunteer may request the Pennsylvania Child Abuse History and PSP Criminal History clearances at no cost once every 57 months. There will be a charge incurred for the DHS FBI clearance if one is required.

Volunteer Child Abuse and State Police clearances will not be accepted as evidence of fulfilling the clearance requirements for child care staff and/or operators pursuant to CPSL. As such, any volunteer who becomes employed in child care must obtain new clearances pursuant to CPSL at

23 Pa Code 6344.2. Such an individual may be considered provisionally hired, so long as they are supervised by a permanent employee, for a period of up to 90 days pending receipt of the new clearances. If the new clearances are not received within 90 days, the individual should be dismissed from the child care position until new clearances are obtained.

Employee accused of Child Abuse:

According to the Child Protective Services law, Title 23, Chapter 63, §6340(a)(13), the legal entity of the child care facility will receive notice from ChildLine of a pending allegation of suspected child abuse and the final status of the report following the investigation as to whether the report is indicated, founded or unfounded. The notice from the county children and youth agency will be submitted to the legal entity of the child care facility within 10 days of the completion of the investigation.

When the regional office learns of the notice of indicated or founded abuse, the certification representative may cite the provider for violation of either 55 Pa. Code Chapter §20.71(a)(5) or §20.71(b)(5), as appropriate.

REQUIREMENTS FOR NEW HIRES:

Clearance requirements:

Criminal history clearances are considered current and valid if obtained within the last 60 months (five years). Prior to commencing employment, the employee or potential employee must sign a disclosure statement that he or she has not been disqualified from employment or has not been convicted of an offense that would prohibit employment since the date of their current background and criminal history clearances.

Note: Convictions not listed on the disclosure statement could still possibly render a prospective employee unfit to work in child care pursuant to the Department's own regulatory requirements at 55 Pa Code §20.71(b)(1) and (2), 55 Pa Code §3270.32(c), §3280.32(c), and §3290.32(c). (See Appendix 3 for a copy of the disclosure statement.) As such, the Department's review for fitness to work in child care is in addition to the requirements of CPSL.

As explained above, volunteer Child Abuse and State Police clearances will not be accepted as evidence of fulfilling the clearance requirements for child care staff and/or operators pursuant to CPSL. As such, any volunteer who becomes employed in child care must obtain new clearances pursuant to CPSL at 23 Pa Code 6344.2. Such an individual may be considered provisionally hired, so long as they are supervised by a permanent employee, for a period of up to 90 days pending receipt of the new clearances. If the new clearances are not received within 90 days, the individual should be dismissed from the child care position until new clearances are obtained.

Time frames to obtain clearances:

The provisional hire period for child care staff is 90 days for any staff position. This is effective for staff hired on or after December 31, 2014. This means that when a staff person is hired and does not have background or criminal clearances, he or she has 90 days to obtain them and cannot work alone with children.

If a provider does not comply with this requirement, the provider will receive a citation for violating 55 Pa Code §3270.32(a), §3280.32(a) or §3290.32(a).

General procedures for new hires:

Potential hires or prospective employees who have already completed acceptable child abuse clearances and criminal background checks may be hired as permanent employees if the completed clearances are less than 60 months old. The potential employee must present their current clearances and sign the disclosure statement.

If the potential employee does not have current, acceptable clearances, they are considered "Provisional Employees" under CPSL. Provisional employees cannot work alone with children until they receive the proper clearances; all questionable clearances should be directed to the regional office for further review. The information about provisional employees is defined in 55 Pa Code Chapter 3490 relating to CPSL at

<http://www.pacode.com/secure/data/055/chapter3490/s3490.127.html>

Administrators of certified child care facilities are permitted to hire applicants on a provisional basis for a single time period of up to 90 calendar days for Pennsylvania residents and out-of-state residents.

As a condition of the provisional hire period, the applicant must submit the following provisional hire documents to the employer PRIOR to beginning work in the child care facility:

- An employee disclosure statement signed by the applicant affirming that he/she is not disqualified from employment as specified in CPSL 23.1(d) or (e) (11 P.S. 2223.1(d), (e)).
- A copy of either the completed and mailed request or the online request for the Pennsylvania Child Abuse History clearance.
- A copy of either the completed and mailed request or the online request for PSP Criminal History clearance.
- A copy of online verification that the individual submitted fingerprints for the DHS FBI Criminal History clearance. The verification can be obtained by visiting <https://uenroll.identogo.com/status-check> and filling out the form using the information you provided with your original request.

Process for a provisional employee:

- The provisional employee is not permitted to work alone with children and is required to work in the immediate vicinity of a permanent employee qualified, at minimum, as an Assistant Group Supervisor (AGS) or a primary staff person (if a group childcare home) during the 90-day provisional hire period. "Immediate vicinity" means within eyesight of a permanent employee (an employee who has completed clearances on file) who is properly qualified as above described.
- Whether a provisional employee is a resident of Pennsylvania or an out-of-state resident, completed copies of the Pennsylvania Child Abuse History clearance, the PSP Criminal History clearance, and the DHS FBI Criminal History clearance must be in the employee's file NO LATER THAN 90 CALENDAR DAYS AFTER HIS/HER FIRST DAY OF WORK IN

THE FACILITY and must remain on file for the duration of his/her employment. If all required documentation is not acquired within 90 days, the only acceptable Plan of Correction is to remove the provisional employee from a child care position.

- An applicant who possesses the Pennsylvania Child Abuse History clearance, PSP Criminal History clearance, and the DHS FBI Criminal History clearance that are LESS than 60 months on the first day of work in the facility is not required to submit requests for new clearances. However, a signed disclosure statement must be provided. If the clearances are OVER 60 MONTHS OLD, NEW CLEARANCES MUST BE OBTAINED.
- The facility administrator must see a copy of each clearance. The facility administrator must retain copies of all clearances for the staff file; Please note that photocopies are acceptable so long as they are legible and complete. The three required clearances must be present and on file in order for the employee to be considered a permanent employee and no longer a provisional hire.
- If the employee's PSP Criminal History clearance indicates the individual has convictions, you MUST ensure that the "rap sheet" is attached and available for review by a DHS certification representative.
- If the employee's DHS FBI Criminal History clearance indicates the individual has convictions that do not prohibit employment under CPSL, you MUST ensure that the "rap sheet" is attached and available for review by a DHS certification representative.
- If an employee has a PDE FBI clearance, the individual should be advised that such PDE clearance cannot be accepted, and that they must instead apply for, obtain, and provide the DHS FBI clearance by visiting the IdentoGO website as described above.
- Note that in addition to the requirements of CPSL, all criminal history information must still be assessed for compliance with the Department's own regulatory requirements at 55 Pa Code §3270.32(c), §3280.32(c), §3290.32(c), and §20.71(b)(1) and (2) concerning fitness to work in child care. Any questions should be directed to the regional office for review.
- Administrators who do not retain all provisional hire documents will be cited for violation of the provisions of CPSL and may face sanctions from the Department for willful violations of the hiring provisions established by CPSL. (11 P.S. 2223.1(g)(2)).
- *****IMPORTANT: Child care staff that holds the position of DIRECTOR must have completed, acceptable clearances ON FILE on the first day of work in the facility. A child care director MAY NEVER START WORK AS A PROVISIONAL STAFF PERSON under CPSL.**

Director/Person In Charge – Responsibilities for Compliance

- Make copies of clearances or the staff application for clearances.
- Witness and place the copies in the employee's file.
- Place the completed disclosure statement in the employee's file.
- Keep copies of requests/applications, the disclosure statement and completed clearances permanently in the employee's file.
- Submit the clearance applications from the employee to the appropriate agencies.
- For new staff, note the date of "start work" in the employee's file.

- Ensure that the provisional employee is not left alone with children and is supervised at all times by a staff person who has completed acceptable clearances on file. (Supervision means that the person supervising must be able to see, hear, direct and assess the provisional employee who is being supervised.) The provisional employee shall be supervised by a staff person who has a complete file with all three clearances and who is an Assistant Group Supervisor or higher.
- Review the completed clearance applications from the provisional employee to assure that they are acceptable and completed correctly. [Questions should be directed to the Regional Office].
- Maintain a tracking system to monitor that the clearances are received and identify the date by which an employee must provide updated clearances. Various factors could cause a delay in the typical turnaround time for the return of the clearances so it is extremely important that the operator does not wait until the expiration of the 90-day provisional hire period to monitor the return of clearances.
- If clearances are not updated timely and expire after the 60-month term, the employee must be removed from working in child care until all three clearances are renewed.
- Remove the provisional employee from the child care position if all three completed clearances are not on file by the 90th day after the person starts work. **Removal is not negotiable; the reason for the delay is irrelevant.**
- Place the removal date and the reason in the prospective employee's file.
- **Note again that the director MAY NOT START WORK as a provisional employee. The Director must have completed acceptable clearances on file by the start date of work and a complete file as indicated at 55 Pa Code §3270.192.**
- If a certification representative completes an inspection and reviews a file of a new employee with no copies of clearances or requests for clearances (even though it is less than 90 calendar days since the employee started work), the employee should be removed from working with children until the clearances are received.
- Copies of all clearances must remain as a part of the employee's permanent file.

Suggested/sample statement signed by provisional employees

I understand that the Child Protective Services Law (CPSL) requires that I have a completed, acceptable criminal history clearance, a completed, acceptable child abuse clearance and a completed, acceptable DHS FBI clearance on file at the child care facility by the 90th day after I commence employment in child care. Failure, for whatever reason, to have these completed clearances will result in my immediate removal from a child care position.

Signature of employee

NEXT STEPS:

Child care providers must:

1. Read this Announcement.
2. Make sure staff understand the steps they must take to obtain the required clearances.
3. Establish a tracking system for staff clearance expiration dates and determine which, if any, staff persons will be required to obtain additional or updated clearances.
4. Review the staff files to ensure compliance with CPSL and the Department's own regulatory requirements.

OCDEL staff should:

1. Review this Announcement.
2. Talk to providers about the importance of obtaining the required clearances in order to be in compliance with CPSL.
3. Direct questions to the supervisor or regional manager.
4. Find this Announcement in the Certification Shared Folder.

Comments and Questions Regarding this Announcement Should be Directed to the Provider's Regional Office of Child Development and Early Learning: Central Region 800-222-2117; Northeast Region 800-222-2108; Southeast Region 800-346-2929; Western Region 800-222-2149.

Appendix 1

Facility Type		Clearances Required	Mandated Reporter Training Req
<p>FAMILY HH members must update all clearances using same timeframes as staff persons.</p>	<p>NEW APPLICANTS</p>	<p>CHILD ABUSE, FBI, AND PSP – all obtained within the previous 60 months; MUST include a signed affirmation statement; applies to APPLICANT AND HH MEMBERS OVER 18 RESIDING IN HOME MORE THAN 30 DAYS</p>	<p>APPLICANT MUST COMPLETE TRAINING AND SUBMIT "CERTIFICATE OF COMPLETION" WITH APPLICATION PACKET</p>
	<p>EXISTING PROVIDERS</p>	<p>UPDATED CLEARANCES ARE REQUIRED EVERY 60 MONTHS FROM THE DATE OF THE RESPECTIVE EXISTING CLEARANCES</p>	<p>MUST BE RENEWED EVERY 5 YEARS</p>
<p>GROUP (RESIDENCE) HH members must update all clearances using same timeframes as staff persons.</p>	<p>NEW APPLICANTS</p>	<p>CHILD ABUSE, FBI, AND PSP – all obtained within the previous 60 months; MUST include a signed affirmation statement; applies to APPLICANT AND HH MEMBERS OVER 18 RESIDING IN HOME MORE THAN 30 DAYS</p>	<p>APPLICANT MUST COMPLETE TRAINING AND SUBMIT "CERTIFICATE OF COMPLETION" WITH APPLICATION PACKET</p>
	<p>EXISTING PROVIDERS</p>	<p>UPDATED CLEARANCES ARE REQUIRED EVERY 60 MONTHS FROM THE DATE OF THE RESPECTIVE EXISTING CLEARANCES</p>	<p>MUST BE RENEWED EVERY 5 YEARS</p>
<p>GROUP (NOT IN A RESIDENCE)</p>	<p>NEW APPLICANTS</p>	<p>CHILD ABUSE, FBI, AND PSP – all obtained within the previous 60 months; MUST include a signed affirmation statement; applies to APPLICANT</p>	<p>APPLICANT MUST COMPLETE TRAINING AND SUBMIT "CERTIFICATE OF COMPLETION" WITH APPLICATION PACKET</p>
	<p>EXISTING PROVIDERS</p>	<p>UPDATED CLEARANCES ARE REQUIRED EVERY 60 MONTHS FROM THE DATE OF THE RESPECTIVE EXISTING CLEARANCES</p>	<p>MUST BE RENEWED EVERY 5 YEARS</p>
<p>CENTER</p>	<p>NEW APPLICANTS</p>	<p>CHILD ABUSE, FBI, AND PSP – all obtained within the previous 60 months; MUST include a signed affirmation statement; applies to APPLICANT</p>	<p>APPLICANT MUST COMPLETE TRAINING AND SUBMIT "CERTIFICATE OF COMPLETION" WITH APPLICATION PACKET</p>
	<p>EXISTING PROVIDERS</p>	<p>UPDATED CLEARANCES ARE REQUIRED EVERY 60 MONTHS FROM THE DATE OF THE RESPECTIVE EXISTING CLEARANCES</p>	<p>MUST BE RENEWED EVERY 5 YEARS</p>

NOTE: CLEARANCES THAT ARE SUBMITTED BY APPLICANTS FOR CERTIFICATION MUST BE ORIGINALS OR COPIES THAT ARE SUFFICIENTLY CLEAN, READABLE, LEGIBLE AND FREE OF MODIFICATIONS.

Appendix 2

Status of clearance	Requirements for new hire	Work alone with Children	Director Responsibilities
Has all 3 < 60 months old	<p>Considered a permanent employee.</p> <p>1) Provide clearances for copies for file. 2) Provide a signed Disclosure statement.</p>	<p>Yes. The employee must meet the qualifications for an AGS or primary staff person to be permitted to work alone with children.</p>	<p>Keep copies for the employee's file.</p> <p>Start tracking system assuring that each clearance is updated every 60 months from the date of the existing clearance.</p>
Has 2 or fewer clearances < 60 months old	<p>Considered a provisional hire.</p> <p>Prior to starting: 1) Provide copies of the requests for the outstanding clearance(s). 2) Provide a signed Disclosure statement.</p>	<p>No.</p> <p>1) Must be supervised. 2) Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff person in a GCCH) until all clearances are received. 3) Cannot work more than 90 days w/o all proper clearances.</p>	<p>Make copies of requests, sign and place copies in employee file, keep signed disclosure statement in file, and apply to the appropriate agencies following directions for each individual agency.</p> <p>Note: start date and track 90 days for the provisional work period; dismiss employee if clearances not received by 90th day; if clearances are received, keep copies in employees' files.</p>
Clearances indicate convictions/disposition or rap sheet attached	<p>Considered a provisional hire.</p> <p>Must await review by director and DHS if needed</p>	<p>No.</p> <p>1) Must be supervised 2) Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff person in a GCCH) until convictions are assessed for fitness to work in child care per Department regulations.</p>	<p>If the employee's State Police clearance indicates that the individual has convictions or the FBI clearance indicates that the individual has convictions but they do not prohibit being hired under CPSL, you MUST still ensure that the "rap sheet" is attached and available for review by DHS certification representatives, as the information must still be assessed for compliance with Chapters 3270/3280/3290 and 20.</p>
Criminal Convictions -No rap sheet attached	<p>Considered a provisional hire.</p>	<p>No.</p> <p>1) Must be supervised</p>	<p>Must maintain tracking system to assure that rap sheet is provided after the 30-day period when staff person is given an extension.</p>

	<p>Must provide a copy of rap sheet.</p> <p>If not produced within 30 days after the clearance is obtained or the 90-day provisional period has expired (whichever date comes last), then the staff person shall be dismissed.</p>	<p>2) Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff person in a GCCH) until all clearances received</p> <p>3) Cannot work more than 30 days after the clearance is obtained or the 90 day provisional period has expired (whichever date comes last), w/o all clearances</p>	<p>If it is not received after extension, then the staff person shall be dismissed. Notate dismissal date in file.</p>
<p>Criminal Convictions -No disposition reported</p>	<p>Considered a provisional hire. Must obtain proof of disposition from court where convicted. However if 90 days have passed, then employee gets another 30 to obtain disposition.</p> <p>If not produced in 30 days after the clearance is obtained or the 90 day provisional period has expired (whichever date comes last), then the staff person shall be dismissed.</p>	<p>No.</p> <p>1) Must be supervised</p> <p>2) Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff person in a GCCH) until all clearances received</p> <p>3) Cannot work more than 30 days after the clearance is obtained or the 90 day provisional period has expired (whichever date comes last), w/o proper clearances</p>	<p>If disposition is unreported, facility operator must direct the employee to contact the Clerk of Courts in the jurisdiction where the crime occurred to determine the disposition.</p> <p>Must maintain tracking system to assure that disposition is in after the 30 day period when staff person is given an extension.</p> <p>If it is not received after extension, then the staff person shall be dismissed. Notate dismissal date in file.</p>
<p>Staff person with volunteer clearances</p>	<p>Considered a provisional hire if within the first 90 days of employment and all required documents are on file. If proper clearances are not produced within the 90-day provisional period,</p>	<p>No.</p> <p>1) Must be supervised</p> <p>2) Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff</p>	<p>Review clearances at time of hire to ensure they are not labeled volunteer.</p> <p>If it is not received after provisional period, then the staff person shall be dismissed. Notate dismissal date in file.</p>

	then the staff person shall be dismissed.	person in a GCCH) until all clearances received 3) Cannot work more than 90 days w/o proper clearances.	
--	--	--	--

Appendix 3

DISCLOSURE STATEMENT APPLICATION FOR EMPLOYMENT, INCLUDING PROVISIONAL EMPLOYMENT Required by the Child Protective Service Law

23 Pa. C.S. Section 6344 (relating to employees having contact with children; adoptive and foster parents)

I swear/affirm that, if being hired on a provisional basis, I have applied for certification through ChildLine, the Pennsylvania State Police, and the Federal Bureau of Investigation and am submitting a copy of the appropriate completed request forms to the employer, administrator, supervisor or other person responsible for employment decisions.

I swear/affirm that, if providing certifications that have been obtained within the preceding 60 months, I have not been disqualified from employment as outlined below or have not been convicted of an offense similar in nature to a crime listed below 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 swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or equivalent crime 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.

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)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I swear/affirm that I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I must be dismissed from employment if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above.

I understand that if I am being hired on a provisional basis, I am not permitted to work alone with children and must work in the immediate vicinity of a permanent employee during this provisional employment period.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current certifications obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of certifications shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.

I understand that certifications obtained for employment purposes may be used to apply for employment, serve as an employee, apply to volunteer and serve as a volunteer.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my certifications.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: _____ Signature: _____

Witness: _____ Signature: _____

If the employee is a minor:

Parent/Legal Guardian Name: _____ Signature: _____

Date: _____

Appendix 4

**DISCLOSURE STATEMENT
APPLICATION FOR VOLUNTEERS
Required by the Child Protective Service Law
23 Pa. C.S. Section 6344.2 (relating to volunteers having contact with children)**

I swear/affirm that I am seeking a volunteer position and **AM NOT** required to obtain a certification through the Federal Bureau of Investigation (FBI), as:

- the position I am applying for is unpaid; and
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period.

I understand that if I have not been a resident of Pennsylvania during the entirety of the previous ten-year period, but have received certification from the FBI since establishing residency, I must provide a copy of the certification to my employer and am not required to obtain any additional FBI certifications.

I swear/affirm that, if providing certifications that have been obtained within the preceding 60 months, I have not been disqualified from service as outlined below or have not been convicted of an offense similar in nature to a crime listed below 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 swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or of offenses 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 a foreign nation, or under a former law of this Commonwealth.

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)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I swear/affirm that I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above or of offenses 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 a foreign nation, or under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current certifications obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation, as appropriate. The cost of certifications shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position. I understand that certifications obtained for the volunteering purposes can only be used for that purpose and cannot be used for employment purposes.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my certifications.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: _____ Signature: _____

Witness: _____ Signature: _____

Date: _____

Appendix 5

CODES FOR REQUESTING A DHS FBI CRIMINAL HISTORY CLEARANCE THROUGH IDEMIA/IdentoGO

1KG6ZJ	DHS Volunteer	An individual applying for or holding an unpaid position as a volunteer with a child-care service, a school or a program, activity or service, as a person responsible for the child's welfare or having direct volunteer contact with children.
1KG71B	Foster Parent	An individual responsible for providing foster family care to children placed by a Family Foster Care Agency.
1KG72V	Prospective Adoptive Parent	An individual who is engaged in the process of becoming an adoptive parent by establishing a legal relationship of parent and child when not related by birth.
1KG738	Child Care Services/Program Employee or Contractor	Any employee or contractor of a child care service or program, including but not limited to a child care center or home, residential facility or center, behavioral health service, substance use service, early intervention service, or child care service offered by a school.
1KG74S	Family Child Care Home Provider	A residence where child care is provided at any time to no less than four children and no more than six children who are not relatives of the caregiver.
1KG756	Employee >=14 Years Contact w/ Children	An employee age 14 or older who would not fall under the child care services/program employee or contractor definition, and who has care, supervision, guidance or control of children or routine interaction with children.
1KG76Q	Individual >=18 Years in Foster Home	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
1KG774	Individual >=18 Years in Prospective Adoptive Home	An individual 18 years of age or older who resides in the home of a prospective adoptive parent for at least 30 days in a calendar year.
1KG78K	Individual >=18 Years in Licensed Child Care Home	An individual age 18 years of age or older who resides in the home of a licensed child care home for at least 30 days in a calendar year, in which child care is provided at any one time to four, five or six children unrelated to the operator.
1KG8TG	Individual >=18 Years in Family Living, Community, or Host Home	An individual age 18 years of age or older who resides for at least 30 days in a calendar year in the following homes: <ul style="list-style-type: none"> • Family living: the private home of an individual or family in which residential care is provided to one or two individuals with an intellectual disability. • Community home for individuals with an intellectual disability. • Host home for children with intellectual disabilities receiving supervised independent living services.

Appendix 6

CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) FBI CHECK (Unacceptable)



U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division
Washington, DC 20535

DATE: 09-01-2010

The Criminal Justice Information Services (CJIS) Division of the Federal Bureau of Investigation has completed the following fingerprint submission:

Subject Name

Search Completed Result

09-01-2010

T2010244060000075438

A SEARCH OF THE FINGERPRINTS PROVIDED BY THIS INDIVIDUAL HAS REVEALED NO PRIOR ARREST DATA AT THE FBI. THIS DOES NOT PRECLUDE FURTHER CRIMINAL HISTORY AT THE STATE OR LOCAL LEVEL.

Social Security number: [REDACTED]

The result of the above response is only effective for the date the submission was originally completed. For more updated information, please submit new fingerprints of the subject.

In order to protect Personally Identifiable Information, as of August 17, 2009, FBI policy has changed to no longer return the fingerprint cards. This form will serve as the FBI's official response.

This Identity History Summary (IHS) is provided pursuant to 28 CFR 16.30-16.34 solely for you to conduct a personal review and/or obtain a change, correction, or updating of your record. This IHS is not provided for the purpose of licensing or employment or any other purpose enumerated in 28 CFR 20.33.

Any questions may be addressed to the Customer Service Group at (304) 625-5590. You may also visit the Web site at www.fbi.gov for further instructions.

William G. McKinnon
Section Chief
Biometric Services Section
Criminal Justice Information
Services Division