

WHO	WHAT BACKGROUND CHECKS ARE REQUIRED	WHEN ARE BACKGROUND CHECKS REQUIRED	WHEN ARE BACKGROUND CHECKS UPDATED	WHAT WILL HAPPEN IF BACKGROUND CHECKS ARE NOT APPROVED OR COMPLETED
Prospective foster parents and household members ages 18+ (§6344 (d) (2))	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI · Out-of-state child abuse (if individual resided in another state within last 5 years) 	Prior to initial approval by foster family care agency	After approval, all three background checks must be updated every 24 months	<ul style="list-style-type: none"> · Home cannot be approved if record prohibits approval under Section 6344 of the CPSL · Home can be approved on an emergency basis provided requirements of OCYF Bulletin 3140-04-05/3490-04-01 are followed.
Prospective adoptive parents and household members ages 18+ (§6344 (d) (1))	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI · Out-of-state child abuse (if individual resided in another state within last 5 years) 	Prior to initial approval by adoption agency	After approval, all three background checks required to be updated before a child is placed in the home if background checks are more than a year old	Home cannot be approved if record prohibits approval under Section 6344 of the CPSL
Household members ages 14-17 residing in a prospective foster or adoptive home (§6344 (a))	<ul style="list-style-type: none"> · PA child abuse · PSP 	Prior to initial approval by foster family care agency or adoption agency	<ul style="list-style-type: none"> · Not required; however, individuals who turn 18 and are in the home more than 30 days of a calendar year must obtain PA child abuse, PSP and FBI background checks within 30 days following 18th birthday 	Home cannot be approved if record prohibits approval under Section 6344 (c) (1) and (2) of the CPSL

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Foster parents and household members ages 18+ (including foster children over the age of 18 living in the home at least 30 days of a calendar year) of an approved foster home (§6344 (d) (3))	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI · Out-of-state child abuse for individuals age 18+ who begin residing in the home when they had resided in another state in the preceding five years 	<ul style="list-style-type: none"> · PA child abuse, PSP and FBI background checks required to be resubmitted every 24 months · FBI background check required when other record checks are resubmitted · Out-of-state child abuse background check required only once 	All three background checks must be updated every 24 months	Foster family care agency must review the background checks in accordance with Section 6344 (c) and determine continued approval based on the nature of the record checks and the best interest of the child(ren) in the home
Adoptive parents and household members ages 18+ (including foster children living in the home 30 days of a calendar year) when pre-placement report is required pursuant to §2530 (a) of the Adoption Act	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI 	Prior to placement in the home by adoption agency or intermediary if record checks are more than a year old	No update required	<ul style="list-style-type: none"> · Adoption agency or intermediary may not place child in the home. · An interim placement may be permissible only in full compliance with § 2530(c) of the Adoption Act
Prospective Community Rehabilitation Residential (CRR) Host Home parents and household members ages 18+	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI · Out-of-state child abuse (if individual resided in another state within last 5 years) 	Prior to employment	No update required unless employee seeks employment elsewhere and background checks are more than a year old	Employment prohibited if record contains prohibitive hires under Section 6344 of the CPSL

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Household members ages 14-17 residing in a prospective community rehabilitation residential (CRR) host home	<ul style="list-style-type: none"> · PA child abuse · PSP 	Prior to employment	Not required; however, individuals who turn 18 and are in the home more than 30 days of a calendar year must obtain PA child abuse, PSP and FBI background checks within 30 days following 18 th birthday	Home cannot be approved if record prohibits approval under Section 6344 (c) (1) and (2) of the CPSL
Prospective Respite Care Providers and household members ages 18+	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI · Out-of-state child abuse (if individual resided in another state within last 5 years) 	Prior to employment	No update required unless employee seeks employment elsewhere and background checks are more than a year old	Employment prohibited if record contains prohibitive hires under Section 6344 of the CPSL
Household members ages 14-17 residing in a prospective respite care provider home	<ul style="list-style-type: none"> · PA child abuse · PSP 	Prior to employment	<ul style="list-style-type: none"> · Not required; however, individuals who turn 18 and are in the home more than 30 days of a calendar year must obtain PA child abuse, PSP and FBI background checks within 30 days following 18th birthday 	Home cannot be approved if record prohibits approval under Section 6344 (c) (1) and (2) of the CPSL

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Prospective child care service employees (as defined in Section 6303 of the CPSL) (§6344 (a))	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI 	Prior to employment	No update required unless employee seeks employment elsewhere and background checks are more than a year old	<ul style="list-style-type: none"> · Employment prohibited if record contains prohibitive hires under Section 6344 of the CPSL · Provisional employment is permitted if conditions under Section 6344 (m) are met
Prospective employees of occupations with a significant likelihood of regular contact with children in the form of care, guidance, supervision or training (§6344.2 (b))	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI 	Prior to employment	No update required unless employee seeks employment elsewhere and background checks are more than a year old	Employment prohibited if record contains prohibitive hires under Section 6344 of the CPSL
New self-employed family day care providers and household members 18+ who reside in the home at least 30 days in a calendar year applying for a certificate of registration with the Department (§6344 (e) and §6344.1)	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI 	Prior to Department issuance of Certificate of Registration	Not required for provider or household members who submit background checks if certificate is renewed timely. Required at renewal for: <ul style="list-style-type: none"> - New person 18+ moving into home since previous application for registration certificate. - Person residing in home who turns 18 since previous application for registration certificate. 	Certification is prohibited if record prohibits approval under Section 6344 of the CPSL

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<p>Family day care homes currently registered and applying for renewal - Household members 18+ who reside in the home at least 30 days in a calendar year (§6344.1)</p>	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI 	<p>Prior to Department Renewal of Registration Certificate</p>	<p>For certificates of registration expiring on or after July 1, 2008, must submit all background checks for each household member 18+ who has not submitted record checks previously.</p>	<p>Certification is prohibited if record prohibits approval under Section 6344 of the CPSL</p>
<p>Persons seeking to operate i.e., applying for a certificate of compliance (license), to operate a child care service (§6344(f)).</p>	<ul style="list-style-type: none"> · PA child abuse · PSP · FBI 	<p>Prior to Department issuance of a certificate of compliance.</p>	<p>No update required if certificate is timely renewed.</p>	<p>Certification is prohibited if record contains prohibitive hires under Section 6344 of the CPSL</p>

Clarification of Prohibiting Approval/Hiring:

Approval of foster and adoptive homes and hiring of employees impacted by Act 73 of 2007 is prohibited when any individual has been:

- Named as a perpetrator of a founded report of child abuse or founded report for a school employee within five years preceding the request for a clearance. A founded report refers to when there has been a judicial adjudication based on a finding that a child who is a subject of a report has been abused. This is different from an indicated report where the county agency or DPW determines the child who is a subject of a report has been abused.
- Convicted of a felony offense under the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq., within five years preceding the request for a clearance.
- Convicted of criminal homicide, aggravated assault, stalking, kidnapping, unlawful restraint, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest, concealing the death of a child, endangering the welfare of children, dealing in infant children, prostitution and related offenses, pornography, corruption of minors and sexual abuse of children. The CPSL states that approval or hiring can not occur if any individuals have been convicted of any of these offenses. However, in 2003, the Commonwealth Court of Pennsylvania ruled in Warren County Human Services v. State Civil Service Commission, 844 A.2d 70 , that it is unconstitutional to prohibit employees convicted of these offenses from ever being hired in a child care service. DPW issued a letter on August 12, 2004 (see attachment) outlining the requirements agencies are to follow when hiring an individual affected by this ruling. This ruling does not apply to prospective foster and adoptive parent applicants. Individuals are permitted to be hired when:
 - The individual has a minimum five year aggregate work history in care dependent services since conviction of the crime or release from prison, whichever is later. Care dependent services include health care, elder care, child care, mental health services, mental retardation services or care of the disabled.
 - The individual's work history in care dependent services may not include any incidents of misconduct.
 - An agency must reasonably investigate the character of an individual with a previously disqualifying criminal offense by conducting interviews, obtaining references and obtaining documentation of work history. An agency or facility that hires such an individual is required to obtain specific employer provided documentation of that individual's employment in care dependent services and retain it in the individual's personnel file.