



**ANNOUNCEMENT: C-19-02**  
**OFFICE OF CHILD DEVELOPMENT AND EARLY LEARNING**  
**BUREAU OF CERTIFICATION**

**ISSUE DATE:** September 18, 2018  
**REISSUE DATE:** August 30, 2019  
**EFFECTIVE DATE:** Immediately  
**SUNSET DATE:** Ongoing

<b>SUBJECT:</b>	Meeting the Requirements of the Child Protective Services Law (CPSL) for Child Care facilities
<b>TO:</b>	Child Care Operators and Employees ELRCs Office of Child Development and Early Learning Staff.
<b>FROM:</b>	Tracey Campanini <i>TC</i> Deputy Secretary, Office of Child Development & Early Learning

**PURPOSE:**

The purpose of this announcement is to describe the requirements in Act 47, signed into law July 2019 and to clarify information about criminal history background checks. This Act changed 1) the Child Protective Services Law (CPSL) requirements for current staff, new hires, and volunteers in child care facilities and; 2) eliminated the provisional hire period for child care workers effective December 31, 2019. This law requires child care providers to meet requirements at various time periods as described below. All requirements must be met beginning July 1, 2020.

This announcement was last issued September 18, 2018 and is being reissued for five primary purposes. The first purpose is to describe the National Sex Offender Registry (NSOR) verification certificate, which is required beginning September 30, 2019. The second purpose is to describe the requirements for current staff, new hires, and all volunteers who have resided out of Pennsylvania in the previous five-year period. The third purpose is to describe the revised clearance/verification certificate requirements for volunteers. The fourth purpose is also to clarify for providers their responsibility to submit criminal history documentation for review when documentation shows felony and misdemeanor grade charges and/or convictions of facility persons. The final purpose is to announce the elimination of the provisional hire period for new child care workers effective December 31, 2019.

**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, 2015, 2017, and 2018. 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:**

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

1.) The most recent change brought about under Act 47 requires that all facility persons, household members, those with ownership interest in a regulated child care provider, and volunteers obtain the NSOR Verification Certificate.

- All new staff hired beginning September 30, 2019 must apply for and produce verification of receipt of the NSOR Verification Certificate. The provider must keep a copy of the new facility persons application for NSOR in the facility person's file.
- Current staff must have the NSOR verification certificate no later than July 1, 2020.
- Any current household member age 18 and older residing for at least 30 calendar days per year at a certified child care facility must have the verification certificate no later than July 1, 2020.
- Any individual age 18 and older that becomes a household member residing for at least 30 calendar days per year at child care facility on or after September 30, 2019 must have the NSOR Verification Certificate.

The NSOR Verification Certificate is the document generated as a result of a search conducted on the National Crime Information Center/National Sex Offender Registry. The NSOR will verify that a check of the National Sex Offenders Registry was conducted. Results of NSOR will determine if an individual can or cannot work for a regulated child care provider. They will also determine if a household member can or cannot reside in a child care facility. There is no fee for the NSOR Verification Certificate.

2.) The next change is the requirement for facility persons, volunteers, and household members who may have resided out of Pennsylvania within the previous 5 years. These facility persons must obtain a State criminal history check, State sex offender registry check and State child abuse and neglect registry check from the State(s) in which they resided in the previous 5 years. This is required beginning September 30, 2019 for new hires and new volunteers. Current facility persons and volunteers must meet these requirements beginning July 1, 2020.

3.) The third change is the requirement that all volunteers obtain the Pennsylvania Child Abuse History Clearance, the Pennsylvania State Police (PSP) Criminal History Clearance, the FBI clearance required by DHS, the NSOR verification certificate, and out of State clearances if they resided outside of Pennsylvania within the previous 5 years as mentioned above. The change includes the additional requirement of the FBI clearance required by DHS which was not required for volunteers prior to Act 47, the NSOR verification certificate, and the requirement for clearances/verification certificates for volunteers who may have resided outside of Pennsylvania within the previous 5 years to obtain a State criminal history check, State sex offender registry check and State child abuse and neglect registry check from the State(s) in which they resided in the previous five years.

4.) The fourth change is the process that all regulated child care providers use when criminal history documentation of misdemeanor and/or felony grade charges and/or convictions are received. When documentation is received providers must submit the rap sheet to their Regional Office of Child Development and Early Learning (OCDEL) for review. There are four Regional Offices: Western Region OCDEL, Central Region OCDEL, Northeast Region OCDEL, and, Southeast Region OCDEL. Effective immediately, new and current facility persons must be supervised until notified by the Regional Office.

5.) The final change is the removal of the provisional hire period effective December 31, 2019. The provisional hire period has been in effect for the past several years. However, the CPSL changes reflect a growing concern that any facility persons or volunteers working with children should have all background clearances/verifications before starting employment. This change represents a major shift in the employment practices of child care facilities. Because the change goes into effect on December 31, 2019, providers must begin to plan for the change.

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

#### **REQUIREMENTS FOR CURRENT FACILITY PERSONS, VOLUNTEERS, HOUSEHOLD MEMBERS, AND DIRECTOR/OPERATOR:**

All current facility persons and volunteers must meet these requirements beginning July 1, 2020:

- Pennsylvania Child Abuse History Clearance

- Pennsylvania State Police (PSP) Criminal History Clearances
- FBI clearance required by DHS
- National Sex Offender Registry (NSOR) Verification Certificate
- Facility persons, volunteers, and household members who may have resided outside of Pennsylvania within the previous 5 years. These facility persons must obtain a State criminal history check, State sex offender registry check and State child abuse and neglect registry check from the State(s) in which they resided.

Note that the FBI clearance required by the Pennsylvania Department of Education (PDE) is unacceptable in all cases. The only acceptable FBI clearance is the FBI clearance required by DHS. Each clearance/verification certificates listed above must be renewed **every 60 months** from the date of the existing clearance/verification. There is no requirement that all clearance/verification certification be requested or renewed simultaneously. For example, if the Child Abuse clearance was obtained January 2, 2017, then no renewal would be needed until January 2, 2022. Similarly, if the PSP Criminal History clearance was obtained February 2, 2017, then no renewal would be needed until February 2, 2022. And if the FBI Criminal History clearance required by DHS was obtained March 2, 2017, then no renewal would be needed until March 2, 2022. It is recommended, not required, that facility persons renew all clearances/verifications based on the date of the oldest clearance to ensure the timely renewal of all clearances/verifications going forward. Clearance/verification renewals should be dated prior to the expiration of the current clearance. For example, if the PSP Criminal History Clearance expires December 2, 2019, the renewal should be dated on or before December 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/subchapatoc.html>.

Specific information about the responsibilities for a child care provider as it relates to CPSL as referenced, 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 FBI Criminal History Clearance required by DHS 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.
- The NSOR Verification Certificate can be obtained at [www.keepkidssafe.pa.gov](http://www.keepkidssafe.pa.gov)

#### Mandated Reporter training:

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

Note that operators must obtain this training prior to the issuance of an initial 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](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 facility persons.

**Volunteers:**

Clearances/verification certificates 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 according to the CPSL, as regular and repeated contact that is integral to a person's employment or volunteer responsibilities. 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 and maintain updated clearances/verifications every 60 months:

- **Pennsylvania Child Abuse History clearance**
- **PSP Criminal History clearance**
- **FBI clearance required by DHS**
- **NSOR Verification Certificate**
- **Out of State clearances if they resided outside of Pennsylvania in the past five years**

The volunteer must sign the "Disclosure Statement Application for Volunteers" (Appendix 4).

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 FBI clearance required by DHS. There is no fee for the NSOR Verification Certificate.

Volunteer Child Abuse and State Police clearances will not be accepted as evidence of fulfilling the clearance requirements for child care facility persons and/or operators pursuant to CPSL. Volunteer clearances/verifications will not be accepted for household members, operators, or any facility persons working in child care. As such, any volunteer who becomes employed in child care must obtain new clearances/verifications 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/verifications. If the new clearances/verifications are not received within 90 days, the individual should be dismissed from the child care position until new clearances/verifications are obtained. **Note that the information in the underlined sentences above relating to the provisional hired period is no longer valid effective December 31, 2019.**

**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:**

**Effective September 30, 2019 all new hires are required to have:**

- **A Pennsylvania Child Abuse History clearance**
- **PSP Criminal History clearance**
- **FBI clearance required by DHS**
- **NSOR Verification Certificate**
- **Out of State clearances if they resided outside of Pennsylvania in the past five years**

#### Clearance/Verification certificate requirements:

The Pennsylvania Child Abuse History Clearance, the Pennsylvania State Police (PSP) Criminal History Clearance, the FBI clearance required by DHS, and the National Sex Offender Registry (NSOR) Verification Certificate is considered current and valid if obtained within the last 60 months (five years). Prior to commencing employment, the prospective 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. Clearances and rap sheets need to be submitted to the Regional office for further determination of suitability for employment.

As explained above, volunteer Child Abuse and State Police clearances will not be accepted as evidence of fulfilling the clearance requirements for child care facility persons and/or operators pursuant to CPSL. As such, any volunteer who becomes employed in child care must obtain new clearances/verification certificates 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/verifications. If the new clearances/verification certificates are not received within 90 days, the individual should be dismissed from the child care position until new clearances/verification certificates are obtained. **Note that the information in the underlined sentences above relating to the provisional hired period is no longer valid effective December 31, 2019.**

#### Time frames to obtain clearances:

The provisional hire period for child care facility persons, hired on or after December 31, 2014, is up to 90 calendar days. This means that when a facility person is hired and does not have background or criminal clearances, he or she has up to 90 calendar 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). **Note that the information in the underlined sentences above relating to the provisional hired period is no longer valid effective December 31, 2019.**

#### General procedures for new hires:

Prospective employees who have already completed an acceptable Pennsylvania Child Abuse History clearance, Pennsylvania State Police clearance, FBI clearance required by DHS, and NSOR Verification Certificate, may be hired as permanent employees if the completed clearances/verifications are less than 60 months old. The prospective employee must present their current clearances/verifications and sign the disclosure statement.

If the prospective employee does not have current, acceptable clearances/verification certificates, they are considered "Provisional Employees" under CPSL. Provisional employees cannot work alone with children until they receive the proper clearances/verification certificates; all questionable clearances/verification certificates 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 prospective employee and volunteers on a provisional basis for a single time period of up to 90 calendar days for Pennsylvania residents and out-of-State residents. **Note that the information in the underlined sentences above relating to the provisional hired period is no longer valid effective December 31, 2019.**

Providers should question if a prospective employee has resided outside of Pennsylvania within the previous five-year period. If so, a State criminal history check, State sex offender registry check and State child abuse and neglect registry check from the State(s) in which they resided.

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 FBI Criminal History clearance required by DHS. The verification can be obtained by visiting <https://uenroll.idento.com/status-check> and filling out the form using the information you provided with your original request.
- A copy of the NSOR application to verify submission.
- A State criminal history check, State sex offender registry check and State child abuse and neglect registry check from the State(s) in which they previously resided within the past five years.

**Note that the information in the underlined sentences above relating to the provisional hired period is no longer valid effective December 31, 2019.**

**Process for a provisional employee: Information in the underlined sentences below is obsolete effective December 31, 2019.**

- 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 persons 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/verifications 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, the FBI clearance required by DHS, and the NSOR Verification Certificate, 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 FBI Criminal History clearance required by DHS, the NSOR Verification Certificate, and out of State clearances if they resided out of Pennsylvania within the previous five years, that are LESS than 60 months on the first day of work in the facility is not required to submit requests for new clearances/verifications. However, a signed disclosure statement must be provided. If the clearances/verifications are OVER 60 MONTHS OLD, NEW CLEARANCES/VERIFICATIONS MUST BE OBTAINED.

- The facility administrator must see a copy of each clearance. The facility administrator must retain copies of all clearances/verifications for the staff file; Please note that photocopies are acceptable so long as they are legible and complete. All required clearances/verification 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 FBI Criminal History clearance required by DHS indicates the individual has felony or misdemeanor convictions that do not prohibit employment under CPSL, you MUST ensure that the "rap sheet" is attached and submitted for review by a DHS certification representative.
- If an employee has an FBI clearance required by PDE, the individual should be advised that such PDE clearance cannot be accepted, and that they must instead apply for, obtain, and provide the FBI clearance required by DHS 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(q)(2)).
- **\*\*\*IMPORTANT: Child care staff that hold the position of DIRECTOR must have completed, acceptable clearances/verifications 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.**

#### **Actions to take if you receive a criminal clearance with criminal convictions or charges**

- If the employee's FBI Criminal History clearance required by DHS or PSP clearance indicates the individual has felony or misdemeanor convictions that do not prohibit employment under CPSL, you MUST ensure that the "rap sheet" is attached and submitted for review by DHS to determine suitability for work in a regulated child care facility.

#### **Director/Person In Charge – Responsibilities for Compliance**

##### **Provisional/New Hires**

- Make copies of clearances/verification for the employee application.
- Witness and place the copies in the employee file.
- Place the completed disclosure statement in the employee file.
- Keep copies of requests/applications, the disclosure statement and completed clearances/verifications 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 always supervised by a staff person who has completed acceptable clearances/verification certificate 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 applicable clearances/verifications and is an Assistant Group Supervisor or higher.



- Maintain a tracking system to monitor that the clearances/verifications are received and identify the date by which a provisional hire must provide updated clearances/verifications. Various factors could cause a delay in the turnaround time for the return of the clearances/verifications, 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/verifications.
- 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]. Submit cases where felony and misdemeanor charges were returned to the Regional office for further determination of suitability for employment.
- Remove the provisional employee from the child care position if all completed clearances/verifications are not on file by the 90<sup>th</sup> calendar day after the person starts work. **Removal is not negotiable; the reason for the delay is irrelevant.**
- **Note again that the director MAY NOT START WORK as a provisional employee. The Director must have completed acceptable clearances/verifications 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/verifications or requests for clearances/verification (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/verifications are received. **Note that the information in the underlined sentences above relating to the provisional hired period is no longer valid effective December 31, 2019.**

#### All facility persons

- Maintain a tracking system to monitor that clearances/verification certificates are received and identify the date by which an employee must provide required documentation.
- Submit cases where felony and misdemeanor charges were returned to the Regional office for further determination of suitability for employment.
- If clearances/verification are not updated timely and expire after the 60-month term, the employee must be removed from working in a child care position until all clearances/verifications are renewed.

#### Requirements for applicants for a certificate of compliance

Effective September 30, 2019 applicants for a certificate of compliance must produce documentation of all clearances/verification certification described in this announcement when submitting an application to the regional office, including the NSOR Verification Certificate.

#### Suggested/sample statement signed by provisional employees

**I understand that the Child Protective Services Law (CPSL) requires that I have a completed and acceptable criminal history clearance; a completed and acceptable child abuse clearance; a completed and acceptable FBI clearance required by DHS; a completed and acceptable NSOR Verification Certificate; and, if applicable, completed any acceptable out of State clearances if they resided outside of Pennsylvania within the previous five years, on file at the child care facility by the 90th calendar day after I commence employment in child care. Failure, for whatever reason, to have these completed clearances/verifications 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 facility persons understand the steps they must take to obtain the required clearances/verifications.
3. Establish a tracking system for facility persons clearance expiration dates and determine which, if any, facility persons will be required to obtain additional or updated clearances/verifications.
4. Review the facility persons files to ensure compliance with CPSL and the Department's regulatory requirements.
5. Question facility persons about residency outside of Pennsylvania within the past five-years.
6. Make sure facility persons who resided outside of Pennsylvania in the past 5 years secure a State criminal history check, State sex offenders registry check, and State child abuse and neglect registry check from the prior State.

**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

## Reference Guide for CPSL clearances/verification

Facility Type		Clearances/ Verifications Required	Mandated Reporter Training Req
<b>FAMILY</b> HH members must update all clearances/verification certificate using same timeframes as staff persons.	NEW APPLICANTS	CHILD ABUSE, FBI, NSOR, PSP- all obtained within the previous 60 months; MUST include a signed affirmation statement; applies to APPLICANT AND HH MEMBERS 18 AND OVER RESIDING IN HOME MORE THAN 30 DAYS. If anyone has resided outside of PA within the previous five years they must obtain the appropriate clearances from the state(s) in which they resided.	APPLICANT MUST COMPLETE TRAINING AND SUBMIT "CERTIFICATE OF COMPLETION" WITH APPLICATION PACKET
	EXISTING PROVIDERS	CHILD ABUSE, FBI, NSOR, PSP- must be updated 60 months based on the date of the respective existing clearance for facility persons, volunteers, AND HH MEMBERS 18 AND OVER RESIDING IN HOME MORE THAN 30 DAYS. If anyone has resided outside of PA within the previous five years they must obtain the appropriate clearances from the state(s) in which they resided.	MUST BE RENEWED EVERY 5 YEARS
<b>GROUP (RESIDENCE)</b> HH members must update all clearances/verification using same timeframes as staff persons.	NEW APPLICANTS	CHILD ABUSE, FBI, NSOR, PSP- all obtained within the previous 60 months; MUST include a signed affirmation statement; applies to APPLICANT AND HH MEMBERS 18 AND OVER RESIDING IN HOME MORE THAN 30 DAYS. If anyone resided outside of PA within the previous five years they must obtain the appropriate clearances from the state(s) in which they resided.	APPLICANT MUST COMPLETE TRAINING AND SUBMIT "CERTIFICATE OF COMPLETION" WITH APPLICATION PACKET
	EXISTING PROVIDERS	CHILD ABUSE, FBI, NSOR, PSP- must be updated 60 months based on the date of the respective existing clearance for facility persons, volunteers, AND HH MEMBERS 18 AND OVER RESIDING IN HOME MORE THAN 30 DAYS. If anyone resided outside of PA within the previous five years they must obtain the appropriate clearances from the state(s) in which they resided.	MUST BE RENEWED EVERY 5 YEARS
<b>GROUP (NOT IN A RESIDENCE)</b>	NEW APPLICANTS	CHILD ABUSE, FBI, NSOR, PSP- all obtained within the previous 60 months; MUST include a signed affirmation statement; applies to APPLICANT. If anyone has resided outside of PA within the previous five years they must obtain the appropriate clearances from the state(s) in which they resided.	APPLICANT MUST COMPLETE TRAINING AND SUBMIT "CERTIFICATE OF COMPLETION" WITH APPLICATION PACKET
	EXISTING PROVIDERS	CHILD ABUSE, FBI, NSOR, PSP- must be updated 60 months based on the date of the respective existing clearance for facility persons, volunteers. If anyone has resided outside of PA within the previous five years they must obtain the appropriate clearances from the state(s) in which they resided.	MUST BE RENEWED EVERY 5 YEARS
<b>CENTER</b>	NEW APPLICANTS	CHILD ABUSE, FBI, NSOR, PSP- all obtained within the previous 60 months; MUST include a signed affirmation statement; applies to APPLICANT. If anyone has resided outside of PA within the previous five years they must obtain the appropriate clearances from the state(s) in which they resided.	APPLICANT MUST COMPLETE TRAINING AND SUBMIT "CERTIFICATE OF COMPLETION" WITH APPLICATION PACKET

	EXISTING PROVIDERS	CHILD ABUSE, FBI, NSOR, PSP- must be updated 60 months based on the date of the respective existing clearance for facility persons, volunteers. If anyone has resided outside of PA within the previous five years they must obtain the appropriate clearances from the state(s) in which they resided.	MUST BE RENEWED EVERY 5 YEARS
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NOTE: CLEARANCES/VERIFICATIONS THAT ARE SUBMITTED BY APPLICANTS FOR CERTIFICATION MUST BE ORIGINALS OR COPIES THAT ARE SUFFICIENTLY CLEAN, READABLE, LEGIBLE AND FREE OF MODIFICATIONS

## Appendix 2

## Clearance/Verifications and Results Analysis

Note that the information in the underlined sentences is no longer valid effective December 31, 2019.

Status of clearance	Requirements for new hire	Work alone with Children	Director Responsibilities
Has all clearances/verifications < 60 months old	Considered a permanent employee.  1) Provide clearances/verifications for copies for file. 2) Provide a signed Disclosure statement.	Yes. The employee must meet the qualifications for an AGS or primary staff person to be permitted to work alone with children.	Keep copies for the employee's file.  Start tracking system assuring that each clearance/verification is updated every 60 months from the date of the existing clearance/verification.
<u>Has 3 or fewer clearances/verifications &lt; 60 months old</u>	<u>Considered a provisional hire.</u>  <u>Prior to starting:</u> 1) <u>Provide copies of the requests for the outstanding clearance(s)/verifications.</u> 2) <u>Provide a signed Disclosure statement.</u>	<u>No.</u>  1) <u>Must be supervised.</u> 2) <u>Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff person in a GCCH) until all clearances/verifications are received.</u> 3) <u>Cannot work more than 90 days w/o all proper clearances.</u>	<u>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.</u>  <u>Note: start date and track 90 days for the provisional work period; dismiss employee if clearances/verifications not received by 90<sup>th</sup> day; if clearances/verifications are received, keep copies in employees' files.</u>

Clearances indicate convictions/disposition or rap sheet attached	<p><u>Considered a provisional hire.</u></p> <p>Must await review by director and DHS if needed before starting employment.</p>	<p>No.</p> <p>1) <u>Must be supervised</u>  2) <u>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.</u></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><u>Considered a provisional hire.</u></p> <p>Must provide a copy of rap sheet.</p> <p><u>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.</u></p>	<p>No.</p> <p>1) <u>Must be supervised</u>  2) <u>Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff person in a GCCH) until all clearances/verifications received</u>  3) <u>Cannot work more than 30 days after the clearance/verification is obtained or the 90 day provisional period has expired (whichever date comes last), w/o all clearances/verifications</u></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. If it is not received after extension, then the staff person shall be dismissed. Notate dismissal date in file.</p>
Criminal Convictions - No disposition reported	<p><u>Considered a provisional hire.</u></p> <p><u>Must obtain proof of disposition from court where convicted. However, if 90 days have passed, then employee</u></p>	<p>No.</p> <p>1) <u>Must be supervised</u>  2) <u>Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff person</u></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</p>

	<p><u>gets another 30 to obtain disposition.</u></p> <p>If not produced in 30 days after the clearance/verification is obtained or the 90 day provisional period has expired (whichever date comes last), then the staff person shall be dismissed.</p>	<p><u>in a GCCH) until all clearances/ verifications received</u></p> <p>3) Cannot work more than 30 days after the clearance/verification is obtained or the 90 day provisional period has expired (whichever date comes last), w/o proper clearances/verifications.</p>	<p>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>
Staff person with volunteer clearances/verifications	<p><u>Considered a provisional hire if within the first 90 days of employment and all required documents are on file. If proper clearances/verifications are not produced within the 90-day provisional period, then the staff person shall be dismissed.</u></p>	<p>No.</p> <p>1) Must be supervised</p> <p>2) <u>Work in the immediate vicinity of a permanent employee (AGS qualified or higher or primary staff person in a GCCH) until all clearances/verifications received</u></p> <p>3) Cannot work more than 90 days w/o proper clearances/verifications.</p>	<p>Review clearances/verifications at time of hire to ensure they are not labeled volunteer.</p> <p><u>If it is not received after provisional period, then the staff person shall be dismissed. Notate dismissal date in file.</u></p>

**Note that the information in the underlined sentences above relating to the provisional hired period is no longer valid effective December 31, 2019.**

## **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.  
**The information in the underlined sentences is obsolete effective December 31, 2019.**

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"> <li>• 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.</li> <li>• Community home for individuals with an intellectual disability.</li> <li>• Host home for children with intellectual disabilities receiving supervised independent living services.</li> </ul>

Appendix 6

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



U.S. Department of Justice  
Federal Bureau of Investigation  
Criminal Justice Information Services Division  
January 17, 2018

DATE: 09-01-2018

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

Subject Name

Search Completed Result

09-01-2018

F2018244000000075438

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:

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 (IdHS) 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 IdHS 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) 425-5590. You may also visit the Web site at [www.fbi.gov](http://www.fbi.gov) for further instructions.

*William G. McKinney*  
William G. McKinney  
Section Chief  
Biometric Services Section  
Criminal Justice Information  
Services Division