



OCT 29 2015

Dear Provider of a Child-Care Service:

On December 22, 2014 the Bureau of Human Services Licensing released a letter of clarification regarding the changes to the Child Protective Services Law that went into effect December 31, 2014.

As you may know, on July 1, 2015, Governor Tom Wolf signed House Bill 1276 (PN 1997), designed to clarify and make changes to the Child Protective Services Law. It went into effect immediately. The changes are highlighted in this letter.

Background Certifications

Effective July 1, 2015, any employee who begins employment with a new agency or organization that is responsible for the care, supervision, guidance or control of children is permitted to use their current certifications as long as they are no older than 60 months. However, when transferring clearances prior to beginning new employment, an employee must swear or affirm in writing that they have not been disqualified from employment or service under section 6344(c) or have not been convicted of an offense similar in nature to a crime listed in section 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this commonwealth.

Effective July 1, 2015, employees who have direct contact with children will be required to obtain new certifications every 60 months:

- Employees who had certifications issued prior to December 31, 2014, that were obtained within the past 60 months, are required to obtain new certifications within 60 months of the date of their oldest certification.
- Employees who had certifications issued prior to December 31, 2014 that are older than 60 months must obtain new certifications no later than December 31, 2015.

Effective August 25, 2015, a new volunteer having direct volunteer contact with children must obtain certifications prior to beginning service. All volunteers must also update their certifications every 60 months. Volunteers are exempt from obtaining FBI criminal background checks if they meet certain criteria which can be found in 23 Pa.C.S. § 6344.2(relating to volunteers having contact with children).

- Volunteers who were approved as a volunteer before August 25, 2015, and do not have certifications (because they were not required to obtain them) have until July 1, 2016 to obtain them.
- Volunteers who had certifications issued prior to August 25, 2015, that were obtained within the past 60 months, are required to obtain new certifications within 60 months of the date of their oldest certification.
- Volunteers who were approved as a volunteer before August 25, 2015 and have certifications that are older than 60 months have until July 1, 2016 to obtain updated certifications.

These are just a few of the significant changes to the Child Protective Services Law. The statute can found in its entirety at <http://www.legis.state.pa.us/>. Additional information and resources can also be found at www.keepkidssafe.pa.gov.

Questions related to the application of the Child Protective Services Law in a setting licensed by the Bureau of Human Services Licensing can be directed to the BHSL Provider Support Hotline at 1-866-503-3926. Questions may also be directed via email to rapwarlheadquarters@pa.gov.

Thank you for your continued partnership in protecting the health, safety, and welfare of the children throughout the Commonwealth.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew J. Jones', with a long horizontal line extending to the right.

Matthew J. Jones
Director



DEC 22 2014

Dear Provider of a Child-Care Service:

In November of 2011, the Pennsylvania General Assembly convened the Task Force on Child Protection to thoroughly review state laws and procedures. As a result of the Task Force's recommendations, twenty-three pieces of legislation were enacted changing how Pennsylvania responds to child abuse and making amendments to 23 Pa.C.S. §§ 6301—6385 (relating to the Child Protective Services Law). These changes will impact the regulatory requirements of your facility pertaining to the mandatory reporting of suspected child abuse, training of staff and operators, and the background clearance requirements for individuals who work or volunteer with children.

Reporting Suspected Child Abuse

Effective December 31, 2014, mandated reporters must make an immediate and direct report of suspected child abuse to ChildLine. This report can be submitted electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313. After making the report to ChildLine, the mandated reporter in a facility or agency must immediately thereafter notify the person in charge of the facility or agency or the designated agent of the person in charge of the report.

Please note that effective the same date, the definition of child abuse has also been amended. The full definition can be found in 23 Pa.C.S. § 6303 (relating to definitions).

The Bureau of Human Services Licensing (BHSL) will determine during each inspection if the facility is compliant with reporting by conducting interviews, reviewing records, and reviewing agency policy. BHSL recommends reviewing and revising current facility or agency policy and training all staff on the revised procedures and definitions prior to December 31, 2014.

Training

Effective December 31, 2014, the following individuals are required to participate in child abuse recognition and reporting training that has been approved by the Pennsylvania Department of Human Services:

- Employees hired on or after 12/31/14 that have direct contact with children must receive 3 hours of training within 90 days of hire and 3 hours of training every five years thereafter.
- Beginning 7/1/15, the facility operator and employees that have direct contact with children that were hired prior to 12/31/14 must receive 3 hours of training prior to the re-issuance of a license and 3 hours of training every five years thereafter.
- Prospective operators of child-serving facilities or agencies must receive 3 hours of training prior to the issuance of an initial license and 3 hours of training every five years thereafter.

The Department has collaborated with the University of Pittsburgh's Child Welfare Resource Center to develop a free, web-based training that fulfills this requirement and can be found at www.reportabusepa.pitt.edu. A list of other Department-approved training sources can be found at www.keepkidssafe.pa.gov

During each inspection, BHSL will review training records to determine that each operator and employee that has direct contact with children has received the required training. BHSL staff will assure that the source of the training was approved by the Department by verifying that the staff took the online training through University of Pittsburgh or through another source listed on the above website. Providers applying for initial licensure will need to submit training records to BHSL prior to the issuance of an initial license.

Background Clearances

Employees of child-care services are required to obtain the following background clearances:

- Pennsylvania Child Abuse History Clearance;
- Pennsylvania State Police Criminal Record Check; and
- Federal Bureau of Investigation Criminal Background Check.

Beginning December 31, 2014, the Pennsylvania Child Abuse History Clearance can be submitted and paid for online through the Child Welfare Information Solution (CWIS) self-service portal, www.compass.state.pa.us/cwis. Submitting an application online allows individual applicants to receive their results through an automated system that will notify the applicant once their results have been processed. Applicants will be able to view and print their results online. The self-service portal also provides the ability for organizations to create business accounts to prepay for child abuse clearances and have online access to the results.

Effective December 31, 2014, any employee who begins employment with a new agency or organization that is responsible for the care, supervision, guidance or control of children is required to obtain a new background clearance prior to beginning employment. Background checks completed within one-year prior to employment are no longer acceptable.

Effective December 31, 2014, employees who have direct contact with children will be required to obtain new clearances every 36 months:

- Employees hired prior to 12/31/14 who have clearances completed within the past 36 months are required to obtain new clearances within 36 months of the dates of their current clearances.
- Employees hired prior to 12/31/14 who have clearances older than 36 months must obtain new clearances no later than 12/31/15.
- Employees hired prior to 7/1/08 that were not required to obtain an FBI criminal background check, must obtain one prior to 12/31/15.

Effective July 1, 2015, a volunteer having contact with children must obtain background checks prior to beginning service and every 36 months thereafter. Volunteers are exempt from obtaining FBI criminal background checks if they meet certain criteria which can be found in 23 Pa.C.S. § 6344.2(relating to volunteers having contact with children).

If an employee or volunteer is arrested for or convicted of an offense that would constitute grounds for denying employment or participation under the Child Protective Services

Law, or is named a perpetrator in a founded or indicated report, the employee or volunteer must provide written notice to the facility or agency within 72 hours after the arrest, conviction or notification.

If the facility or agency has a reasonable belief that an employee or volunteer was arrested or convicted for an offense that would constitute grounds for denying employment or participation or was named as a perpetrator in a founded or indicated report, or the employee or volunteer has provided notice as described above, the facility or agency shall immediately require the employee or volunteer to submit current background clearances.

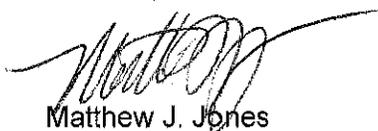
During each inspection, BHSL will review employee and volunteer files to determine background checks were obtained upon employment and renewed within the required timeframes. BHSL recommends that the facility review and update its policies and procedures related to the hiring process and develop a tracking system to ensure renewal of background checks are completed timely. Staff responsible for hiring and the maintenance of personnel files should be trained in the new requirements prior to December 31, 2014.

These are just a few of the significant changes to the Child Protective Services Law. The statute can found in its entirety at <http://www.legis.state.pa.us/>. Additional information and resources can also be found at www.keepkidssafe.pa.gov.

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Matthew J. Jones
Director