

God is still speaking,
**UNITED CHURCH
OF CHRIST**



Pennsylvania Child Abuse Prevention Laws Update Webinar

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**CONTINUING TESTAMENT
EXTRAVAGANT WELCOME
CHANGING LIVES**

This PowerPoint Presentation was updated to include changes in the legislation that were enacted July 1, 2015. The changes are shown in red strikethrough text and blue text throughout the PowerPoint.



DISCLAIMER

This PowerPoint presentation was made in conjunction with an oral presentation that included additional points and details. This presentation, along with the oral presentation, should not be construed as legal advice, nor does it establish an attorney-client relationship between the viewer and the presenter.



Agenda

- Duty to Report Suspected Abuse
 - Who has the duty to report?
 - When does that duty arise?
- Required ~~Clearances~~ Certifications
 - Who is required to obtain ~~clearances~~ certifications?
 - When and how often should ~~clearances~~ certifications be obtained?
 - What if the ~~clearances~~ certifications reveal negative information?



Duty to Report Suspected Abuse

- **Any person**– including clergy, lay, employee, and volunteer– **may** report suspected child abuse.
- Some people have a **legal duty** to report child abuse.



Duty to Report Suspected Abuse

- The following people are mandated reporters:
 - Clergy
 - Employees and volunteers who accept responsibility for a child as part of their role in a regularly scheduled program, activity, or service



Duty to Report Suspected Abuse

The mandated reporter doesn't ever have to see the child to suspect and report abuse.

The mandated reporter doesn't ever have to be certain that a child is being abused.

Duty to Report Suspected Abuse

- The duty to report suspected abuse arises if the mandated reporter:
 - Comes into contact with a child in the course of the mandated reporter's employment, occupation, or practice of a profession, or through a regularly scheduled program, activity, or service and suspects the child is being abused; and/or
 - Is directly responsible for the care, supervision, guidance, or training of the child, or is affiliated with an agency, institution, church, or religious organization that is responsible for the care, supervision, guidance or training of the child.



Duty to Report Suspected Abuse

- The duty to report arises when another person tells a mandated reporter that a specific child is the victim of abuse.
- The duty to report arises when another person, who is 14 years or older, tells a mandated reporter that he or she has abused a child.



Duty to Report Suspected Abuse

If the duty to report arises, a mandated reporter must make the report immediately and directly.



Duty to Report Suspected Abuse

- Please remember:
 - You don't need proof.
 - You don't need to know who is abusing the child.
 - You shouldn't investigate on your own.
 - You are protected against civil or criminal actions for making the report.
 - No one is prevented from reporting abuse.



Duty to Report Suspected Abuse

- Anyone can report by:
 - Calling 911 for a child in immediate danger
 - Calling ChildLine at 1-800-932-0313
- Mandated reporters can ALSO report by:
 - www.compass.state.pa.us/cwis (set up account before you need it)
- Write a memo to file with the date, circumstances, and the person you talked to



Required ~~Clearances~~ Certifications

- Certain ~~clearances~~ certifications must be obtained by employees and volunteers who have direct contact with children.
- The laws requiring these ~~clearances~~ certifications apply to churches and other religious organizations.



Required ~~Clearances~~ Certifications

- Pennsylvania State Police Background Check
- Pennsylvania Child Abuse History ~~Clearance~~ Certification
- Federal Bureau of Investigation ~~Clearance~~ Certification



Required ~~Clearances~~ Certifications: Who Needs Them?

- Employees or volunteers who:
 - Are responsible for the welfare of a child; or
 - Have direct contact with children



Required ~~Clearances~~ Certifications: Who Needs Them?

- One minor exception for volunteers
- If:
 - Position is unpaid, AND
 - Volunteer has been continuous resident of PA for 10 years prior to applying for position, AND
 - Volunteer swears in writing that he or she is not disqualified from service
- Then: Federal Bureau of Investigation ~~Clearance~~ Certification need not be obtained. Other ~~clearances~~ certifications still must be obtained.



Required ~~Clearances~~ Certifications: How Often Do We Need Them?

- ~~Clearances~~ Certifications must be obtained every ~~36~~ 60 months, for volunteers and employees.
- Employees hired prior December 31, 2014, who had ~~clearances~~ certifications more than ~~36~~ 60 months ago, must obtain ~~clearances~~ certifications by December 31, 2015 and every ~~36~~ 60 months thereafter.
- Volunteers **selected before ~~July 1~~ August 25, 2015** must have ~~clearances~~ certifications by July 1, 2016, if they did not previously have ~~clearances~~ certifications because it was not required, or if the ~~clearances~~ certifications are older than ~~36~~ 60 months.
- All other volunteers must have ~~clearances~~ certifications within the past ~~36~~ 60 months.



Required ~~Clearances~~ Certifications : How Often Do We Need Them?

If you are unsure as to whether your employees or volunteers need ~~clearances~~ certifications, the best course of action is to obtain them.



Required ~~Clearances~~ Certifications : When Do We Need Them?

- Beginning ~~July 1~~ August 25, 2015, prospective volunteers must submit ~~clearances~~ certifications prior to commencement of service.
- Employees must have ~~clearances~~ certifications prior to commencement of employment, unless the person is hired on a provisional basis.



Required ~~Clearances~~ Certifications: Who Keeps The Records?

- The employer/volunteer organization is responsible for keeping records of the ~~clearances~~ certifications and ensuring that its employees/volunteers meet the ~~clearance~~ certification requirements.
- The original ~~clearances~~ certifications stay with the employee/volunteer and the employer/volunteer organization keeps a copy.



Required ~~Clearances~~ Certifications : How To Get Them

- Go to <http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm>.
- The Praesidium background check does not include the Pennsylvania Child Abuse ~~Clearance~~ Certification or the Federal Bureau of Investigation ~~Clearance~~ Certification.



Required ~~Clearances~~ Certifications: Negative Information

- Any history of committing child abuse within the immediately preceding five years disqualifies a person from employment or from volunteering.
- Certain other crimes will also disqualify an individual from employment or volunteering, including aggravated assault, rape, corruption of minors, and certain drug felonies.



Required ~~Clearances~~ Certifications : Negative Information

- Employees and volunteers who have contact with children are required to notify their employer or administrator within 72 hours of being arrested or convicted or a disqualifying offense or being named as a perpetrator in a report of child abuse.
- If you obtain information, either from the employee/volunteer or from elsewhere, that suggests the employee/volunteer may be disqualified, prohibit the individual from having any contact with children and consult an attorney immediately.



Helpful Resources

- <http://keepkidssafe.pa.gov/supportingdocuments/index.htm> (for volunteer disclosure statement for those who have lived in PA continuously for 10 years)
- <http://keepkidssafe.pa.gov/clearances/index.htm> (for complete information on obtaining clearances)

