



Policies for the Protection of Children and Young People Background Checks and Clearances- Frequently Asked Questions

Who needs background checks and clearances?

1. All Church Personnel including priests, religious, deacon, pastoral minister, employee, school employee, parish employee, contract employee. This includes any individual 14 years of age or older applying for or in a paid position as an employee responsible for the welfare of a child or having direct contact with children.
2. Volunteers (unpaid) who may have *any possible contact* with or *responsibility* for children.

How is any possible contact with children defined?

Any time an adult comes into contact with children in their role as a volunteer for the Archdiocese.

What clearances are required to work or volunteer for the Archdiocese of Philadelphia?

Clearances for Employees:

- Federal Bureau of Investigation Fingerprint Clearance
- Pennsylvania State Police Clearance
- Pennsylvania Child Abuse History Clearance

Please note: The state has strengthened the Child Protective Services Law (CPSL). Some individuals who were not previously required to obtain the FBI Fingerprint Clearance must obtain it now. Exceptions can no longer be made, related to the start date. Anyone who is a paid staff member must have all clearances.

Clearances for Volunteers Living in PA for Less than 10 years:

- Federal Bureau of Investigation Fingerprint Clearance
- Pennsylvania State Police Clearance
- Pennsylvania Child Abuse History Clearance

Clearances for Volunteers Living in PA Continuously for 10 years:

- Pennsylvania State Police Clearance
- Pennsylvania Child Abuse History Clearance
- Disclosure Statement application for volunteers to be filed at the place of service.

What is the renewal requirement for clearances?

All required clearances, including FBI, must be renewed every three years (36 months).

Volunteers who have been a resident of Pennsylvania for less than 10 years must renew their FBI Fingerprint clearance until they reach 10 years of residency in Pennsylvania. Once the volunteer meets the 10 year residency requirement, they must complete a Disclosure Statement Application for Volunteers which must be submitted every three years.

When does the Archdiocese's updated policy for background checks and clearances go into effect?

The updated policy goes into effect on July 1, 2015.

Under the updated policy, what is the deadline to obtain new clearances or update existing clearances?

Individuals whose clearances are older than three years, were not previously required, or will expire during the implementation period (July 1, 2015- October 31, 2015) must be in compliance by October 31th 2015.

When are clearances required?

Clearances should be submitted *prior* to the commencement of employment or volunteer service. There are certain circumstances under which provisional status might be approved. See "What is the provisional hiring/service period" below.

What is the provisional hiring/service period for employees/volunteers?

Provisional Employee

May be employed for a single period not to exceed 90 days if

- Applicant applied for all clearances and provided copies of completed forms
- Employer has no knowledge of information that would disqualify the applicant
- Applicant submits Employee Disclosure form

- Applicant is not permitted to work alone with children; must work near permanent employee

Provisional Volunteer

Volunteers who reside in Pennsylvania do not have a provisional period and must obtain clearances as outlined under “What clearances are required to work or volunteer for the Archdiocese of Philadelphia?” prior to beginning service.

Volunteers who reside in another state or country may serve for no more than 30 days as long as they provide clearances from their state or country of residence.

How do I obtain the required clearances?

Information on how to obtain clearances may be found on the Office for Child and Youth Protection’s website at: <http://childyouthprotection.org/index.php/staff-volunteers/checks-and-clearances>

What are the costs for the clearances?

- Pennsylvania State Police Clearance \$10.00
- Pennsylvania Child Abuse History Clearance \$10.00
- Federal Bureau of Investigation Fingerprint Clearance \$25.75

Who must pay the costs for clearances and renewals?

- For currently working personnel, the cost for obtaining these reports should be the responsibility of the parish, school, or applicable office of the Archdiocese to whom the personnel report.
- The costs for renewed reports required by the Policy every three years should also be the responsibility of the parish, school, or applicable Archdiocesan office overseeing the personnel and volunteers.
- All new personnel who are hired after the Policy and these Procedures are implemented must pay the out-of-pocket costs to secure the background checks and clearances.
- In the case of volunteers, the parish, school, or applicable Archdiocesan office may wish to pay the cost for obtaining all such reports.

Do one-time volunteers and chaperones need clearances (i.e., school trip chaperone, parish carnivals, etc.)?

Yes, because the individual has *contact with* or *responsibility for* a child.

Are there any other requirements to be employed or serve as a volunteer for the Archdiocese of Philadelphia?

If an employee is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the employee/volunteer must provide the administrator or their designee written notice no later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.

An employee who willfully fails to disclose information as required above commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.

Under what grounds can a prospective employee or volunteer be denied employment or service?

Any current and/or prospective Archdiocesan employee or volunteer whose Pennsylvania Department of Public Welfare Child Abuse History Clearance report indicates that the applicant is listed in the Statewide database as a perpetrator of an indicated or founded report committed within the five-year period immediately preceding the report, shall be immediately removed and subject to termination.

Any current and/or prospective Archdiocesan employee or volunteer shall not be hired, approved for service as a volunteer, or continue employment or volunteered service where the report of criminal history record information indicates that he/she has been convicted of any of the following offenses:

- An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes (enumerated offences):
 - 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 2910 (relating to luring a child into a motor vehicle or structure).
 - 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 3124.2 (relating to institutional sexual assault).
 - Section 3125 (relating to aggravated indecent assault).
 - Section 3126 (relating to indecent assault).
 - Section 3127 (relating to indecent exposure).
 - Section 3129 (relating to sexual intercourse with animal).
 - 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).
- A felony offense under section 5902(b) (relating to prostitution and related offenses).
- Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
- Section 6301(a)(1) (relating to corruption of minors).
- Section 6312 (relating to sexual abuse of children).
- Section 6318 (relating to unlawful contact with minor).
- Section 6319 (relating to solicitation of minors to traffic drugs).
- Section 6320 (relating to sexual exploitation of children).
- An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64) known as “The Controlled Substance, Drug Device and Cosmetic Act.”
- An offense similar in nature to those crimes listed in clauses (1) and (2) 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.
- If the report of criminal history record information indicates the person has been convicted of a felony offense of the first, second or third degree other than those enumerated under subsection (e), the person shall be eligible for prospective employment only if a period of ten years has elapsed from the date of expiration of the sentence for the offense.
- If the report of criminal history record information indicates the person has been convicted of a misdemeanor of the first degree, the person shall be eligible for prospective employment only if a period of five years from the date of expiration of the sentence for the offense.
- If the report of criminal history record information indicates the person has been convicted more than once for an offense under 75 Pa.C.S. § 3802(a), (b), (c) or (d) (relating to driving under the influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the first degree under 75 Pa.C.S. § 3803 (relating to grading), the person shall be eligible for prospective employment if only a period of three years has elapsed from the date of expiration of the sentence for the most recent offense.

Who should retain a copy of an individual’s clearances?

The applicant should retain a copy of all information and clearances. Additionally, the employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity requiring clearances, shall maintain copies of the required information and require the individual to produce the original documents prior to employment or acceptance to serve in any such capacity, except provisional employees for limited periods as described. Copies of the required clearances must be kept in the individual’s Safe Environment file in a locked file cabinet.

An employer, administrator, supervisor or other person responsible for employment decisions that intentionally fails to require an applicant to submit the required clearance before the applicant’s hiring commits a misdemeanor of the third degree.

Can clearances be transferred?

Church Personnel as defined under “Who Needs Background Checks and Clearances” may transfer clearances to another entity of the Archdiocese during the length of time their clearances are current. Clearances from a non-Archdiocesan entity cannot be transferred.

Any volunteer who obtained their clearances within the previous 3 years (36 months) may transfer the clearances openly as long as the clearances remain current.