



Changes for PA Churches:

- **DHS gives current volunteers, but not new volunteers, background check grace period**
- **Who needs to get trained under the new law?**
- **On-line reporting system goes live**

January 28, 2015

Volunteers working with children became mandated reporters effective December 31, 2014, entering a whole new “world” of compliance and responsibility under the law. During 2014, 23 bills regarding PA’s Child Protection Laws were signed into law. We provided some guidance and updates in our CHANGES FOR CHURCHES series to congregations beyond those in our Samaritan SafeChurch program, which works with groups of 7-10 congregations over a one year period to shift culture so that adults become proactive about protecting children from sexual – and other – forms of abuse, not only in church but in our communities.

In SafeChurch, we also provide churches with interactive policy making and training, so these new laws significantly impact this portion of our work. We will continue to dedicate the majority of our time to those churches that participate in the deep work to prevent child sexual abuse characterized by SafeChurch. We will periodically publish CHANGES FOR PA CHURCHES as general updates, and also provide some workshops at your site upon request on mandated reporting, but please understand we are not able to prioritize response to questions on these new laws from those churches not participating in the SafeChurch comprehensive program.

Our main focus is equipping adults to create SafePlaces for children in our congregations and communities by participating in SafeChurch – and that takes far more than simple compliance with laws. Learn about SafeChurch by visiting <http://scclanc.org/clergy-congregation-care/safechurch>.

- **Current Volunteers get a little more time for background checks**

House Bill 435 provided new mandates for specific types of background checks (now called “certifications”) that volunteers working with children were required to get, and an effective date of July 1, 2015, i.e.

§6344.4 CERTIFICATION COMPLIANCE

New certifications shall be obtained in accordance with the following:

(2) Effective July 1, 2015, a person identified in Section 6344.2 (relating to volunteers having contact with children) shall be required to obtain the certifications required by this chapter every 36 months.

Many nonprofit leaders that heavily rely on volunteers, including schools and churches, expressed concern that a July 1 deadline was not practicable, and lively discussion ensued on how to interpret the word “new” before “certification.” Some attorneys and advocates argued that this section could be interpreted to require only volunteers beginning to work with children 7/1/15 or later as required to have all the specified background checks in place by this date. This was a stretch, and most organizations wisely did not want to rely on this argument absent official interpretive guidance from DHS, the agency charged with overseeing compliance with the massive overhaul of child protection laws. As one school board member commented, it would be their school who would held liable if they were wrong about the 7/1/15 effective date.

DHS has now issued official guidance, posted on its website. **This is guidance we can rely on, which is different than relying on interpretive guidance opinions from an attorney, insurance company or denominational official.** The DHS guidance gives a grace period of up to 7/1/16 to bring current volunteers into compliance with the background check provisions, but new volunteers must get the required checks by 7/1/15. An extract is provided below:

When are clearances needed?

Beginning July 1, 2015, prospective volunteers must submit clearances prior to the commencement of service.

What is the renewal requirement for clearances?

Beginning July 1, 2015, all volunteers will be required to obtain clearances every 36 months. Timelines for renewed clearances are based upon the date of each individual clearance. If an individual or agency elected to renew all clearances at the same time, the date of the oldest clearance rather than the most recent would be used.

Volunteers are required to obtain updated clearances as follows:

- ☑ Within 36 months of the date of the most recent clearance;
- ☑ By July 1, 2016, if the clearance is older than 36 months; or
- ☑ By July 1, 2016, if they were approved as a volunteer before July 1, 2015, and had not received a clearance because they previously were not required to obtain clearances.

If you have begun the process of bringing your current volunteers into compliance – and many organizations are doing that – you are now ahead of the curve! This would be the case for nearly all of our Samaritan SafeChurches. To see the DHS guidance referred to above, go to http://www.dpw.state.pa.us/cs/groups/webcontent/documents/document/C_135249.pdf

- **Who needs to get trained under the new law**

Church staff and volunteers working with children are mandated reporters; however, they are not included in the categories the new laws designate for those required to receive specific training unless they are working in licensed day care centers or schools at the church. In that case, anyone paid to work with children in those settings must receive training under Act 31 (professional license holders) or Act 126 (schools).

We strongly believe, however, that churches have an ethical responsibility to get training for their volunteers that is integrated with their internal policies and practices; and on a practical level, a volunteer in a church setting that does not comply with the new mandated reporting laws not only

exposes him or herself to personal liability, but exposes the church as well. The information below summarizes who is required to get trained under the new law:

- **Act 126:** School employees are required to receive training under Act 126, which covers specified material including the school policy on reporting suspected abuse, sexual misconduct/professional boundaries, and provisions of the Educator Discipline Act. Act 48 credits are issued with Act 126 training if the provider is approved.
- **Act 31:** Under Act 31 professional licensees who are mandated reporters are required to receive state-approved training approved by their licensing boards. In addition, any of the following licensed by the State must also receive state-approved Act 31 training: Operators of institutions/agencies which care for children subject to supervision under Article IX or Article X of the Public Welfare Code, and their employees who have direct contact with children; caregivers in day care homes subject to registration under Article X and their employees; and foster parents.
- **On-line reporting system goes live**

The PA “portal” for mandated reporters to use in making reports of suspected child abuse is now open. This on-line system is the preferred avenue for mandated reporters to use; people who are NOT mandated reporters are not permitted to use this system.

Prior to using the system, a mandated reporter must register, identify the primary organization they are affiliated with, and obtain a Keystone ID and password. Since that takes a bit of time, we are strongly encouraging at minimum all church staff who are mandated reporters to set up their accounts before you need to make an actual report. You may also want to provide some training for your volunteers on how to use the website and set up their own accounts. We can do that in a stand-alone workshop on site at your church, and will also include this in our mandated reporting workshops in the future. However, church staff may be able to train volunteers in-house, after becoming familiar with the on-line system. These are individual accounts, and each is used by one person only in the organization. Mandated reporters are still permitted to call ChildLine to file a report, so that may be a better avenue for some of your volunteers. The “Keystone ID” you create when you register can be used for several purposes for access to state sites. You can start a (mandated) report, save it, and go back to it later. You can “delete” a report before you submit. Get started at <https://www.compass.state.pa.us/cwis/Public/home>.

If your church is NOT currently in our *SafeChurch* program and you would like to be part of our next group (Cluster) of churches meeting in the Lancaster-Lebanon-York area, please be advised the Cluster starting in February is now filled. We will be posting information shortly on our website that will permit churches to enroll in a Cluster starting in June. To receive more information about the June Cluster, contact Dianne Renfro, our Program Administrator, at DRenfro@scclanc.org.

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