



## Changes for PA Churches: Non-resident volunteers, Minor Employees, Exchange Visitors, and more Swear or Affirm Statements

September 3, 2015

In our July 24 update, we covered a number of the changes to PA's Child Protective Services Law set forth in HB 1276, signed by Governor Wolf on July 1, 2015. HB 1276 was intended to clarify some of the confusing language in the more than 20 bills reforming the CPSL passed in 2014, as well as make additional changes based on concerns with the original legislation.

In this update, we highlight more changes resulting from HB 1276, specifically on non-resident volunteers, minor employees, employee requirements for "Swear or Affirm" statements, and exchange visitors. We also provide information about how your congregation can join the next Lancaster based SafeChurch Cluster, how to get trained as a SafeChurch facilitator in PA or another state, and our updated SafeChurch DVD.

### Non-Resident Volunteer Language replaces Provisional Volunteer Language

HB 1276 removed the language for "Provisional Volunteers" which allowed a volunteer external to your organization to serve working with children for a limited time period as long as they provided the person in charge of the institution (your church) with a signed statement attesting they were screened in accordance with the laws of the jurisdiction where they lived, whether it was PA or somewhere else. Some PA churches used this Provisional Volunteer clause when, for example, they hosted vacation Bible school and a neighboring church partnered with them, sending some of their adults to help take care of the children. This will no longer be allowed, as the church must now obtain **copies of the required certifications from each volunteer**. A signed form attesting that the volunteer has the required certification will no longer suffice.

#### **New! Non-Resident Volunteer Certification**

In cases where one or more volunteers, **coming from outside the state of PA** on a short-term basis that does not exceed 30 days in a calendar year, will be serving with children (i.e. direct contact or care, guidance, supervision or training as defined under the law), the short-term volunteer must provide documentation of certification (copies) from employment or other service in the state where he/she lives which would allow work with children in that state. Our updated SafeChurch policies and forms include this new provision, as well as an internal form to use so that all volunteers can complete the "swear and affirm" statement required under PA law that he or she has not been convicted of any offense defined under §6344(C). If you do not use our policies and forms, we suggest that you develop an internal form for Non-Resident Volunteers to have them certify to you that the copies of the clearances they have provided you are those required by the laws of the state they reside in, as well as "swear or affirm" under 6344(C) as required by law.

### Minor Employee

HB 1276 states "An individual between 14 and 17 years of age who applies for or holds a paid position as an employee who is a person responsible for the child's welfare or a person with direct contact with children through a program, activity or service" is required to submit the 2 state certifications (PA State

Police Request for Criminal Records Certification and Pennsylvania Child Abuse History Certification Form).

**If the minor has been a resident of PA for the last 10 years**, or has received the FBI fingerprint certification previously, they do not need to obtain the fingerprint records; however, the minor employee **and** the parent(s)/guardian(s) must swear or affirm in writing that the individual is not disqualified from service based on a founded report of abuse, or conviction of a disqualifying criminal offense under §6344(C).

**If the minor has not resided in PA for the past 10 years, and does not have a prior FBI fingerprint record check, they must obtain the FBI fingerprint records check**, and the minor, as well as the parent(s)/guardian(s) must swear or affirm in writing that the individual is not disqualified from service based on a founded report of abuse, or conviction of a disqualifying criminal offense under §6344(C).

### Exchange Visitor

An individual in possession of a nonimmigrant visa (a J-1 visa), defined as an “Exchange visitor,” is not required to submit certifications if

1. The individual is applying for or holds a paid position with a program, activity or service for a period not to exceed 90 days in a calendar year.
2. The individual has not been employed previously in the Commonwealth or another state, the District of Columbia or the Commonwealth of Puerto Rico.
3. The individual swears or affirms that the individual has not been disqualified from service based on a founded report of abuse, or committed an offense similar in nature to any of the crimes listed as disqualifying under current 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.

### Swear or Affirm Statement for employees who transfer certifications

As we noted in our July 24 update, HB 1276 made certifications are “portable” for employment (but not volunteer) purposes. However, if you accept for employment purposes certifications that have been obtained for other employment (i.e. accept the copies) you must additionally require the new hire to sign a “Swear or Affirm” statement that the individual is not disqualified from service based on a founded report of abuse, or conviction of a disqualifying criminal offense under §6344(C) before you allow them to work with children. We suggest you incorporate the employee changes into your hiring practices, as well as your child protection policies.



### More from Samaritan SafeChurch

**Are you in the Lancaster-Lebanon-York PA area?**

**Would your congregation like to be a partner in the movement to end child sexual abuse? You can join the next Lancaster PA based Cluster!**

Click here for more information

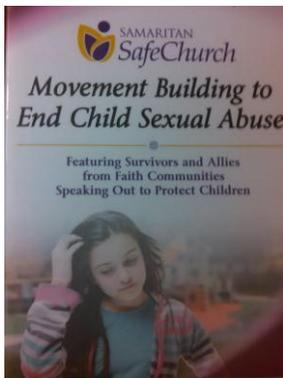
<http://scclanc.org/clergy-congregation-care/safechurch/join-the-next-safechurch-cluster>

**Not from around here?** Check out this link to see if we have an organizational “hub” with trained facilitators near where you are located. <http://scclanc.org/clergy-congregation-care/safechurch/safechurch-national-pilot-program>

**Can't find a hub? You can develop one in your community!** Click here for more information on our Facilitator training <http://scclanc.org/clergy-congregation-care/safechurch/safe-church-facilitator-training>

## SafeChurch DVD update: We've got you covered!

This DVD, released in January 2015, has multiple uses, including congregational education and awareness raising as well as training staff and volunteers working with children.



### *Features include:*

- Introduction to SafeChurch as part of a social movement**
- 17 minute video of survivors/allies in faith communities speaking out to protect children**
- Two 20 minute videos of pastoral conversations about disclosure**
- PowerPoint for training staff/volunteers**
- Order at [www.samaritansafechurch.org](http://www.samaritansafechurch.org)**

Each state has distinct laws on reporting abuse; the downloadable training power point on our DVD includes PA's new mandated reporting laws as of 1/1/15. However, since more PA reforms were signed into law on 7/1/15 with HB 1276, we have revised the power point presentation from the DVD and provide it on a flash drive that we include with your DVD when you order at no extra cost. For the most current training, use the flash drive in conjunction with the other DVD materials.

## About our Policies and Training

Our SafeChurch policies include multiple appendix forms, including “swear or affirm” statements, and list the offenses that disqualify people from service under the law. We do not make forms or policies available outside of our *SafeChurch* program, as we are most interested in partnership with congregations that are willing to do the hard work required to become truly “safe” for children which goes far beyond complying with law and policy making.

We do provide stand-alone PA mandated reporting workshops for congregations, youth serving organizations, judicatories and church insurance agencies that cover the requirements for mandated reporters and the requirements for institutional compliance/administration under the CPSL. Workshops are a minimum of 2.5 hours and offered on site at your church or organization

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