

Act 153 Summary Sheet

While the Boy Scouts of America has long required background checks for employees and volunteers, new Pennsylvania law, enacted 1/1/15, provides a specific directive on the timing and types of checks that are now required.

This new PA law extends beyond paid employees and is applicable to those volunteers *responsible for the welfare of a child or having direct contact with children*. The Child Protective Services Law (CPSL) *defines direct contact with children as the care, supervision, guidance or control of children or routine interaction with children.*

PA law will now require that prospective employees and volunteers obtain the following background checks:

- **Criminal History Record** Information obtained from the PA State Police (\$10 fee)
- **Child Abuse Clearance** obtained through the PA Department of Public Welfare (now known as the Department of Human Services) certifying whether the applicant is named in the statewide database "as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or indicated report" of child abuse. (\$10 fee)
- Volunteers who have not lived in the state for the last 10 years must obtain a **Federal Criminal History Record** by submitting a full set of fingerprints to the PA State Police or its authorized agent for submission to the Federal Bureau of Investigation "for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions." (\$27.50 fee)

Timetable for Certification Compliance

The Act adds a new section to the Child Protective Services law setting forth a timetable for obtaining new clearances. According to the Department of Human Services:

Volunteers are required to obtain updated clearances as follows:

- If volunteers were approved by the BSA and were registered volunteers with the council before July 1, 2015, they have until July 1, 2016 to submit copies of the appropriate checks to the council.
- For new volunteers after July 1, 2015, the appropriate checks must be obtained prior to starting service.

The Hawk Mountain Council is requiring all employees, regardless of their position, to obtain the checks immediately. The Act applies to all employees over the age of 14.

Additional Information

- Determining whether a volunteer is required to obtain checks rests on the following: 1) does the volunteer have direct contact with children or have routine interaction with children? 2) Is the volunteer responsible for the welfare of children?
 - The council has determined that all volunteers serving as Merit Badge Counselors and Direct Contact Leaders (Cubmasters, Scoutmasters, Venturing and Exploring Advisors, Den Leaders, and assistants of these positions) will be required to obtain the specified checks.
 - Any committee member who has routine interaction with children must also obtain the checks.

- In some cases, such as administrative volunteer positions with the unit/district/council, volunteers may or may not be required to obtain the checks. Please feel free to consult with the Scout Executive if you have any questions.
 - Checks are transferable - any person who obtained their clearances within the previous 36 months may serve in a volunteer capacity for any program, activity or service. It is prudent to request multiple copies of your checks during the application process.
- The new Pennsylvania law WILL NOT change the standards of membership set by the Boy Scouts of America. We have a comprehensive list of standards that staff and volunteers must meet prior to beginning service.
- Security - Your personal data provided to Pennsylvania is comprehensively secured and regulated by both 3M Cogent and State and Federal regulations governing the use of that data. The council will maintain electronic copies of background checks on a separate and secure server. Only the Scout Executive and council Registrar will have access to the server and data.
- If a volunteer is arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the volunteer must provide the council with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.
- The Hawk Mountain Council realizes that our volunteer's dedication and commitment is vital to the success of our mission. We have developed an assistance fund to help offset the cost of background checks for those that need financial help. The application will be published by May 15th. The process will be confidential.
- To obtain a check:
<http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm>

Upon obtaining the appropriate clearances, volunteers must submit them to the Registrar of the Hawk Mountain Council.