

# Pennsylvania Act 153 and Clearance Requirements for 2021 WPYFL Football and Cheer Coaches

<b>CPSL Applicability</b>	<b>Required Checks</b>
<p><b>Section 6344.2 -- Volunteers having contact with children.</b></p> <p>This section applies to an adult applying for an unpaid position as a volunteer responsible for the welfare of a child or having direct contact with children.</p>	<ol style="list-style-type: none"> <li><b>1. Criminal History Record Information obtained from the PA State Police</b></li> <li><b>2. Child Abuse Clearance obtained through the PA Department of Public Welfare</b> (now known as the Department of Human Services) certifying if 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</li> <li><b>3. Federal Criminal History Record Information obtained by submitting a full set of fingerprints to the PA State Police or its authorized agent for submission to the Federal Bureau of Investigation</b> “for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.”</li> </ol> <p><b>Exception on #3:</b> Section 6344.2 (B.1) permits an exception related to the federal background check. The FBI check may be waived for a prospective unpaid volunteer if they have been a resident of this Commonwealth during the entirety of the previous ten-year period” and the volunteer “swears or affirms in writing” that they have not been convicted of any crime, in another state, similar to the convictions disqualifying a person in PA.</p> <p><b>Sworn Affidavit must be completed in the presence of a Notary Public</b></p> <p><b>Effective Date:</b> Prospective volunteers will be required to obtain required background checks beginning July 1, 2015 with updated checks required every 60 months.</p>

## Act 153 of 2014

In December 2014, the PA Legislature adopted Act 153 of 2014 as an amendment to a section of the Child Protective Services law requiring background checks for volunteers every 60 months beginning on July 1, 2015.

### Requirements for Volunteers

The Act modifies section 6344.2 of the Child Protective Services Law requiring background checks for volunteers. The requirement applies to adults applying for unpaid positions as volunteers in a position responsible for the welfare of a child or having direct contact with children (care, supervision, guidance or control of children, or routine interaction with children).

The Act requires volunteer applicants to submit the following background check information:

- **Act 34, Pennsylvania Criminal History Check** - Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).
- **Act 151, Pennsylvania Child Abuse Clearance** - A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded report of child abuse, indicated report of child abuse, founded report for school employee or indicated report for school employee.
- **Act 114, FBI Criminal History Report** - A report of Federal criminal history record information. The applicant shall submit a full set of fingerprints in a manner prescribed by the department. The Commonwealth shall submit the fingerprints to the Federal Bureau of Investigation in order to obtain a report of Federal criminal history record information and serve as intermediary for the purposes of this section.

## **TIMETABLE FOR CERTIFICATION COMPLIANCE**

- **CURRENT VOLUNTEERS WITH CLEARANCES ISSUED PRIOR TO December 1, 2016** - Clearances need to be updated before being allowed to volunteer and have direct contact with players and/or cheerleaders for the 2020 season.
- **CURRENT VOLUNTEERS WITH CLEARANCES ISSUED ON OR AFTER December 1, 2016** – Clearances meet the requirements and individual is able to volunteer for the 2020 season
- **CURRENT VOLUNTEERS WHO DO NOT HAVE ANY CLEARANCES** - Clearances need to be completed before being allowed to volunteer and have direct contact with players and/or cheerleaders FOR THE 2020 season.

## Volunteer Notification

A volunteer is required to provide notice of an arrest or conviction of certain offenses or when the volunteer has been named as a perpetrator in a founded or indicated report within 72 hours of the arrest, conviction or listing as a perpetrator.

If the individual responsible for selecting volunteers has a reasonable belief that the volunteer was arrested, convicted or named as a perpetrator, the individual must require the volunteer to submit current information. The cost for these clearances will be borne by the entity, not the volunteer.

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*An individual responsible for selecting volunteers will commit a misdemeanor of the third degree if he or she intentionally fails to require these submissions from a prospective volunteer prior to permitting the volunteer to be in a position responsible for the welfare of a child and/or having direct contact with children.*