

Policy and Procedures on Protecting our Children

Policy

Preserving the health, well-being and safety of our children is paramount at Congregation Beth El. In keeping with Pennsylvania's child protection laws, this means that staff and volunteers who work with our children not only need to have clearances, but also need to understand their role as mandated reporters of child abuse. All those who have clearances are, per law, mandated reporters. Staff and volunteers who become aware of child abuse are expected to comply with legal requirements to report this to ChildLine and to the Rabbi. Staff and volunteers who are reported to ChildLine for suspected abuse will be relieved of contact with children until an investigation determines that the suspicion is unfounded.

What is child abuse?

Child abuse, according to the Child Protective Services Law, means intentionally, knowingly or recklessly doing any of the following:

- Causing bodily injury to a child through any recent act or failure to act.
- Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- Causing sexual abuse or exploitation of a child through any act or failure to act.
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.
- Causing the death of the child through any act or failure to act.
- Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent acts include any of the following:
 - Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - Forcefully shaking a child under one year of age.
 - Forcefully slapping or otherwise striking a child under one year of age.
 - Interfering with the breathing of a child.
 - Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.

- Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

"Recent" is defined as an abusive act within two years from the date the report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.

From <http://keepkidssafe.pa.gov/> Frequently Asked Questions

Who needs to be certified with background checks and becomes a mandated reporter?

- Volunteers are people who are over the age of 18
- Volunteers are in direct contact with children
- Volunteers are responsible for the welfare of children

The Director will determine whether an individual volunteering with the school is required to have clearances, based on guidelines from the PA Department of Human Services (see Volunteer Frequently Asked Questions.)

Our student volunteers from Bucknell and Susquehanna Universities are not required to obtain clearances as they are a) not paid and b) obtain service hours for their volunteer time at Congregation Beth El.

Procedure for obtaining clearances

All staff and prospective volunteers who have regular contact with children must obtain the following clearances:

1. Report of criminal history from the Pennsylvania State Police (PSP); and
2. Child Abuse History Clearance from the Department of Human Services (Child Abuse).
3. A fingerprint-based federal criminal history (FBI) submitted through the Pennsylvania State Police. The FBI clearance is not required if the volunteer has been a Pennsylvania resident continuously for the past 10 years. Volunteers who are not required to obtain the FBI Clearance because they have been a continuous resident of Pennsylvania for the past 10 years must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense. Staff must have an FBI clearance on file, regardless of length of residency.
4. In addition to the clearances, everyone must certify that they have taken a short course about mandatory reporting.

All staff and volunteers will be required to obtain clearances every five (5) years.

Volunteers that already have their clearances for other jobs may turn in copies of those clearances for Congregation Beth El's records, provided those clearances are no more than 5 years old and/or are compliant with current Pennsylvania requirements.

How Do I Apply?

The Child Abuse, PSP and FBI clearances can all be applied and paid for electronically. The FBI clearance also requires a fingerprint submission. All necessary instructions and links to apply for these clearances can be found at

<http://www.dhs.pa.gov/publications/findaform/childabusehistoryclearanceforms>, or you can apply for each individually.

As of July 2015, the PSP and Child Abuse clearances each cost \$8 for employees and are free for volunteers; the FBI clearance costs \$27.50 through the Department of Human Services. To have Congregation Beth El reimburse the cost of the applications, please submit your receipt along with your FBI clearance to the Treasurer.

1. Pennsylvania Child Abuse History Clearance:

<https://www.compass.state.pa.us/cwis/public/home>

This is the most time-consuming application. First you will need to create a state government online profile (click on "create a new account" when you first start), which will then give you access to your state reports and allow you to transact other unrelated state government business. Then you can start an application. Be prepared with: a history of all the places you have lived since 1976, as well as the names of all the people with whom you lived since 1976. You will also need to enter any name you have ever used.

2. Pennsylvania Criminal Record Checks, through the Pennsylvania State Police:

<https://epatch.state.pa.us/>

To start the process, initiate a New Record Check.

3. Federal Bureau of Investigations (FBI) Criminal Background Checks:

https://www.pa.cogentid.com/index_dpw.htm

The Pennsylvania Department of Human Services is using Cogent Systems to process fingerprint-based FBI criminal background checks. The fingerprint based background check is a multiple step process. One step is the fingerprinting, while the other is the online application.

For a digital fingerprint that can be submitted directly, you need to use a Cogent System partner. In our area, there are two:

- The UPS Store (across from Walmart) in Lewisburg; M-F 8:30 to 5, Sat. 9:30 to 3:30
- The University Store in Bloomsburg; M-F 8:30 to 4

If you cannot or choose not to use one of these locations, follow the directions on the website above for “How to submit a fingerprint card to 3M Cogent”.

4. Mandatory Reporting certification:

https://www.reportabusepa.pitt.edu/webapps/portal/execute/tabs/tabAction?tab_tab_group_id=_2_1

This is a free online course that takes less than three hours, and can be taken in segments. There are others available online, but most are not free. When you are finished, you must print the certificate as proof that you have taken the course. You can print multiple original certificates.

All school volunteers will attend a meeting with the Rabbi to review this policy.

Procedure for Documentation of Clearances

Copies of documentation will be kept in the Rabbi’s office. It will be the responsibility of the School Director to let volunteers know if they need clearances and to keep a record of the clearances. The following copies will be maintained:

- All applicable Child Abuse, PSP, and FBI background check clearances.
- Certification of Mandatory Reporting training
- Written acknowledgement of receipt, review, and comprehension of this policy

The Rabbi will report to the Board prior to the beginning of each school year when the clearances are complete.

Procedure for Reporting Child Abuse

Anyone who has completed the training and filed clearances, and works with children in the synagogue, is considered a mandated reporter.

If a mandated reporter suspects abuse it must be reported directly to Child Line. If the report involves a suspected/possible perpetrator connected with CBE or a child connected to CBE, the reporter should also notify the Rabbi. In the event that the reporter has questions concerning the report, the volunteer may consult with the Rabbi. The Rabbi will notify the Board that a

report has been made, but anything related to a child is confidential and identifying details will not be shared.

How does a mandated reporter make a report if they suspect child abuse?

- Mandated reporters must make an immediate and direct report of suspected child abuse to ChildLine either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313.

Procedure for Responding to Alleged Child Abuse

If a volunteer is named as a perpetrator in a child abuse investigation, that person must provide the Rabbi with written notice not later than 72 hours after the notification that the person has been named as a suspected perpetrator in an investigation or listed as a perpetrator in the statewide database. The Rabbi will notify the School Director and the Board president, in confidence, and the volunteer will be asked to recuse him or herself from contact with children while the investigation is underway. If the Rabbi is named as a perpetrator, he/she must provide the Board President with written notice not later than 72 hours after the notification that the person has been named as a suspected perpetrator in an investigation or listed as a perpetrator in the statewide database. The President will inform the Board of Directors. The Rabbi will be placed on leave while the investigation is underway.

If the report is unfounded, per CPS, that will be documented by the Rabbi or Board President, as appropriate, and the volunteer can return to the classroom. The Rabbi would, with Board approval, be able to resume his/her duties.

If the report is founded, per CPS, or if a volunteer is arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service, written notice must be provided to the Rabbi within 24 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database. The Rabbi will notify School Director and the Board president and the volunteer will no longer be able to work with children at CBE until his or her record is cleared in the statewide database. If a report naming the Rabbi is founded, or if the Rabbi is arrested or convicted of an offense that would constitute grounds for denying participation in programs, activities, or services with children, the Rabbi's contract will be terminated.

Anyone 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 a volunteer or staff position.

Policy Approved by Board of Directors , 2016

Resource Material

PA Department of Human Services Frequently Asked Questions

Volunteer Frequently Asked Questions

PA Department of Human Services Frequently Asked Questions

What is child abuse?

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- Causing sexual abuse or exploitation of a child through any act or failure to act.
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
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Child abuse also includes certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent acts include any of the following:

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- Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
- Forcefully shaking a child under one year of age.
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- Interfering with the breathing of a child.
- Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
- Leaving a child unsupervised with an individual, other than the child's parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

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Are you a mandated reporter?

The following adults are considered mandated reporters and are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- A medical examiner, coroner or funeral director.
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- A school employee.
- An employee of a child-care service who has direct contact with children in the course of employment.
- **A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.**
- **An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person responsible for the child's welfare or has direct contact with children.**
- An employee of a social services agency who has direct contact with children in the course of employment.
- A peace officer or law enforcement official.
- An emergency medical services provider certified by the Department of Health.
- An employee of a public library who has direct contact with children in the course of employment.
- An individual supervised or managed by a person listed above, who has direct contact with children in the course of employment.
- An independent contractor who has direct contact with children.
- An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
- A foster parent.
- An adult family member who is a person responsible for the child's welfare and provides services to a child in a family living home, community home for individuals with an intellectual disability or host home for children which are subject to supervision or licensure by the department under Articles IX and X of the Public Welfare Code.

When must a mandated reporter make a report?

A mandated reporter must make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.

- The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

Must I report suspected abuse if I learn of the abuse from someone other than the child who was allegedly abused?

- Yes. Nothing requires the mandated reporter have direct contact with the child in order to make a report.

How does a mandated reporter make a report if they suspect child abuse?

- Mandated reporters must make an immediate and direct report of suspected child abuse to ChildLine either electronically at www.compass.state.pa.us/cwis or by calling 1-800-932-0313.

Do I need to notify anyone within my institution, school, facility or agency after I make a report?

- Yes, after making the report to ChildLine, you are required to immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

What if a mandated reporter fails to follow the law?

- The penalties for a mandated reporter who willfully fails to report child abuse range from a misdemeanor of second degree to a felony of the second degree.

Can you report suspected abuse if you are not a mandated reporter?

- Yes. Anyone who is concerned about the safety of a child is encouraged to make a report. Individuals who are encouraged, although not required by law, to make a report of suspected child abuse, can make a report to ChildLine by calling 1-800-932-0313.

Am I protected from civil and criminal liability if I make a report of suspected child abuse?

- Yes, persons making a report of suspected child abuse are immune from civil and criminal liability as long as the report was made in good faith.

If I make a report is my identity protected?

- The identity of the person making the report is kept confidential with the exception of being released to law enforcement officials or the district attorney's office.

Volunteer Frequently Asked Questions

Adults applying for or holding an unpaid position as a volunteer with a child care service, a school or a program, activity or service responsible for the child's welfare or having direct volunteer contact with children will need certifications.

Examples of unpaid positions as a volunteer responsible for the welfare of a child or having direct contact with children can include but are not limited to:

- Parent/Guardian chaperones for schools
- Girl Scouts/Boy Scouts
- Agency volunteers that help with transportation or other services
- Big Brothers/Big Sisters
- Literacy programs
- Little League
- Coaches
- Church Sunday school teachers
- child event coordinators
- Hospital volunteers working with children

NOTE: The above list is NOT inclusive of all volunteers. Please follow the following guidance to determine if a volunteer is required to obtain certifications:

In order to determine who in your agency or organization is required to obtain certifications as a condition of volunteering with children, you must first confirm that the applicant is an adult, as only adult volunteers are required to obtain certifications.

You should then carefully consider whether the volunteer is responsible for the welfare of a child or has direct volunteer contact with children.

When determining whether a volunteer is responsible for the welfare of a child consider whether the volunteer is acting in lieu of or on behalf of a parent. If they are acting in lieu of or on behalf of a parent, they will need certifications. If a determination is made that the volunteer is not responsible for the welfare of a child, you then move on to the second avenue for consideration; whether they have direct volunteer contact with children.

The second avenue for consideration is whether the volunteer has direct volunteer contact with children because they provide care, supervision, guidance or control of children and have routine interaction with children. As the terms care, supervision, guidance or control are not defined in the statute we suggest that the common meaning of these terms be used, with child safety serving as the paramount consideration.

With regard to routine interaction with children, consideration should be given to what the volunteer's role is within the agency. Is their contact with children regular and repeated contact that is integral to their volunteer responsibilities?

If you determine they do have direct volunteer contact with children, certifications are required. Please be sure to consult your legal counsel when making these determinations. You should also discuss with your insurers possible insurance coverage implications.

Are there any exceptions to the certification requirements for students who volunteer? Yes, students who volunteer are not required to obtain certifications as long as they meet all of the following requirements:

- the individual is currently enrolled in a school;
- the individual is not a person responsible for the child's welfare;
- the individual is volunteering for an event that occurs on school grounds;
- the event is sponsored by the school in which the individual is enrolled as a student; and
- the event is not for children who are in the care of a child care service.

What is the definition of child? For purposes of certifications, a child is an individual under 18 years of age.

How is direct volunteer contact with children defined? Direct volunteer contact with children is defined in § 6303 (relating to definitions) as the care, supervision, guidance or control of children and routine interaction with children.

How is routine interaction defined? Routine interaction is regular and repeated contact that is integral to a person's employment or volunteer responsibilities.

Which certifications are needed? All prospective volunteers must obtain the following certifications:

- Report of criminal history from the Pennsylvania State Police (PSP); and
 - Child Abuse History certification from the Department of Human Services (Child Abuse).
- Additionally, a fingerprint based federal criminal history (FBI) submitted through the Pennsylvania State Police or its authorized agent is NOT required as long as:

- The position the volunteer is applying for is an unpaid position; AND
- The volunteer has been a resident of the Commonwealth of Pennsylvania for the entirety of the previous 10 years.

Volunteers who are not required to obtain the FBI certification because they are applying for an unpaid position and have been a continuous resident of Pennsylvania for the past 10 years

must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense under §6344.

NOTE: If a volunteer has not been a resident of Pennsylvania for the past 10 years, but obtained their FBI certification at any time since establishing residency, they must provide a copy of the certification to the person responsible for the selection of volunteers and they are not required to obtain any additional FBI certifications.

I am already volunteering. When do I need to obtain the required certifications by? If you were approved as a volunteer before August 25, 2015, and do not have certifications (because you previously were not required to obtain certifications) you have until July 1, 2016, to obtain your certifications.

If you were approved as a volunteer before August 25, 2015, and you have certifications because your organization required one or all of them and your certifications are older than 60 months, you also have until July 1, 2016, to obtain your certifications.

If you were approved as a volunteer before August 25, 2015, and you have certifications because your organization required one or all of them and your certifications are less 60 months, you have until 60 months from the date of your oldest certification to renew your certifications and to obtain any certifications now required that you may not been previously required to obtain (i.e. if your organization required the Child Abuse certification, but not the PSP certification, when your Child Abuse certification expires based on the 60 month cycle, you would naturally add in any of the other required certifications).

Are there requirements for volunteers to obtain a free Child Abuse and PSP certification? Yes. In order for the fee to be waived for the Child Abuse and PSP certifications the following conditions must be met:

- (1) The certifications are required as a condition to volunteer.
- (2) The certifications may not be used for employment or any other purpose.
- (3) The certifications shall only be provided free of charge to a volunteer once every 57 months.
- (4) The volunteer swears or affirms, in writing, under penalty of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), the following:
 - (i) The certifications are required as a condition to volunteer.
 - (ii) The volunteer has not received background certifications free of charge within the previous 57 months.
 - (iii) The volunteer understands that the certifications shall not be valid or used for any other purpose.

I am a new volunteer. When do I need to request a child abuse history certification?

Beginning August 25, 2015, all new volunteers must submit certifications prior to the commencement of service.

How often do I need to renew my certifications? Beginning August 25, 2015, all volunteers will be required to obtain certifications every 60 months.

If an individual or agency, however, elects to renew all certifications at the same time, the date of the oldest certification, rather than the most recent, is the date to be used for the renewal date.

How much do the certifications cost?

- The PSP criminal history certification costs \$0
- The Child Abuse certification costs \$0
- The FBI federal criminal history certification costs \$25.75 through DHS
- The FBI federal criminal history certification costs \$27.00 through PDE

Are the Departments of Human Services and Education reducing the fee for the FBI certification? No. The FBI sets the majority of the cost for this fee. The remainder of the fee covers the costs incurred by DHS, PDE, PSP, the vendor which processes the certification, and the fingerprint location.

As a volunteer, do I obtain my Federal Bureau of Investigation Criminal History certifications through the Department of Education or the Department of Human Services? The agency under which an applicant should submit their FBI certification application is based on the agency or organization for which they intend to volunteer.

If the applicant intends to volunteer in a school or at a school related function, they would apply for their FBI certification through the Department of Education.

If the applicant intends to volunteer with children in any other capacity outside of a school setting or function, such as a group home for children, in a church, as a Little League or soccer coach, etc., they would apply for their FBI certification through the Department of Human Services.

I requested a child abuse history certification prior to July 25, 2015. Am I able to get a refund for the waiving of the cost of the certification? No. Unfortunately, DHS is unable to issue refunds for the payment of child abuse history certifications that were processed before July 25, 2015.

Will there be a new process to obtain a certifications? No. The process to obtain child abuse and criminal history certifications will remain the same. The Child Abuse and PSP certifications will continue to be applied for and paid for electronically. When indicating the purpose of the certification, the applicant will continue to indicate volunteer.

All necessary instructions and links to apply for these certifications can be found at <http://www.dhs.pa.gov/publications/findaform/childabusehistoryclearanceforms/index.htm#.VINSnVUo6mQ>.

The PSP website has been altered to reflect the waiving of the fee. In addition, new forms are available to download from the website.

Can I use a child abuse history certification or PSP criminal history I obtained for my volunteer activities for other volunteer activities? Yes, any person who obtained their certifications within the previous 60 months may serve in a volunteer capacity for any program, activity or service.

Can I use a child abuse history certification or PSP criminal history certification I obtained for my volunteer activities for employment purposes? No. Child abuse history certifications and PSP criminal history certifications obtained for volunteer purposes can only be used for other volunteer activities. Child abuse history certifications obtained for volunteer purposes will indicate that the certification is to be used for volunteer purposes only.

Is the use of a third-party vendor to process certifications acceptable? Third-party vendors may be used to process Child Abuse, PSP and FBI certifications using the steps established above. They are not permitted to conduct background checks or certifications through other databases in lieu of the steps outlined above. In addition, persons responsible for the selection of volunteers remain responsible for selection decision based upon the information obtained.

Do I still need to submit a copy of my PSP or FBI certification results when applying for my child abuse certification? Beginning December 31, 2014, volunteers are no longer required to submit a copy of their PSP or FBI certifications with their Child Abuse application. If the department receives copies attached to the child abuse application we will not return those copies and they will be shredded due to the confidential nature of the information contained on the certifications.

Are there any other requirements? 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 administrator or their designee 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.

A volunteer 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 a volunteer position.

What is the provisional certification requirement for volunteers? “Non-resident volunteers”, specifically individuals who reside in another state or country may serve as a volunteer for no more than 30 days in a calendar year as long as they provide certifications from their state or country of residence. If the individual will be volunteering for more than 30 days in a calendar

year, they must obtain certifications as outlined above under “Which certifications are needed.” Volunteers who reside in Pennsylvania do not have a provisional period and must obtain certifications as outlined above under “Which certifications are needed.” Non-resident volunteers must provide the person responsible for the selection of volunteers with documentation of their certifications from their state or country of residence.

Is the person responsible for acceptance of volunteers required to keep a copy of my certifications? Yes, pursuant to § 6344.2 (b), the employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity requiring certifications, shall maintain copies of the required information and require the individual to produce the required documents prior to employment or acceptance to serve in any such capacity, except provisional employees for limited periods as described in § 6344.2 (f) and outlined above. An employer, administrator, supervisor or other person responsible for selection of volunteers that intentionally fails to require an applicant to submit the required certification before the applicant’s hiring commits a misdemeanor of the third degree.

Agencies are reminded that the Child Abuse certification information is confidential and may not be released to other individuals.

Is there are immunity from liability for persons responsible for the selection of volunteers as it relates to the certification process? Yes, employers, administrators, supervisors and other persons responsible for the selection of volunteers are immune and are presumed to have acted in good faith when identifying individuals required to submit certifications and maintain records as required by the law.

Can an agency or organization institute additional standards? Yes, nothing prohibits an organization or person responsible for a program, activity or service from requiring establishing additional standards.