

PA Act 153 of 2014: Requiring Comprehensive Criminal and Child Abuse Background Checks

Dear Scouters,

As you may or may not be aware, PA Act 153 of 2014 went into effect January 1, 2015. This law will have a direct impact on paid employees working with children **and** unpaid adult volunteers in Pennsylvania, including those involved in Scouting. This law requires that every person responsible for the welfare of youth obtain and keep on file, comprehensive and regularly updated criminal and child abuse background checks. This new PA law is applicable to any person “responsible for the welfare of a child or having direct contact with children.” The Child Protective Services Law defines “direct contact with children” as “the care, supervision, guidance, or control of children or routine interaction with children.”

This new law affects 21 Boy Scout Councils in Pennsylvania. Laurel Highlands Council has been monitoring this legislation and has been working with the other councils and our National legal Counsel. Due to the wording of the law and the way the Boy Scouts of America is organized, there are a number of areas open to interpretation. Like many of you, we have a very long list of questions and clarifications related to this law that we are seeking answers to. We, and every Council in Pennsylvania, are working on getting these questions answered so that we can provide the best information and directions possible to you. In the meantime, we felt it important to communicate with you what we do know at this point.

While many community-based programs like Scouting, schools, youth sports programs, and religious organizations have long required background checks for volunteers, Pennsylvania law now provides very specific directives on the timing and type of checks required. **The background checks performed by the Boy Scouts of America, because they are done through a third party service, do not meet the requirements as outlined in this new law.**

Going forward, PA law now requires that volunteers, who meet any of the conditions mentioned in the first paragraph, obtain the following background checks and clearances (these must be completed every three years):

1. PA State Police Criminal History Record Check (\$10 fee)
2. PA Child Abuse Clearance (\$10 fee)
3. Fingerprint-Based FBI Criminal History Record Check (\$27.50 fee)
 1. Certain volunteers (those living in PA consistently for the last ten years) can be exempted from the FBI Criminal History Check by submitting in writing a disclaimer statement

Background checks and clearances will have to be obtained according to the following schedule:

1. Beginning July 1, 2015, any new volunteer must submit clearances prior to beginning service.
2. By July 1, 2016, currently registered volunteers previously not required to obtain clearances must submit clearances.

Again, the purpose of this letter is to inform you of what we know so far. We will provide further communications once we have our questions answered and can provide a clear, concise set of directions as to exactly what a volunteer will need to do and how to do it. Please wait until we are in communication before having the volunteers in your unit obtain any of the checks and clearances discussed above.

A great link to keep on hand is <http://keepkidssafe.pa.gov/> this website has lots of information on the law and the clearances.

If you would like to discuss this further, please contact Scout Executive Sharon Moulds.
(Sharon.moulds@scouting.org)