



Atlantic Coast Conference

An area conference of Mennonite Church USA

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ACC Youth Events and the PA Child Abuse Laws

In response to Pennsylvania legislation passed in 2014, especially HB 435, also known as Act 153 of 2014, and in accordance with best practices regarding child safety, volunteers with direct contact to children and youth (under age 18) will be required to undergo the following three background checks:

- i. *Pennsylvania State Police Request for Criminal Record Check Form (SP4-164) (\$8, free for volunteers)*

Paper form SP4-164 available at

http://www.witf.org/support/SP4_164_Request_For_Criminal_Record_Check.pdf

Online application at <https://epatch.state.pa.us/Home.jsp>

- ii. *Pennsylvania Child Abuse History Clearance Form (CY-113) (\$8, free for volunteers)*

Paper form CY-113 at

http://www.witf.org/support/Child_Abuse_History_Clearance.pdf

Online application <https://www.compass.state.pa.us/CWIS>

- iii. *Federal Bureau of Investigation Fingerprint Record Checks (\$21.35 for volunteers, \$22.60 for employees) (unless, in the case of a volunteer, the individual has lived in Pennsylvania for the past ten years and 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 Pennsylvania)*

Applicants must register online at <https://uenroll.identogo.com/>. Fingerprints must be made at designated locations. Get addresses for all locations in Pennsylvania at:

https://www.identogo.com/uploads/general/IdentoGO_PA_Locations.pdf

Picture ID is required. See above link for other valid forms of ID.

Residents of Maryland, Massachusetts, and New York will be required to submit their respective states' child abuse and state police background checks, when available.

For the purposes of ACC Youth Events, the following individuals are regarded by ACC as having direct contact to children: youth leaders, chaperones

Checks are valid for five years, and must remain valid for the duration of the event to qualify the individual for participation. Congregational verification must be submitted annually to the ACC office.

All volunteer leaders and chaperones are required to read and completely fill out the **ACC Youth Event Volunteer Covenant** and bring along to the event (forms will be available at event registration as well).

What constitutes child abuse under Pennsylvania's Child Protective Services Law?

The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

1. Causing bodily injury to a child through any recent act or failure to act.
2. 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.
3. 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.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one year of age.
 - d. Forcefully slapping or otherwise striking a child under one year of age.
 - e. Interfering with the breathing of a child.
 - f. Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
 - g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
 - i. Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - ii. Has been determined to be a sexually violent predator under 42 Pa.C.S. §9799.24 (relating to assessments) or any of its predecessors.
 - iii. Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
9. Causing the death of the child through any act or failure to act.

Who is a mandated reporter in Pennsylvania and what is their duty?

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, accepts responsibility for a child.**
- 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.

Based on this definition, all youth leaders and chaperones are mandated reporters for purposes of the ACC Youth Retreat, ACC Bible Quizzing, and any additional programs sponsored in whole or in part by ACC.

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.

After making the telephonic or online report to ChildLine (see below), 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.

Adapted from <http://www.keepkidssafe.pa.gov/>

To report suspected child abuse in the state of Pennsylvania

The mandated reporter's duty does not depend upon being able to identify the alleged perpetrator(s) of the suspected abuse, or upon having the alleged victim of the abuse having come before the mandated reporter. Report suspected child abuse in this order:

1. Immediately report the incident to ChildLine via telephone (1-800-932-0313) or on-line via the PA Portal for mandated reporters at [https:// www.compass.state.pa.us/cwis/Public/home](https://www.compass.state.pa.us/cwis/Public/home).
2. If you made a telephone report to ChildLine, file an online report via CY-47 within 48 hours at <https://www.compass.state.pa.us/cwis/public/home>. If you made an on-line report via the PA Portal, you do not need to complete the CY-47.
3. Immediately after making an on-line or telephonic report of suspected abuse to ChildLine, notify the person designated by your church to receive reports of suspected abuse.

This document was reviewed by attorney Ann Martin, March 17, 2015