



CRIMINAL RECORDS CHECKS

FREQUENTLY ASKED QUESTIONS

Revised April 2010

Introduction

This listing of questions is not meant to be an exhaustive list of every question related to Criminal Record Checks, but rather to provide guidance in this area, especially with the most frequently asked questions/topics.

1. What is required for an individual to be in compliance with the Youth Protection Program of the Diocese of Harrisburg? The following documentation must be on file with the Diocese in order to be compliant:
 - A signed Diocesan Employee/Volunteer Information and Disclosure Statement
 - PA State Police Pennsylvania Access to Criminal History (PATCH)
This report will indicate if a person has any arrests and/or convictions.
 - PA Department of Public Welfare Child Abuse History Clearance
 - This report will indicate any founded accusation of abuse against a minor.
 - FBI Report – when applicable.
This report will indicate any federal charges against an individual.

NOTE – Pennsylvania State Law mandates that an FBI Clearance is required for all school employees as well as all child services employees within Catholic Charities regardless of residence. In addition, it is required for all employees and volunteers, working with children and youth, who have not lived in Pennsylvania for the past two years as well as all other employees and volunteers, working with children and youth, who currently live out-of-state.

- Successful completion of *Creating a Safe Environment Training Course* for Adults.

2. What are Criminal Records Checks?
Information provided by state and federal agencies indicating whether a person has been involved in any criminal activity. This information is essential in creating a safe environment for children by those working or volunteering in programs and ministries with ongoing contact with minors.
3. Who is required to obtain Criminal Records Checks?
 - All employees working in parishes, schools, institutions, Catholic Charities offices/programs and the Diocesan Center. This includes employees under the age of 18.
 - All volunteers, age 18 or older, with ongoing contact with minors.
 - All Foster Care and Adoptive families
 - Any volunteer, age 18 or older, who chaperones an overnight activity with youth.

NOTE – any minor who is working for a school, during the summer months, and will be working no more than 90 days, is not required to obtain an FBI clearance. However, if this minor is working at the school during the school year, an FBI clearance is required along with a work permit.

4. Who is **not** required to obtain Criminal Records Checks?
- Any volunteer, age 18 or older, who **DOES NOT** have ongoing contact with minors in their volunteer capacity.
 - Minors, under the age of 18, who, in their volunteer capacity have ongoing contact with minors; however, minors should never be left alone supervising other minors. An adult must always be present.
- However, minors in this category are required to complete a Diocesan Disclosure Statement and include the last 4 digits of their Social Security Number.
- When a minor turns 18 years of age and is still volunteering in a program or activity with children or youth, then he/she must apply for all appropriate Criminal Records Checks immediately after his/her 18th birthday.

5. The application for the FBI Clearance requires the applicant to be fingerprinted. Where can someone go to be fingerprinted?
- All school and child care service employees must be registered with COGENT – a company hired by the State of Pennsylvania to perform all required FBI record checks for the State. The website address is: <http://www.pa.cogentid.com> The individual will be instructed to one of their approved locations to be fingerprinted. When registering, **all school employees MUST select the Department of Education** option, **all other employees MUST select the Department of Welfare** option.
 - All other employees and volunteers who have not lived in PA for the past 2 years must also be registered with COGENT, selecting the Department of Welfare option.
6. What is the Diocese of Harrisburg Information and Disclosure Statement?
- This form, required by the Diocese of Harrisburg for all employees and volunteers who have ongoing contact with minors, provides a history of the employment and/or volunteer activity of the signer. The front of the statement indicates that the signer has never been arrested or convicted of the crimes listed. The reverse side provides information for accurate record-keeping; the start date and location where the signer is working or volunteering; and whether he/she has lived in PA for the past 2 years.

NOTE: This form must be completed each time a person changes and/or adds an employment and/or volunteer site within the Diocese.

7. How do I apply for my Criminal Records Checks
- For instructions go to the Diocese of Harrisburg website – www.hbgdiocese.org - click on Youth Protection bar on left-hand side and then click Services and Programs and you will be taken to Procedural Documents.
8. Do my original Criminal Records Checks obtained for a position in the Diocese of Harrisburg need to be renewed?
- No, unless there has been a break in service in either employment or as a volunteer within the Diocese.
9. Can Criminal Records Checks be accepted from a new employee or volunteer if they are more than one year old?
- NO.

10. Do I need to obtain new Criminal Records Checks if I transfer between one diocesan and/or parish entity to another i.e. leaving a position at the Diocesan office to work in a parish; transferring from one parish to another or leaving a position in a Catholic Charities office/program to work at the Diocesan office?
- No, as long as there is no lapse in service then the Criminal Records Checks are transferable to the new location.
 - However, a new Disclosure Statement must be completed for any employee or volunteer who is transferring from one location to another, regardless of whether or not new Criminal Records Checks are required.

11. Do I need to obtain new Criminal Record Checks if I transfer between one school within the diocese and another; from being a parish employee to becoming a school employee within the same parish; from being a parish employee from another parish to becoming a school employee; from being a diocesan employee to becoming a school employee?

Effective November 2009, all new school employees, whether transferring within the diocesan system or coming from outside the diocesan system **MUST** provide all criminal record checks (Disclosure Statement, PA State Police Clearance, PA Department of Public Welfare Childline Clearance and FBI Clearance) that are less than 12 months old. If they are not less than 12 months old then all new criminal record checks will be required.

Likewise, any active volunteer who becomes an employee of a school will not be permitted to use their existing criminal record checks unless they are less than 12 months old.

12. Can Criminal Records Checks from a non-diocesan entity within the State of Pennsylvania fulfill the requirement for the Diocese?
- a. Yes, if the PA State Police Pennsylvania Access to Criminal History (PATCH) and the PA Department of Public Welfare Child Abuse History Clearance are less than one-year old. This also includes the FBI Clearance, when appropriate.
 - b. If the Criminal Records Checks are more than one-year old, then new criminal record checks are required.
13. Can Criminal Records Checks from another state be used to satisfy the requirements of the Diocese of Harrisburg?
- NO. Pennsylvania State Law requires a PA State Police Pennsylvania Access to Criminal History (PATCH) and a PA Department of Public Welfare Child Abuse History Clearance for all employees. The Diocese of Harrisburg has adopted the same requirements for all volunteers with ongoing contact with minors.

SCOUTING

14. Are adult scout leaders and volunteers in local Boy Scout and Girl Scout troops within the Diocese of Harrisburg required to obtain mandatory criminal record checks and successfully complete the diocesan *Creating a Safe Environment Training Course for Adults*?
- For Boy Scouts – Yes. The national Council of Boy Scouts of America has declined an exemption.
 - For Girl Scouts – No. The Girl Scouts requested and were granted an exemption.

YOUTH RETREATS

15. Are Criminal Records Checks required for high school students age 18 or older attending a retreat with their classmates?
- NO – all high school students on retreat, regardless of age, are to be treated equally, with the same rules and guidelines and are under the care and supervision of chaperones and teachers who possess the required Criminal Records Checks.
 - For additional information regarding criminal record checks and procedures for specific youth retreats (i.e. Mount 2010, World Youth Day, etc.), please visit the Office of Youth and Young Adult Ministry on the diocesan website.
 - For information related specifically to criminal record checks and International Travel go to - - www.hbgdiocese.org/youngchurch - Links and Resources - for the International Travel Policy.

RESIGNATION FROM SERVICE

16. What is required when an employee resigns from service?
- Complete the required paperwork (Notice of Employee Separation Form) to remove the individual from the payroll system.
 - This includes but not limited to: coaches no longer coaching at this location; substitute teachers who have not subbed at this location in the past 12 months; seminarians who were assigned to this location for the summer; summer hires, etc.
17. What is required when a volunteer resigns from service?
- Contact the diocesan Youth Protection Office to place the person on inactive status.
 - Should the individual desire to return to active status, he/she would then need to renew their Criminal Records Checks, if they are more than 12 months old.

SUBSTITUTE TEACHERS

18. Do teachers who have retired from the diocesan school system need to obtain new Criminal Records Checks if they become substitute teachers within the diocesan school system?
- No, as long as they want to substitute at the same school from which they are retiring and send a *Notice of Separation Form* as well as a *Change in Status Form* to the diocesan Payroll Department advising that they are now going to be a substitute teacher.
 - If a retiring teacher wants to substitute in another other school in the diocese, then he/she must obtain new clearances for the specific school and submit a new Disclosure Form, *cf question #11*.

NOTE - - substitute teachers who have not substituted during the previous school year will be terminated from the payroll system. When that happens, they will need to obtain a new set of criminal record checks in order to be re-hired as a substitute teacher.

VENDORS/CONTRACTORS

19. **Are all contractors (vendors) and their employees who work in a school required to obtain criminal background records?**
- It is the responsibility of the School District/Intermediate Unit/AVTS/CTC, based upon the law, contract and local policy, to determine when contractors and their employees are required to obtain criminal background records.

When new contracts are entered into, any such new contractors and their employees who have direct contact with children must produce the required State and Federal background checks.

Existing contracts can be renewed without Federal background checks for contractors and their employees employed prior to April 1, 2007. If an independent contractor adds any new employee to the work force during the pendency of the contract, State and Federal background checks must be provided prior to the employee being assigned to any work which would bring the employee into direct contact with children

If a new contractor is hired after April 1, 2007 and necessary State and Federal background checks are provided, the contract can be renewed the following year without again requiring background checks on the same individuals.

Contracts should clearly and expressly designate the responsibility for providing background checks and should note that if an independent contractor adds any new employee to the work force during the pendency of the contract, State and Federal background checks must be provided prior to the employee being assigned to any work which would bring the employee into direct contact with children.

[http://www.portal.state.pa.us/portal/server.pt/community/backgroundchecks\(act114\)/7493](http://www.portal.state.pa.us/portal/server.pt/community/backgroundchecks(act114)/7493)

MISCELLANEOUS

20. Are groups or organizations that have no connection to the parish or school but use the facilities for activities, meetings or programs, required to obtain Criminal Records Checks for those who will be using the facilities?
- NO, however there should be a lease agreement for use of the facilities, including a certificate of insurance naming the school or parish as an additional insured. (\$1M); release and indemnification language; and a general statement indicating that the organization acknowledges that it has proper clearances for all of its volunteers and employees.
 - This would also apply to sports teams who use school courts but have no connection to the school or parish.

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