



EMPLOYEES HAVING CONTACT WITH CHILDREN

FREQUENTLY ASKED QUESTIONS

[Pennsylvania Child Protective Services Law \(CPSL\), 23 Pa.C.S. Chapter 63 \(relating to child protective services\)](#)

Who needs employment clearances?

- An employee of child-care services.
- A self-employed provider of child-care services in a family child-care home.
- Any individual seeking to provide child-care services under contract with a child-care facility or program.
- An individual 14 years of age or older who is applying for or holding a paid position as an employee with a program, activity or service *that is not an internship, externship, work study, co-op or similar program* (see [Volunteers FAQ](#)), as a person responsible for a child's welfare or having direct contact with children.
- Certain school employees who are not governed by the provisions of the Public School Code of 1949 and have direct contact with children.

Note: K-12 school employees, employees of independent contractors seeking business with public and private schools and student teacher candidates must obtain clearances in accordance with [section 111 of the Public School Code as amended](#). Please contact the PA Department of Education (PDE) directly, at RA-PDE-SchoolService@pa.gov.

Which clearances are required?

All applicable employees must submit the following three clearances:

- 1) PA Child Abuse History Certification from DHS ([PA Child Abuse](#));
- 2) Pennsylvania State Police Criminal History Record Check ([PSP](#)); and
- 3) DHS fingerprint-based Federal Bureau of Investigation Criminal History Background Check ([DHS FBI](#)).

*Note: There are additional CPSL clearance requirements for employees of child day-care centers, group day-care homes and family child-care homes. *see [Child Care Employees FAQ](#)**

Do employees that reside outside of PA but who will be working in PA have to obtain the clearances?

Yes, all applicable employees working in PA, regardless of residency, must obtain employment clearances.

Are there any exceptions to the clearance requirements?

Yes, for certain minor employees age 14-17 and certain employees who hold a nonimmigrant J-1 Visa; however, these exceptions do not apply to employees in child day-care

centers, group day-care homes or family child-care homes.

Minors (age 14-17)

A minor who applies for or holds a paid position as a person responsible for a child's welfare or as a person having direct contact with children through a program, activity or service is required to submit only the PA Child Abuse and PSP if the following apply:

- 1) They have been a resident of PA during the entirety of the previous 10-year period – or, if not, have received a DHS FBI at any time since establishing residency in PA.
- 2) They and their parent or legal guardian swear or affirm in writing that the minor is not disqualified from employment under the CPSL or has not been convicted of an offense similar in nature under the laws or former laws of the U.S. or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of PA. *see [Disclosure Statement for Employment*](#)



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Are there any exceptions to the clearance requirements? (*cont.*)

Exchange visitors

An individual with a nonimmigrant J-1 Visa shall not be required to submit the PA Child Abuse, PSP, and DHS FBI clearances if all of the following apply:

- 1) They are applying for or hold a paid position with a program, activity or service for a period not to exceed a total of 90 days in a calendar year.
- 2) They have not been employed previously in PA or another state, the District of Columbia or the Commonwealth of Puerto Rico.
- 3) They swear or affirm in writing that they are not disqualified from employment under the CPSL or have not been convicted of an offense similar in nature to the crimes listed in section 6344(c) of the CPSL under the laws or former laws of the U.S. or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of PA. *see [Disclosure Statement for Employment](#)*

Can employers hire employees on a provisional basis?

Beginning February 17, 2022, due to the passage of Act 12 of 2022, employees – *except for those of a child-care institution* – may be provisionally employed for a single period not to exceed 45 days if all of the following apply:

- 1) The employee has applied for the required clearances and provides a copy of the appropriate request forms to the employer.
- 2) The employer has no knowledge of information that would constitute grounds for denying the employee's employment under the CPSL.
- 3) The employee swears or affirms in writing that they are not disqualified from employment under the CPSL or have not been convicted of an offense similar in nature to the crimes listed in section 6344(c) of the CPSL under the laws or former laws of the U.S. or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of PA. *see [Disclosure Statement for Employment](#)*

- 4) The employer must immediately dismiss the employee if the results of their required clearances disqualify them from employment under the CPSL.
- 5) The employer must not permit the employee to work alone with children, and the employee must work in the immediate vicinity of a permanent employee.
- 6) The employee received the results of the PA Child Abuse and PSP OR the DHS FBI and provided the result(s) to the employer.

Note: Employers shall require a prospective employee who does not meet the requirements for provisional employment outlined above to submit the required clearances prior to employment or acceptance to serve in any such capacity.

How do employees obtain the clearances?

The PA Child Abuse, PSP, and DHS FBI can all be applied and paid for electronically. The DHS FBI also requires a fingerprint submission. All necessary instructions and links to apply for these clearances can be found on the DHS Keep Kids Safe "[Clearances](#)" webpage.



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Is the use of a third-party vendor to apply for the clearances acceptable?

Third-party vendors may be used to apply for the PA Child Abuse, PSP, and DHS FBI but are not permitted to process clearances through other databases in lieu of these three clearances. In addition, employers remain responsible for employment decisions based on the information obtained.

How much do the clearances cost?

- 1) The PA Child Abuse costs \$13.00.
- 2) The PSP costs \$22.00.
- 3) The DHS FBI costs \$24.95.

Who pays for the clearances?

The employee is responsible for paying the cost of the required clearances. However, some employers choose to pay by establishing business accounts.

The only time an employer must bear the cost is when they have a reasonable belief that the employee was arrested for or convicted of an offense that would constitute grounds for denying employment under the CPSL, or was named as a perpetrator in an indicated or founded report of child abuse, or the employee has provided written notice of such (**see "Are there any other requirements?" for more*

information). In these situations, the employer must immediately require the employee to obtain/submit current clearances.

How do employers establish business accounts to pay for the clearances?

PA Child Abuse

Employers can purchase one-time payment codes by registering for a Business Partner user account using the "Organization Account Access" link via the [Child Welfare Portal](#). The pre-purchased codes can only be used once and allow the employer to access the employee's result once processed.

PSP

Employers can call 1-888-783-7972 and select option 3 to request a business account to pay for clearances in bulk, or they can pay on an individual basis by using a credit card (if applying online) or by submitting a paper check (if applying by mail).

DHS FBI

IDEMIA offers employers the option to pay for digital fingerprinting services using a [No Charge Authorization \(NCAC\) Agreement](#) which is backed by a credit card that must be provided at the time of account set up.

How often do employment clearances need to be obtained?

Employment clearances must be obtained every 60 months. Additionally, an employer must immediately require an employee to submit current clearances if the employer has a reasonable belief that the employee was arrested or convicted for an offense that would constitute grounds for denying employment under the CPSL, or was named as a perpetrator in a founded or indicated report, or if the employee has provided written notice of such (**see "Are there any other requirements?" for more information*).

Are there any other requirements?

If an employee is arrested for or convicted of an offense that would constitute grounds for denying employment under the CPSL or is named as a perpetrator in a founded or indicated report of child abuse, the employee must provide the employer with written notice not later than 72 hours after the arrest, conviction or notification. An employee who willfully fails to disclose this information commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.



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Are employers required to keep a copy of their employees’ clearances?

Yes, the employer shall maintain a copy of each employee’s required information/clearance results. Employers should see the employee’s original results and make and retain copies then return the original results to the employee. Employers are reminded that clearance information is confidential and may not be released to other individuals.

Are employment clearances portable/transferrable?

Employment clearances in accordance with the CPSL may be used for employment (*see [Disclosure Statement for Employment](#)*) under the CPSL or for volunteering purposes under the CPSL (*see [Volunteers FAQ](#)*) so long as:

- The clearances were obtained within the last 60 months; and

- Prior to commencing employment, the employee swears or affirms in writing that they have not been disqualified from employment or service under the CPSL or have not been convicted of an offense similar in nature under the laws or former laws of the U.S. or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of PA.

*Note: An employer, administrator, supervisor or other person responsible for employment decisions is prohibited from accepting clearances that were obtained for volunteering purposes under the CPSL *see [Volunteers FAQ](#).**

Are employment clearances from the PA Department of Education (PDE) portable/transferrable?

Only the PA Child Abuse and PSP are portable/transferrable for

employment under the CPSL. The FBI is not portable/acceptable.

Can an employer institute additional standards?

Yes, nothing in the CPSL prohibits an employer or person responsible for a program, activity or service from making employment, discipline or termination decisions or establishing additional standards as part of the hiring or selection process for employees or volunteers. DHS recommends every agency consult with their solicitor/legal counsel when making these determinations as well as consult with their insurer regarding possible insurance coverage implications.

Life is beautiful.