

## Changes to Pennsylvania's Mandatory Reporting Laws and Requirements for Church Entities

During the 2013 - 2014 Legislative Biennium, the Pennsylvania General Assembly passed laws expanding the categories of persons, who are mandated reporters and clarifying requirements for those persons, who bear responsibility for children.

### **Mandated Reporters now include, according to the law:**

"An individual, paid or unpaid, who, on a regular basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child."

This means any individual, who meets the above definition, which includes clergy, staff and volunteers.

### **The key phrases are:**

- The individual's role- someone who works with children because he or she occupies a role that is expected to do so, e.g., Sunday School teachers, youth group volunteers, child care workers or volunteers, church camp leaders of any sort, those who go on mission trips with persons under the age of 18, etc.
- A regularly scheduled program, activity or service - something that is planned by the church and would ordinarily happen over and over again
- Accepts responsibility for a child (or children) - anyone who accepts the care, supervision, guidance or control of children or routine interaction with children

### **Implications for all church-based entities:**

This means churches and church-based organizations must make determinations about whether or not specific individuals "bear responsibility for a child" on account of the position the older person occupies, as part of regularly scheduled activities of the organization. Two standards in making this determination are whether this person is acting in lieu of parents or guardians, and, if the person has regular and direct contact with children. Please check your legal counsel in making these determinations. **This includes volunteers.**

### **Churches must:**

- Require all clergy and other persons, who accept responsibility for a child, to take three hours of Department of Human Services approved training no later than June 30, 2015 for those currently bearing responsibility for children.
- For new persons, who will bear responsibility for children, this training must be taken within 90days of hire or the beginning of volunteer service.
- This training must be offered by a DHS approved trainer. In most cases, this means the religious judicatory cannot offer the training itself, unless it has been approved by the DHS to do so. The training teaches recognition and reporting of child abuse.
- Each mandated reporter must make either an electronic or phone report of suspected child abuse immediately upon reasonable cause to suspect abuse of a child. If the person chooses to make a phone report, an electronic report must also be made within 48 hours. The knowledge does not have to be first hand, but must be "reasonable".
- The person, who has made a report, must then alert the person in charge of the church or church-related entity that the report has been made. Only one report per institution is necessary.
- Employees over the age of 14 and adult volunteers, who are responsible for children, must also complete background checks:

Employees over the age of 14 and adult volunteers, cont.

- a) All must complete the PA State Police Criminal History Record;
  - b) All must complete the PA State Police Child Abuse History Clearance; and
  - c) For all employees, and for volunteers, who have lived in PA for fewer than the last ten continuous years, the Federal Criminal History Background Check (with submission of fingerprints) must be completed;
  - d) For those volunteers, who have resided solely in PA for ten or more continuous years, they may submit an affidavit signed and stating that they are not disqualified from service based upon a conviction of an offense under State Statute 6344. ***Volunteers are currently not required to undergo Mandated Reporter training, but it is recommended.*** Free online training can be done at [www.reportabusepa.pitt.edu](http://www.reportabusepa.pitt.edu).
  - e) Churches may decide that they prefer all volunteers to have the third clearance.
- The employer, administrator, supervisor or other person responsible for selection of volunteers and/or hiring of employees must keep a copy of the clearances on file
  - While the statute exempts clergy from being compelled to disclose information obtained from "Any person secretly and in confidence", but the **Book of Order** permits revelation of confidential information when a teaching elder or CRE "reasonably believes there is risk of bodily harm to any person", and mandates disclosure by those in ordered ministries, and certified Christian educators to ecclesiastical, and civil legal authorities when "she or he reasonably believes that there is a risk of future physical harm or abuse." (G-4.0302)

**Church Camps must:**

- Meet all the requirements as stated for churches, above;
- Include all summer staff and year-round or summer volunteers who will bear responsibility for children, as above.

**Church Child Care Settings must:**

- Behave as if they are licensed by the Department of Human Services, even if they are not;
- Must meet all the requirements stated for churches, above;
- Three hours of training in child abuse recognition and reporting are required every five years after the initial training is taken.

**Presbyteries and other religious judicatories must:**

- Require all mandated reporters in their membership to meet the State requirements;
- This implies all Teaching Elders and those in other pastoral roles, such as Commissioned Ruling Elders, and pastors from other traditions serving in PC{ USA } congregations or ministries, must take the training and submit all the clearances listed above;
- Meet all the requirements as stated for churches, above.

**To obtain training,** go to <http://keepkidssafe.pa.gov/training/index.htm> and look for the proper information.

**To obtain clearances,** go to <http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm>

**To make a report,** go to <http://www.compass.state.pa.us/cwis/public/home> or call 1-800-932-0313.

**For more detailed information and FAQs about Mandatory Reporting, and about volunteers, go to the Pittsburgh Presbytery website and look under "New State Mandatory Reporting Laws".**