

Caernarvon Township, Berks County Pennsylvania Affidavit of Receipt and Review

I, _____, by affixing my signature below, do hereby affirm that I have been given a copy of the Caernarvon Township Policy: "Policy of Background Checks and Mandatory Reporting for Volunteers and Employees Pursuant to the Child Protective Services Law" [Resolution 2016-16]; Moreover, that I had the opportunity to read the policy and ask questions about it; I am aware that this affidavit will be placed in my Personnel File and that it may be used as proof of acknowledgment of the requirements of the stated policy.

Signed this _____ day of _____, 20 ____

_____ Signature

_____ Printed Name

_____ Witnessed

RESOLUTION NO. 2016-16

**A RESOLUTION OF CAERNARVON TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA, ESTABLISHING A POLICY OF BACKGROUND
CHECKS AND MANDATORY REPORTING FOR VOLUNTEERS
PURSUANT TO THE CHILD PROTECTIVE SERVICES LAW**

WHEREAS, the Pennsylvania Legislature has enacted provisions to: increase and expand regulations of organizations and individuals who constitute “mandatory reporters” of suspected child abuse under the Child Protective Services Law; and require background checks for employees and volunteers who accept control over the responsibility of a child (under 18 years of age);

WHEREAS, Caernarvon Township desires to memorialize a Policy for acknowledging mandatory reporters, requiring appropriate clearances, and to implement appropriate procedures for the purpose of satisfying its obligations under the Law;

WHEREAS, the Township not only desires to adopt a policy that complies with the Law, it desires to adopt a policy that provides greater protection to the public and, specifically, to children who attend functions sponsored by the Township by imposing standards with regard to clearances that exceed the minimum standards required under the Law.

NOW, THEREFORE, BE IT RESOLVED, that the Caernarvon Township Board of Supervisors establishes the following Policy related to

1. Administrator Designation. The Township Administrator is deemed to be the Administrator for the Township with respect to the Child Protection Services Law.
2. Clearances. Beginning July 1, 2016, any adult acting in a capacity as a Township employee or volunteer who is responsible for a child’s welfare or has “direct volunteer contact” with children through a Township-sponsored event or activity shall obtain all clearances required by the Child Protective Services Law, which may include:
 - a. A Pennsylvania Criminal History Check;
 - b. A Pennsylvania Child Abuse History Clearance; and
 - c. An FBI Criminal History Check (through the Department of Human Services).

“Direct volunteer contact” with children is defined by the Child Protective Services Law as “the care, supervision, guidance or control of children AND ‘routine interaction’ with children” (e.g., Township Community Day events, the Township Easter Egg Hunt, Summer Playground programs, Game Nights, Movie Nights and the Township Halloween Parade).

“Routine interaction” is defined by the Child Protective Services Law as “regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.”

The employee or volunteer must produce all required clearances to the Township prior to the commencement of the event or activity.

The Federal criminal background check is not required if:

- a) An adult volunteer has been a resident of Pennsylvania during the entirety of the previous last ten (10) year period OR has received a federal criminal background check since establishing Pennsylvania residency and has submitted the federal criminal background check to the Township;
 - b) The adult volunteer signs a disclaiming affirming that he or she is not disqualified from service under the Law; and
 - c) The position the volunteer is applying for is unpaid.
3. Renewal. Clearances shall be renewed every fifty-seven (57) months. New Township employees shall submit the required clearances prior to the commencement of employment, except as provided by law.
4. Recordkeeping. The Township Administrator shall maintain a copy of all of the clearances submitted by the above-referenced individuals. Such information shall be deemed confidential and may not be released pursuant to a Right to Know request.
5. Grounds for Denial of Volunteers. The Township reserves the right to not utilize or appoint volunteers for any reason. Specifically, in addition to the grounds for denial identified in the Law, prospective volunteers shall be disqualified from volunteering at Township sponsored events:
- a). All sex offenses without regard to the time of occurrence. Examples include child molestation, rape, sexual assault, battery, a “founded” report of child abuse, etc.
 - b) All felony convictions involving a crime of violence without regard to the time of occurrence. Examples include homicide, manslaughter, assault, kidnapping, etc.
 - d) All felony offenses other than violence or sex occurring within the last ten (10) years. Examples include drug offenses, theft, embezzlement, fraud, child endangerment, etc.
 - e) All misdemeanor convictions involving a crime of violence within the last seven (7) years. Examples include: simple assault, battery, domestic violence, etc.

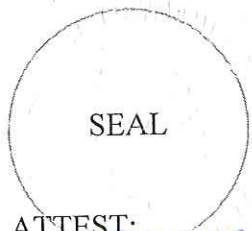
- f) All single misdemeanor convictions involving drug & alcohol offenses within the last five (5) years or convictions involving multiple offenses within the last ten (10) years. Examples include: DUI, simple drug possession, drunk & disorderly, public intoxication, etc.
 - g) Any other misdemeanor conviction within the last five (5) years that would be considered a potential danger to children or is directly related to the functions of that volunteer. Examples include: contributing to the delinquency of a minor, providing alcohol to a minor, etc.
6. Event Planning. For all Township events at which activities for children will be provided by the Township, the organizer of the event shall identify and provide to the Township Administrator a list of all Township volunteers and employees who will be responsible for running any activities involving children. These volunteers and employees shall be advised of their responsibility to comply with this Resolution.
7. Reporting. Following the submission of the above-referenced clearances to the Township, employees or volunteers must provide notice to the Township Administrator within seventy-two (72) hours of any of the following events:
- a. If the individual is arrested for any of the crimes listed in the Disclosure Statement set forth in Exhibits A and B.
 - b. If the individual is convicted of any of the crimes listed in the Disclosure Statement set forth in Exhibits A and B; or
 - c. If the individual has been named as a perpetrator of a founded or indicated report of child abuse; or
 - d. If the individual has been listed as a perpetrator in the Pennsylvania Statewide database.
8. Mandatory Reporter Obligations. Individuals constituting "mandatory reporters" under the Child Protection Services Law must report suspected child abuse either electronically, www.compass.state.pa.us/cwis or by calling 1-800-932-0313, and shall also notify the Administrator of the same.

9. Disclosure Statement. All employees and volunteers subject to this Resolution shall provide the Administrator with the Disclosure Statements attached hereto as Exhibits A and B, respectively.

DULY PRESENTED AND ADOPTED, by the Board of Supervisors of Caernarvon Township at a public meeting held on the 23rd day of February 2016.

CAERNARVON TOWNSHIP

BY: 
Chairman



ATTEST:


Township Secretary

Exhibit "A"

**DISCLOSURE STATEMENT
APPLICATION FOR PROVISIONAL EMPLOYMENT**

Required by the Child Protective Service Law

23 Pa. C.S. Section 6344 (relating to employees having contact with children; adoptive and foster parents)

I swear/affirm that I have applied for clearances through ChildLine, the Pennsylvania State Police, and the Federal Bureau of Investigation and am submitting a copy of the appropriate completed request forms to the employer, administrator, supervisor or other person responsible for employment decision.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or equivalent crime under the laws or former laws of the United States 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 this Commonwealth.

Chapter 25	(relating to criminal homicide)
Section 2702	(relating to aggravated assault)
Section 2709	(relating to stalking)
Section 2901	(relating to kidnapping)
Section 2902	(relating to unlawful restraint)
Section 3121	(relating to rape)
Section 3122.1	(relating to statutory sexual assault)
Section 3123	(relating to involuntary deviate sexual intercourse)
Section 3124.1	(relating to sexual assault)
Section 3125	(relating to aggravated indecent assault)
Section 3126	(relating to indecent assault)
Section 3127	(relating to indecent exposure)
Section 4302	(relating to incest)
Section 4303	(relating to concealing death of child)
Section 4304	(relating to endangering welfare of children)
Section 4305	(relating to dealing in infant children)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I must be dismissed from employment if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above.

I understand that I am not permitted to work alone with children and must work in the immediate vicinity of a permanent employee during this provisional employment period.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current clearances obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of clearances shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my clearances.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: _____ Signature: _____

Witness: _____ Signature: _____

Date: _____

Exhibit "B"

DISCLOSURE STATEMENT APPLICATION FOR VOLUNTEERS
Required by the Child Protective Service Law
23 Pa. C.S. Section 6344.2 (relating to volunteers having contact with children)

I swear/affirm that I am seeking a volunteer position and **AM NOT** required to obtain a clearance through the Federal Bureau of Investigation, as:

- the position I am applying for is unpaid; **and**
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period.

I swear/affirm that I have not been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have not been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or of offenses similar in nature to those crimes under the laws or former laws of the United States 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 this Commonwealth.

Chapter 25	(relating to criminal homicide)
Section 2702	(relating to aggravated assault)
Section 2709	(relating to stalking)
Section 2901	(relating to kidnapping)
Section 2902	(relating to unlawful restraint)
Section 3121	(relating to rape)
Section 3122.1	(relating to statutory sexual assault)
Section 3123	(relating to involuntary deviate sexual intercourse)
Section 3124.1	(relating to sexual assault)
Section 3125	(relating to aggravated indecent assault)
Section 3126	(relating to indecent assault)
Section 3127	(relating to indecent exposure)
Section 4302	(relating to incest)
Section 4303	(relating to concealing death of child)
Section 4304	(relating to endangering welfare of children)
Section 4305	(relating to dealing in infant children)
Section 5902(b)	(relating to prostitution and related offenses)
Section 5903(c) (d)	(relating to obscene and other sexual material and performances)
Section 6301	(relating to corruption of minors)
Section 6312	(relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse within the past five (5) years or have been convicted of any of the crimes listed above or of offenses similar in nature to those crimes under the laws or former laws of the United States 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 this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice not later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current clearances obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation, as appropriate. The cost of clearances shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my clearances.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Name: _____ Signature: _____

Witness: _____ Signature: _____

Date: _____