

TOWNSHIP OF MIDDLE SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA

RESOLUTION #03-2016-2

RESOLUTION ADOPTING CHILD PROTECTIVE CLEARANCES POLICY

WHEREAS, Pennsylvania has amended the Commonwealth's Child Protective Services Law and declared that all employees and volunteers who have direct contact with "children," defined as individuals under the age of 18, must obtain background check clearances prior to any such contact; and

WHEREAS, the Township of Middle Smithfield provides community functions and events where the expectation is that there will be children interacting with Township employees or volunteers; and

WHEREAS, the Board of Supervisors desires to adopt a policy, consistent with the Commonwealth of Pennsylvania Law, with the form and content attached hereto as Exhibit "A," which is adopted and incorporated by reference as though set forth fully herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby resolved as follows:

SECTION 1: Child Protective Clearances Policy.

The Board of Supervisors of Middle Smithfield Township approves and adopts the Child Protective Clearances Policy, as set forth in Exhibit "A," and directs that said policy be immediately given full force and effect.

Section 2: Severability.

The provisions of this Resolution shall be severable, and if any of the provisions hereof shall be found to be invalid or unenforceable, the remaining provisions shall remain in effect.

Section 3: Construction.

Any Ordinance in conflict with this Resolution shall take precedence to this Resolution. Any resolution conflicting or inconsistent with any of the provisions in this Resolution is hereby repealed, but only insofar as it is inconsistent.

Section 4: Effective Date.

This Resolution shall be effective immediately and shall remain in effect until modified, revoked, or repealed by further Resolution of the Board of Supervisors.

RESOLVED THIS 24<sup>th</sup> DAY OF MARCH, 2016, BY THE BOARD OF SUPERVISORS OF MIDDLE SMITHFIELD TOWNSHIP AT A LAWFUL SESSION DULY ASSEMBLED.



*Amelia Wilson*  
Chairperson

*Michael J. [Signature]*  
Vice Chairperson

*Mark [Signature]*  
Supervisor

ATTEST:  
*Michelle L. Clevell*  
Secretary

**TOWNSHIP OF MIDDLE SMITHFIELD**  
**CHILD PROTECTIVE CLEARANCES POLICY**

Middle Smithfield Township hereby establishes the following policy, consistent with Commonwealth of Pennsylvania Law, for any and all functions/events where the expectation is that there will be “children,” defined as individuals under the age of 18, interacting with Township employees or volunteers.

All adult individuals, age 18 and older, volunteering in more than two (2) functions annually participated in by children must obtain the appropriate clearances. All Township employees, age 14 and older, and independent contractors, age 14 and older, whose job duties include either more than two (2) instances of interaction with children annually, or who job duties involve any instance of supervision or control over children, must obtain background clearances.

**Failure to consent to the clearance process or failure to consent to the required background screening procedures shall automatically disqualify an individual from working or otherwise volunteering.**

**Required Background Checks**

There are three types of background checks: Pennsylvania child abuse, Pennsylvania state police criminal, and FBI criminal. The Middle Smithfield Township Supervisors are requiring all three (3) for clearance, including the FBI criminal.

The Township “may employ” an applicant on a provisional basis “for a single period not to exceed 90 days” so long as the applicant can document:

- i. The applicant has applied for the background checks/clearances;
- ii. The Township has “no knowledge of information pertaining to the applicant which would disqualify” employment;
- iii. The applicant “swears or affirms in writing” that he or she has not been convicted, in another state, of an offense similar to those that disqualify employment, as set forth below;
- iv. The person “shall be immediately dismissed” if the background checks reveal they are disqualified; and
- v. The applicant, pending returned background checks, is “not permitted to work alone with children” and the applicant must “work in the immediate vicinity of a permanent employee” who has completed clearances.

## **Renewal**

New certifications, for both employees and volunteers, must be obtained every 60 months.

## **Disqualification**

(1) In no case will the Township hire or approve an applicant or volunteer where the Department of Public Welfare has verified that the applicant or volunteer is named in the Statewide database as the perpetrator of a founded report committed within the five-year period immediately preceding verification pursuant to this section.

(2) In no case will the Township hire an applicant for employment or allow someone to volunteer whose criminal history record information indicates the applicant has been convicted of one or more of the following offenses under Title 18 (relating to crimes and offenses) or an equivalent crime under Federal law or the law of another state:

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (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).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

The attempt, solicitation or conspiracy to commit any of the offenses set forth in this paragraph.

(3) In no case will the Township hire or approve an applicant if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding verification under this section.

### **Reporting Obligations**

An employee or volunteer who is arrested or convicted of any of the above offenses, or listed as a perpetrator, shall provide the Township Human Resource Director with written notice that such occurred not later than 72 hours after the arrest, conviction or notification of listing.

If an administrator of the Township has a reasonable belief that an employee or volunteer has not reported, as required above, the administrator must require that the individual provide an updated background check. The cost will be borne by the Township.

### **Cost**

Volunteer background checks are free of charge, in accordance with the Pennsylvania Child Protective Services Law.

The cost of employee background checks will be borne by the Township.