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FOSTER/ADOPTIVE PARENTS & HOUSEHOLD MEMBERS

F R E Q U E N T L Y A S K E D Q U E S T I O N S

Who needs clearances?

- A foster parent.
- A prospective adoptive parent.
- An individual 18 years of age or older who resides in the home of a foster parent for at least 30 days in a calendar year or who resides in the home of a prospective adoptive parent for at least 30 days in a calendar year.

NOTE: For the purposes of clearances, the term "prospective adoptive parent" includes those seeking approval (prospective) and those approved awaiting placement of a child into their home (pre-adoptive).

Which clearances are needed?

Foster and prospective adoptive parents and adult household members must obtain the following three clearances:

- Report of criminal history from the Pennsylvania State Police (PSP);
- Child Abuse History Clearance from the Department of Human Services (Child abuse);

- Fingerprint based federal criminal history submitted through the Pennsylvania State Police or its authorized agent (FBI).

Foster and prospective adoptive parents, or any individual over 18 years of age residing in the home, who have resided outside of the commonwealth at anytime within the previous five-year period must also have obtained a Child Abuse clearance within the previous one-year period or its equivalent in each state the person has resided in the previous five-year period.

When are clearances needed?

Foster and prospective adoptive parents must submit their clearances prior to their approval.

Adult household members of foster, prospective, and pre-adoptive parents must submit their clearances at the time they reside in the home for at least 30 days in a calendar year. This provision applies to any individual age 18 or older placed in foster care in the home.

Any individual over 18 years of age who begins residing in the home of an approved foster or adoptive family and has resided outside of the commonwealth at any time within the previous five-year period must, within 30 days of beginning residence, submit a Child Abuse clearance or its equivalent in each state in which they have resided within the previous five-year period. This provision applies to any youth age 18 or younger placed in foster care in the home. In accordance with § 2530 (relating to home study and pre-placement report) of the Adoption Act, 23 Pa.C.S., Chapters 21-29, updated Child Abuse, PSP and FBI clearances are also required prior to a child being placed in the home by an adoption agency or intermediary, if clearances are more than a year old.

What is the renewal requirement for clearances?

As per the Child Protective Services Law, clearances must be obtained every 60 months, unless otherwise ordered by a court.



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If an individual or agency, however, elects to renew all clearances at the same time, the date of the oldest clearance is to be used as the renewal date.

NOTE: Adoptive parents who are not planning to adopt in the future do not need to renew their clearances every 60 months.

How do I obtain clearances?

The Child Abuse, PSP, and FBI clearances can all be applied and paid for electronically. The FBI clearance also requires a fingerprint submission. All necessary instructions and links to apply for these clearances can be found on the “Clearances” page of the KeepKidsSafe.pa.gov website.

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

Third-party vendors may be used to process Child Abuse, PSP, and FBI clearances using the steps established above. They are not permitted to conduct background checks or clearances through other databases in lieu of the steps outlined above. In addition, agencies remain responsible for the approval decision based on the information obtained.

How much do clearances cost?

- The PSP clearance costs \$22.

- The Child Abuse clearance costs \$13.
- The FBI clearance costs \$23.85 through the Department of Human Services (department).

Who pays for clearances?

The applicant is responsible for paying the cost of the required clearances. However, some agencies choose to pay for these clearances and are able to establish business accounts to pay for clearances. The only time an agency is required to bear the cost of the clearances is when there is reasonable belief that the foster, prospective, or pre-adoptive parent or adult household member was arrested or convicted of an offense that would deny approval or is named as a perpetrator in an indicated or founded report. In these situations, the agency must immediately require the individual to obtain their clearances.

Can an agency or organization pay for clearances?

Child Abuse clearances

Yes, agencies and organizations can pay for Child Abuse clearances by registering for a Business Partner user account using the “Organization Account Access” link on the Child Welfare Portal website at www.compass.state.pa.us/cwis. The business account will allow organizations to purchase Child

Abuse clearance payment codes to be distributed to applicants or employees. Individual applicants or employees will then go onto the Child Welfare Portal to apply for the clearance using the code. The pre-purchased codes can only be used once and allows the organization to have access to the applicant’s Child Abuse clearance results once those results are processed.

FBI clearances

An agency pay agreement/business account can also be created between an organization and the FBI, or its authorized agent, for payment of FBI clearances. Information on creating an agency pay agreement for FBI clearances through the Department of Human Services can be found on the “Clearances” page of the KeepKidsSafe.pa.gov website.

PSP clearances

An agency business account can be requested from the Pennsylvania State Police to pay for clearances in bulk by calling 1-888-783-7972 and selecting option 3. Organizations are also able to pay for an applicant’s PSP clearance on an individual basis by using a credit card if applying online or submitting a paper check if applying by mail.

Are there any other requirements?

- If a foster, prospective, pre-adoptive



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parent or an individual over 18 years of age residing in the home is arrested for or convicted of an offense that would constitute grounds for denying approval or is named as a perpetrator in a founded or indicated report, the individual must provide the foster family care/adoption agency with written notice no later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.

- Foster parents and prospective adoptive parents must report any other change in the foster family household composition within 30 days of the change for review by the foster family/adoption care agency.
- If any individual over 18 years of age, who has resided outside this commonwealth at any time within the previous five-year period, begins residing in the home of an approved foster family or prospective adoptive family and their Child Abuse clearances from Pennsylvania or any other state they have lived in within the previous five-year period shows that the person is named as a perpetrator within the previous five-year period, the foster family care/adoption agency shall forward the certification to

the department for review. If the department determines that the person is named as the equivalent of a perpetrator of a founded report within the previous five-year period and the person does not cease residing in the home immediately, the county agency must immediately seek court authorization to remove the foster child or children from the home.

A foster, prospective, or pre-adoptive parent who willfully fails to disclose information as required above commits a misdemeanor of the third degree and shall be subject to discipline up to and including disapproval.

What clearances are needed to place a child in the home of a caregiver on an emergency basis?

As it relates to children being placed in foster care, there are situations in which a child can be placed in the home of a caregiver on an emergency basis pending full approval. Child Abuse and PSP clearances on all adults who will serve as an emergency caregiver must be completed. An expedited FBI clearance cannot be completed, however all emergency caregivers must follow the process outlined by the Department for submission of an FBI clearance. The requirements

are outlined in the Office of Children, Youth and Families Bulletin Number 3140-04-05/3490-04-01 entitled “Child Placements with Emergency Caregivers” and must be completed prior to the child being placed with the emergency caregiver. As it relates to children being placed in a home for the purposes of adoption, an interim placement may be permissible only in full compliance with § 2530 (c) of the Adoption Act.

Is the agency required to keep a copy of my clearances?

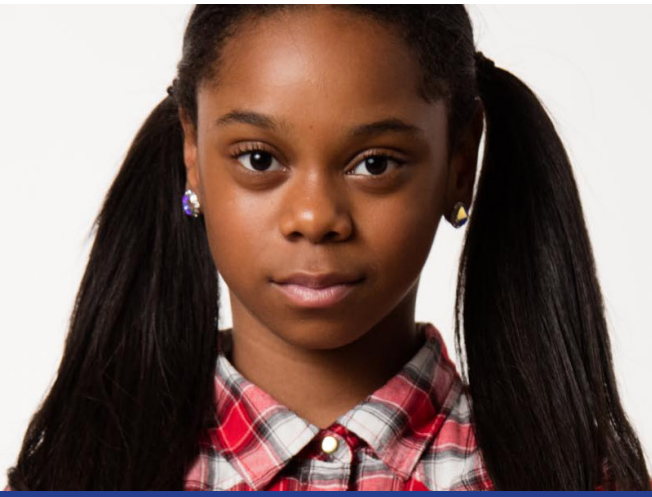
Yes, pursuant to § 6344 (b.1), the employer, administrator, supervisor or other person responsible for acceptance of the individual to serve in any capacity requiring clearances, shall maintain copies of the required information.

An employer, administrator, supervisor or other person responsible for approval decisions that intentionally fails to require an applicant to submit the required clearances before the applicant’s approval commits a misdemeanor of the third degree.

Agencies are reminded that the Child Abuse clearance information is confidential and may not be released to other individuals.

Can an agency or organization institute additional standards?

Yes, nothing prohibits the employer



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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.

Can child abuse clearances be transferred?

Yes, if the clearance was obtained from employment, or foster or adoptive purposes. If the child abuse history clearance is current, the employee may use their clearance,

designated for employment or foster or adoptive services, to (1) apply for employment (2) Serve as an employee (3) Apply as a volunteer; and (4) serve as a volunteer. Child Abuse History clearances obtained for volunteer purposes may only be used for volunteer purposes.

Can FBI Criminal History clearances be transferred?

In certain circumstances. The FBI Criminal History clearances are only transferrable if the foster or adoptive parent would still be using

a Department of Human Services service code. For example: (1) a foster or adoptive parent becomes or is an employee and moves from one certified child care setting to another or (2) will continue to work as an “employee over the age of 14 years of age and have contact with children” but merely changes employers and continues to be a foster or adoptive parent. Also, an FBI Criminal History clearance obtained for volunteer purposes may only be used for volunteering.

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