

**TOWNSHIP OF MIDDLE SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA**

**RESOLUTION # 04-2023-2**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MIDDLE SMITHFIELD  
TOWNSHIP, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA,  
ADOPTING AN AMENDED CHILD PROTECTIVE CLEARANCES POLICY**

**WHEREAS**, Pennsylvania has amended the Commonwealth's Child Protective Services Law; 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 of the Township of Middle Smithfield previously adopted Resolution No. 03-2016-2 that established a Child Protective Clearances Policy; and

**WHEREAS**, the Board of Supervisors desires to adopt an amended Child Protective Clearances Policy, consistent with the amended Commonwealth of Pennsylvania Law, in the form attached hereto as Exhibit "A," which is adopted and incorporated by reference as though set forth fully herein; and

**WHEREAS**, the Middle Smithfield Township Board of Supervisors wishes to replace the Child Protective Clearances Policy that was adopted under Resolution 03-2016-2 with the attached amended Child Protective Clearances Policy.

**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 amended Child Protective Clearances Policy attached hereto and incorporated herein as Exhibit "A," and directs that said amended policy shall immediately be given full force and effect and shall replace the policy previously adopted under Resolution No. 03-2016-2.

**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.

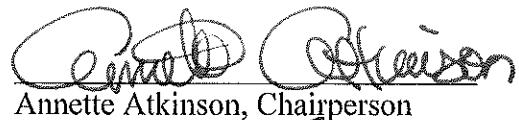
**Section 3: Construction.**

Any Ordinance in conflict with this Resolution shall take precedence over 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.

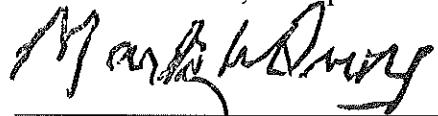
**Section 4: Effective Date.**

This Resolution shall be effective immediately and shall remain in effect until modified, revoked, or repealed by further Resolution of the Board of Supervisors.

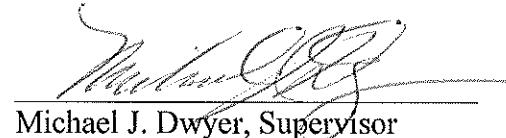
ADOPTED AND RESOLVED THIS 6<sup>th</sup> DAY OF April, 2023, BY THE BOARD OF SUPERVISORS OF MIDDLE SMITHFIELD TOWNSHIP AT A LAWFUL SESSION DULY ASSEMBLED.



Annette Atkinson, Chairperson



Mark Oney, Vice Chairperson



Michael J. Dwyer, Supervisor

ATTEST:



Michelle Y. Clewell, Township 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 whose 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 Department of Human Services child abuse history clearance, Pennsylvania state police criminal, and FBI criminal. The Middle Smithfield Township Supervisors are requiring all three (3) for clearance, including the FBI criminal. Individuals must submit the required clearances prior to any involvement in any capacity. The Township will not employ any applicant on a provisional basis.

**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 Health and Human Services 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.

## **BACKGROUND CHECK PROCEDURES**

### **PA Child Abuse**

The Pennsylvania Department of Human Services has a web based computer application to process background checks. Individuals can also complete a hard copy form and mail in the application. Hard copy applications can be found at <https://www.dhs.pa.gov/KeepKidsSafe/Clearances/Pages/PA-Child-Abuse-History-Clearance.aspx>. The cost is \$13.00 per request for employees and free of charge for volunteers.

The process is easy to follow at the DHS secure website: [www.compass.state.pa.us/cwis/public/home](http://www.compass.state.pa.us/cwis/public/home)

### **Pennsylvania State Police**

This check can also be completed online or in hard copy. The online option provides for a quicker response. The cost is \$22.00, and free of charge for volunteers.

The PSP online check can be conducted at: <https://epatch.pa.gov/home>

The hard copy form can be found at: <https://www.psp.pa.gov/Pages/Criminal-History-Background-Check.aspx>

### **FBI**

The process is summarized at the following site: <https://www.dhs.pa.gov/KeepKidsSafe/Clearances/Pages/FBI-Fingerprinting.aspx>

The commonwealth contracts with IDEMIA (<https://www.identogo.com>) for digital fingerprinting. You can register with IDEMIA and be fingerprinted at an IdentoGo site. The fingerprint-based background check is a multi-step process.

Generally, each individual will have to register at that site and then have fingerprinting done at one of the listed locations. It is necessary to provide a government-issued ID (driver's license) when having the fingerprints done. Results will be mailed to the individual. The cost is \$25.25 for employees and \$23.25 for volunteers. This cost is not waived for volunteers.