

Policy Clarification Number: 3490-25-05
POLICY CLARIFICATION REQUEST FORM

REGIONAL OR DIVISION USE ONLY

Regulation Title/Chapter:

Title 55, Pa. C.S., Chapter 3130, Administration of
County Children and Youth Social Service Programs
Title 44, Pa. C.S., Chapter 3490, Protective Services
Title 23, Pa. C.S., Chapter 63, Child Protective
Services (Child Protective Services Law, CPSL)

Date: 03/04/2025

Request Prepared By: OCYF Western
Regional Office

Issue:

The Western Regional Office (WERO) is requesting policy clarification regarding who is required to obtain their criminal, child abuse and FBI clearances when gainfully employed within a County Children and Youth Agency (CCYA). The CPSL, under § 6344, states that employees who have contact with children would require the three clearances. Specifically (a)(1) states an employee of a child-care services.

Under § 6303 definitions "child-care services" (13) other child-care services that are provided by or subject to approval, licensure, registration or certification by the department or a county social services agency or that are provided pursuant to a contract with the department or a county social services agency. It further explains the term does not apply to services provided by administrative or other support personnel unless the administrative or other support personnel have direct contact with children. The definition of "direct contact with children" as defined in CPSL definition section is the care, supervision, guidance or control of children or routine interaction with children.

WERO is specifically asking the question:

Does this statute include fiscal and clerical staff employed by the CCYA? Specifically, if the CCYA conducts visitation within their office giving the fiscal and clerical staff the potential of having access to the children while in their office.

Regional Children & Youth Director: *Ambie Kaep*

Date: 05/02/2025

Response Prepared By: Ashley Weaver

Clarification:

WERO is requesting clarification regarding who is required to obtain their criminal, child abuse and FBI clearances when gainfully employed within a CCYA – specifically, whether CCYA fiscal and clerical staff, who have potential access to children if the CCYA conducts visitation within their office, meets the CPSL definition of "child-care services" employees and are therefore required to obtain criminal, child abuse and FBI clearances.

A determination of whether CCYA fiscal and clerical staff are required to meet the clearance requirements under § 6344 of the CPSL (relating to employees having contact with children; adoptive and foster parents) depends upon whether any of these staff will be having "direct contact with children" as defined under § 6303(a) of the CPSL (relating to definitions). Furthermore, the definition of "routine interaction" under § 6303(a) should be used to further assess whether any of these staff have "direct contact with children".

§ 6303. Definitions

(a) **General rule.**--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Direct contact with children." The care, supervision, guidance or control of children or routine interaction with children.

"Routine interaction." Regular and repeated contact that is integral to a person's employment or volunteer responsibilities.

While several terms above – such as “care”, “supervision”, “guidance”, “control”, “contact”, “regular”, “repeated”, etc. – are not defined in statute, the common meaning of these terms should be used, with child safety serving as the paramount consideration.

Additionally, nothing in the CPSL shall be construed to otherwise interfere with the ability of an employer or person responsible for a program, activity or service from establishing additional standards as part of the hiring or selection process for employees or volunteers.

In conclusion, CCYAs must consider the definitions of “direct contact with children” and “routine interaction” under § 6303(a) of the CPSL, as well as the common meaning of supplementary terms not defined in statute, to determine whether CCYA fiscal and clerical staff must obtain their criminal, child abuse and FBI clearances.

Bureau Director: Amanda Dorris

Date: 05/02/2025

Cc: Laval Miller-Wilson
Caitlin Robinson
Regional Children and Youth Directors
Division Directors

NEXT STEP: Regions disseminate copies of this clarification to affected agencies.