

Child Protection Policy
LMC Credentialing Commission Guidelines
April 13, 2016

FOR PENNSYLVANIA CONGREGATIONS

As a result of the changes to the PA Child Protective Services Law (CPSL) in 2014, the following procedures will guide Credentialing Commission process for leaders with active assignments who serve congregations in Pennsylvania. Leaders who serve in other states need to meet applicable law in their state. No other state where LMC congregations are located currently has as comprehensive a law as the 2015 PA CPSL.

When a credentialed leader lives in a state other than PA but serves in a congregation in Pennsylvania, the leader needs to complete the Criminal Record Check and the Child Sexual Abuse clearance for the state of residence as well as the FBI Criminal Background Check. In addition the Credentialing Commission is requiring approved training. See the training section below.

1. Background Checks: PA 2014 CPSL requires employees who have direct contact with children and those who supervise people who have direct contact with children to secure three background checks: PA Criminal Background Check, PA Child Abuse Clearance, and FBI Criminal Background Check (requires fingerprinting). None of the three checks may be older than five years. Checks older than five years must be repeated. As a consequence,

a. **Bishops** . All current Bishops must secure these three checks and supply copies of the first set of checks before 12/31/15 and subsequent checks every five years to the LMC office. New Bishops will need new checks and supply copies to the LMC office before a Credentialing Commission interview date will be set. Bishops whose checks are more than five years old must repeat their checks and supply copies to the LMC office. The LMC office will provide reminder notices to Bishops when their checks near the five year expiration. The LMC office will maintain the records of all Bishop checks for 50 years.

b. **Other Credential Holders**. All current credentialed leaders with an active assignment in PA must obtain the two PA and the one national FBI check and supply copies of the checks to their congregation child protection team before 12/31/15. For the purposes of LMC leaders, "credentialed staff" is defined as holding a credential with Lancaster Conference, whether or not one is paid. Candidates for a new credential will need new checks and must supply copies to the LMC office before a CC interview date will be set. If credentialing follows the interview, then copies of the checks should then be provided to the congregation for their recordkeeping for 50 years. Congregations will maintain credentialed staff records, not the LMC office. The congregation will be responsible to make sure that credentialed staff update their checks every five years and maintain ongoing records. Credential holders who serve in a capacity outside of a congregation (e.g. a chaplain at a hospital) should also provide copies of all checks for filing by the Child Protection Team in the congregation where they are members.

c. The costs for these checks will be the responsibility of the credential candidate or credential holder. Congregations may choose to reimburse the candidate or leader. Checks obtained for another employment venue do not transfer for credentialed leaders. Checks may transfer for an internal promotion (e.g. an associate pastor moves to lead pastor in the same congregation). The child protection team, in the congregation, is responsible to provide reminder notices to credentialed staff when their checks near the five year expiration time. Congregations are required to maintain the records of all checks for 50 years.

d. Bishops are responsible to oversee candidates efforts to meet the background check requirements of the Credentialing Commission.

e. **PA CPSL Background Check Requirements**

1. Pennsylvania State Police Criminal Record Check: \$8.00 fee

on-line application at <https://epatch.state.pa.us/Home.jsp>

2. Child Abuse History Clearance: \$8.00 fee

online application <https://www.compass.state.pa.us/CWIS>

3. FBI Criminal Background Check: \$27.50 fee; fingerprints must be made at designated locations; start process at https://www.pa.cogentid.com/index_dpwNew.htm, click *Registration Procedures*

2. Training: The Credentialing Commission requires leaders who have direct contact with children and those who supervise those who have direct contact to complete three hours of state-approved child abuse training. Training must be refreshed with three hours of additional training every five years. As a consequence,

a. **Bishops** . All current Bishops must secure state-approved training and supply copies of the training certificate to the LMC office before 12/31/15. This training must be refreshed every five years. New Bishops will need to obtain training and supply copies of their training certificate to the LMC office before a Credentialing Commission interview date will be set. The LMC office will remind Bishops to refresh their training every five years and maintain these records for 50 years.

b. **Other Credential Holders.** All credentialed leaders with an active assignment in LMC must secure state-approved training and supply copies of the training certificate to the child protection team in the congregation before 12/31/15. Candidates for a new credential will need state-approved training and must supply a copy of the training certificate to the LMC office before a Credentialing Commission interview date will be set. The congregation or organization where the credentialed staff person serves is responsible to remind credential holders to refresh their training every five years and to file these records for 50 years.

c. Approved training can be obtained for *free* at the following website: Pennsylvania Child Welfare Resource Center, 717-795-9048, for Mandated and Permissive Reporters, 3hrs, Online training, **www.reportabusepa.pitt.edu**. This training requires 4-6 hours of time to complete. It need not be completed in a single session. Be sure to print a certificate when you complete the training. Training obtained for other employment may transfer.

d. Bishops are responsible to oversee the efforts of candidates for a credential in meeting the training requirements for the Credentialing Commission.

FOR CONGREGATIONS OUTSIDE OF PENNSYLVANIA

Congregations outside of Pennsylvania are required to complete the Criminal Record Check and the Child Sexual Abuse clearance for the state of residence as well as the FBI Criminal Background Check. The cost of these checks are the responsibility of the credential candidate or credential holder. Filing of documents should occur in the congregation in which they serve or attend. All checks must be renewed every 5 years. The training requirements detailed above are also required by the Credentialing Commission for pastors in states other than PA.

Table 1 on the next page provides some basic guidance on mandated reporters, reporting laws, and clergy privilege for states where LMC congregations are located. Note that not all states provide a clergy privilege for reporting child abuse. Also note that while PA does have a clergy privilege according to this chart, the actual privilege in the 2015 CPSL is very narrow related to child abuse. LMC staff suggest legal counsel be sought by any PA clergy before invoking clergy privilege related to child abuse.

FOR CREDENTIALLED LEADERS WHO SERVE INTERNATIONALLY

Leaders who hold an LMC credential and who serve in another country are required to meet any applicable laws or guidelines in the country in which they serve. In addition, the Criminal Record Check and the Child Sexual Abuse clearance for the state of residence as well as the FBI Criminal Background Check will be required. All checks must be renewed every 5 years. The training requirements detailed above are also required by the Credentialing Commission for pastors in states other than PA. The following chart provides some basic guidance for states where LMC congregations are located.

TABLE 1

Application of Child Abuse Reporting Laws to Ministers and Lay Church Workers—A Summary

Note: State laws are subject to change, and so this table should not be relied upon without the advice of an attorney familiar with local law

“clergy” are mandatory reporters except for information obtained from privileged communications	“clergy” are mandatory reporters, no exception for privileged communications	all persons are mandatory reporters, but clergy not required to disclose privileged communications	all persons are mandatory reporters, no exception for clergy-penitent privilege	“clergy” not mandatory reporters, but are if a teacher, counselor, school administrator, etc. (clergy privilege exception)	“clergy” not mandatory reporters, but are if a teacher, counselor, school administrator, etc. (no exception for clergy privilege)
Alabama Arizona Arkansas California Colorado Illinois Louisiana Maine Massachusetts Michigan Minnesota Missouri Montana Nevada New Mexico North Dakota Ohio* Oregon — Pennsylvania South Carolina Vermont Wisconsin	— Connecticut Mississippi New Hampshire West Virginia	— Delaware Florida Idaho Kentucky — Maryland Tennessee* Utah Wyoming	Indiana Nebraska — New Jersey North Carolina Oklahoma Rhode Island Texas	— Virginia Washington	Alaska D.C. Georgia — Hawaii Iowa Kansas — New York South Dakota

* Limited “clergy privilege” exception.

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