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In reviewing the official website of the Pennsylvania Department of Health and Human Services and the recent statute with other officers and agents of the SCA, I have determined that this statute will not impact on Heavy Combat or Rapier Combat by minor children of the age of 16 or 17 nor youth activities.

An adult volunteer responsible for the welfare of a child or having direct contact with children you will need clearances beginning July 1, 2015; **if approved as a volunteer before July 1, 2015, the volunteer has until July 1, 2016, to get an FBI clearance.** Volunteers responsible for the welfare of a child or having direct contact with children can include:

- Parent/Guardian chaperones for schools
- Girl Scouts/Boy Scouts
- Agency volunteers that help with transportation or other services
- Big Brothers/Big Sisters
- Literacy programs
- Little League
- Coaches
- Church Sunday school teachers, child event coordinators
- Hospital volunteers working with children

In determining if a volunteer is responsible for the welfare of a child, only a volunteer acting in lieu of or on behalf of a parent, will need clearances. It is important to note that in SCA combat and youth activities, the parent of the child is effectively required to be present and that the marshal merely officiates over the safety of the heavy and rapier field. The rules set forth in the Seneschal's Handbook regarding Youth Activities, including Youth Combat, the SCA, its officers and agents do not maintain care and custody of a minor child; unlike Boy Scout Leaders and coaches, SCA volunteers do not have care and custody of minor children. As the Seneschal's Handbook (part of the SCA's Governing Documents) indicates that no officer or agent may, under color of authority, may be in loco parentis (in the place of the parents):

#### X. DEALING WITH MINOR/YOUTH-RELATED POLICIES

3. Parents or guardians of minors shall have ultimate responsibility for the welfare and behavior of their children at all times. It is the responsibility of the adult who brings a minor to an event to ensure that the minor is safe and not in danger. At events and activities in which youth participate in any way, participating minors must either have a parent or legal guardian present at the event/activity, or a temporary guardian present in possession of a properly executed —Medical Authorization Form for Minors.‖ This Medical Authorization Form must designate an adult present at the event or activity as able to authorize medical treatment in the case of emergency (a form of temporary guardianship).

As no officer or agent of the SCA may provide care, guidance, supervision or control of children in an official capacity, no volunteer acting in an official capacity by and for the SCA is covered by the “new” Pennsylvania statute by virtue of the fact that our volunteers are not “acting in lieu of or on behalf of a parent”; however, if the SCA volunteer has direct contact with children because they provide routine interaction with children as an integral aspect of their volunteer position, e.g. Youth Officer or Youth Marshal, the individual must receive an FBI background check in excess of the standard SCA background check.

While some may question the concept of the “routine interaction with children” language, the Pennsylvania State Department of Health and Safety indicated that consideration should be given to what the volunteer’s role is within the agency. Is their contact with children regular, ongoing contact that is integral to their volunteer responsibilities? Clearly contact with youth is anticipated by Youth Officers and Youth Marshals; however, those individuals that do not have direct contact with children as an integral to their volunteer responsibilities, e.g. Marshals, Heralds, Gate Staff/Watch/Constables, Arts and Sciences Officers, Exchequers and Seneschals, need not obtain a clearance. Furthermore, there is a proposed amendment to clean up this language of this law by changing the definition of “direct contact” to mean that an individual provides care, supervision, guidance or control of children –AND- has routine interaction with children. The current definition in law uses the word “or” instead of “and”, but changing the definition will significantly narrow the universe of volunteers required to obtain the background checks (Youth Marshals and Youth Officers would be exempt), but this has not yet been enacted.

All prospective Youth Officer and Youth Marshal for Aethelmearc and the East Kingdom must obtain the following:

- Report of criminal history from the Pennsylvania State Police (PSP); and
  - Child Abuse History Clearance from the Department of Human Services (Child Abuse).
- Additionally, a fingerprint based federal criminal history (FBI) submitted through the Pennsylvania State Police or its authorized agent is required if the position the for is a paid position and the volunteer has lived outside Pennsylvania in the last 10 years.

From now until July 24, 2015:

- The PSP criminal history clearance costs \$10
- The Child Abuse clearance costs \$10
- The Federal Bureau of Investigation (FBI) federal criminal history clearance costs \$25.75 through the Department of Human Services (DHS)

Beginning July 25, 2015:

- The PSP criminal history clearance costs \$0
- The Child Abuse clearance costs \$0
- The FBI federal criminal history clearance costs \$25.75 through DHS

Volunteers who are not required to obtain the FBI Clearance because they are applying for an unpaid position and have been a continuous resident of Pennsylvania for the past 10 years must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense under §6344 to be placed in the custody of the Kingdom Seneschal.

If a volunteer is arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the volunteer must provide the administrator or their designee with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database. A volunteer 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 termination or denial of a volunteer position.

Individuals who reside in another state or country may serve as a volunteer for no more than 30 days as long as they provide clearances from their state or country of residence. If the individual will be volunteering for more than 30 days, they must obtain clearances as outlined above under "Which clearances are needed." Volunteers who reside in Pennsylvania do not have a provisional period and must obtain clearances as outlined above under "Which clearances are needed." As Pennsic is less than 30 days, there is no need to have any volunteer from another state have a background check in excess of what is required in their own home state.

While Youth Marshals and Youth Officers should apply for a background check through the Department of Human Services, the monitoring and maintenance of Background Check Clearances, the responsibility for maintaining Youth Marshal and Youth Officer background checks should be monitored and maintained by the Kingdom Seneschals. I will leave it to the respective Seneschals to determine the method for maintaining and monitoring the clearance status in a reasonable manner for at least 3 years.

All Child Abuse clearance information is confidential and may not be released to other individuals. The Kingdom Seneschal must monitor and must maintain the paper work related to the background clearance; however, this information is confidential and can only be shared with another officer for an official purposes. As such, it should be up to the individual to obtain a background check and then submit the clearance to the appropriate Kingdom Officer. Upon submission of the clearance, the marshal or officer submitting to the check can either chose to tender the results to the Marshal or Seneschal (if they pass) or not tender the results (if they do not pass). Every individual who tenders the results should be reimbursed. In terms of maintaining the results of the check (whether the individual in question passes or does not pass), such results must be considered confidential.

Respectfully submitted this 1<sup>st</sup> day of July, 2015.

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