

**POLICY FOR THE PENN STATE UNIVERSITY  
DICKINSON SCHOOL OF LAW CLIENT REPRESENTATION CLINICS THAT  
INVOLVE CONTACT WITH MINORS**

**I. PURPOSE**

Penn State University Policy AD39 (Policy AD39) addresses University-sponsored programs that involve contact with minors<sup>1</sup>. Due to the unique nature of the attorney-client relationship, the client representation clinics of the Penn State University Dickinson School of Law (the Law School) are exempt from the requirements of Policy AD39.<sup>2</sup> The purpose of the policy laid out below is to protect children and preserve the attorney-client relationship while acknowledging the different types of legal work performed in the Law School's client representation clinics. Accordingly, the Law School's client representation clinics that involve contact with minors are subject to the training, reporting and clearance requirements described in this policy. All other client representation clinics and other programs of the Law School are subject to the provisions of Policy AD39.

**II. DEFINITIONS**

**CLINICAL PROGRAM:**

Includes the following client representation clinics of the Law School: Children's Advocacy Clinic; Family Law Clinic; and Community Law Clinic.

All other clinics of the Law School that do not have contact with minors (Arts, Sports, and Entertainment Law Clinic, Center for Immigrants Rights Clinic, Civil Rights Appellate Clinic, International Sustainable Development Projects Clinic, and Rural Economic Development Clinic) are subject to the provisions of AD39.

**INDIVIDUAL:**

Includes but is not be limited to: faculty and staff members participating in the Clinical Program; Law School students participating in the Clinical Program; students from other Penn State academic units and students visiting from other universities participating in the Clinical Program; and volunteers participating in the Clinical Program.

Does not include graduate and medical students, residents and fellows of the Penn State Hershey Medical Center and the Penn State University College of Medicine.

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<sup>1</sup> <http://guru.psu.edu/policies/AD39.html>

<sup>2</sup> Pennsylvania Child Protective Services Law carves out an exception to child abuse reporting requirements for confidential communications made to an attorney at 23 Pa.C.S. 6311 (a).

These persons are governed by their academic unit's policy on contact with minors and will not have one-on-one contact with minors in the Clinical Program.

**MINOR:**

A person under the age of 18.

**III. POLICY**

**A. BACKGROUND CHECKS:**

All Individuals participating in the Clinical Program shall complete a Pennsylvania Criminal History Record, Pennsylvania Department of Public Welfare Child Abuse Report, and Federal Bureau of Investigation criminal history report. When the Individual receives the results of the background checks, he or she must immediately provide the results to the director of the appropriate clinic.

Students participating in the Clinical Program should complete the background checks before the start of the semester or prior to beginning their participation with the Clinical Program.

All other Individuals participating in the Clinical Program should complete the background checks prior to beginning their participation with the Clinical Program.

If the background check process is not complete before the Individual begins his or her involvement with the Clinical Program, that Individual will have only limited and supervised contact with a Minor until the background check is approved. Supervision of the interaction between the Individual and Minor shall be done by a Penn State employee whose background check has been approved.

The clinic director shall review the results of the background checks. Once the background check is approved,<sup>3</sup> the Individual shall be permitted to have unsupervised, one-on-one contact with the Minor as necessary to further the legal representation.

If the Individual's background check is not approved, the Individual will be immediately removed from the Clinical Program and referred to the Dean of the Law School.

The cost for completion of the complete background check shall be the responsibility of the Law School.

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<sup>3</sup> Results of a background check that will disqualify an individual from participating in a clinic program include but are not limited to any background check which reveals: an "indicated perpetrator of child abuse status per Pennsylvania Department of Public Welfare" (or similar status from another state); conviction for any crime involving a minor; conviction or adjudication of a violent crime, as a juvenile or as adult. Any additional information revealed throughout the background check process shall be considered at the discretion of the clinic director.

Each clinic shall retain original documentation of the background checks. Copies of the checks shall be made available to the Individual and produced as necessary to further the legal representation.

## **B. TRAINING**

All Individuals participating in the Clinical Program shall receive training annually on Pennsylvania's Child Abuse Reporting Law, by a Penn State employee who is authorized to provide training through the Penn State Human Resources Office.

Students participating in the Clinical Program will complete the training during orientation at the beginning of the semester.

All other Individuals participating in the Clinical Program will complete the training prior to beginning their participation with the Clinical Program, and shall be trained on annual basis.

## **C. REPORTING ABUSE**

When a situation of suspected child abuse is disclosed to an Individual, that Individual must immediately meet to discuss the disclosure with his/her supervisor. Together the Individual and the supervisor shall review the provisions of the Pennsylvania Child Protective Services Law, 23 Pa. C.S §6311, the Pennsylvania Supreme Court Rules of Professional Conduct 1.6, as well as other applicable statutes and Rules. The legal authority governing the duty of Pennsylvania attorneys to protect confidential client communications contains specific exceptions that may relate to abuse situations, including but not limited to the provision in the Pennsylvania Rules of Professional Conduct which states that "a lawyer may reveal such information to the extent that the lawyer reasonably believes necessary: to prevent reasonably certain death or substantial bodily harm." Pa. R. Prof. Conduct 1.6(c)(1). If a Penn State employee becomes aware of a crime that has occurred, the employee shall also refer to the requirements of the Clery Act,<sup>4</sup> which relate to reporting crimes to the University.

If an allegation of inappropriate conduct is made against an Individual participating in the Clinical Program, he or she shall discontinue any further direct contact with any Minor, until such allegation has been satisfactorily resolved.

If an allegation of inappropriate conduct is made against an Individual participating in the Clinical Program who is an attorney appointed by the court to provide legal representation of a minor, the attorney shall continue to provide legal representation unless the court orders the termination of the attorney's appointment. Pending investigation of the allegation, the attorney shall not have one-on-one contact with any Minor.

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<sup>4</sup> 20 U.S.C. § 1092