

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
Inspection of court files and records	§ 6307 (a)(4.1) and (a)(6.5) of Title 42 ADDED by Act 107 of 2013	NA	(a) General rule.--All files and records of the court in a proceeding under this chapter are open to inspection only by: (4.1) A court in determining custody, as provided in 23 Pa.C.S. §§ 5328 (relating to factors to consider when awarding custody) and 5329.1 (relating to consideration of child abuse and involvement with protective services). (6.5) The Department of Human Services for use in determining whether an individual named as the perpetrator of an indicated report of child abuse should be expunged from the Statewide database.	<ul style="list-style-type: none"> • Amended the Juvenile Act to allow inspection of court files and records by: <ul style="list-style-type: none"> ○ A court determining custody ○ The department when determining whether an individual named as a perpetrator should be expunged from the statewide database 	Act 107 of 2013 effective 1/1/14
Law enforcement records	§6308(a)(6) of Title 42 ADDED by Act 107 of 2013	NA	(a) General rule.--Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 6355 (relating to transfer to criminal proceedings), the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public except as provided in subsection (b); but inspection of the records and files is permitted by:	<ul style="list-style-type: none"> • Amended the Juvenile Act to allow the department access to the respective law enforcement files and records when determining whether an indicated or founded perpetrator of child abuse should be expunged from the statewide database 	Act 107 of 2013 effective 1/1/14

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
			(6) The Department of Human Services for use in determining whether an individual named as the perpetrator of an indicated report of child abuse should be expunged from the Statewide database.		
Establishment of a Statewide Database	§6331 of Title 23 AMENDED by Act 119 of 2013, Act 29 of 2014, and Act 45 of 2014	<p>Establishment of pending complaint file, Statewide central register and file of unfounded reports.</p> <p>There shall be established in the department:</p> <p>(1) A pending complaint file of child abuse reports under investigation and a file of reports under investigation pursuant to Subchapter C.1 (relating to students in public and private schools).</p> <p>(2) A Statewide central register of child abuse which shall consist of founded and indicated reports.</p> <p>(3) A file of unfounded reports awaiting</p>	<p>Establishment of Statewide database.</p> <p>There shall be established in the department a Statewide database of protective services, which shall include the following, as provided by section 6336 (relating to information in Statewide database):</p> <p>(1) Reports of suspected child abuse pending investigation.</p> <p>(2) Reports with a status of pending juvenile court or pending criminal court action.</p> <p>(3) Indicated and founded reports of child abuse.</p> <p>(4) Unfounded reports of child abuse awaiting expunction.</p> <p>(5) Unfounded reports accepted for services.</p> <p>(6) Reports alleging the need for general protective services.</p> <p>(7) General protective services reports that have been determined to be valid.</p> <p>(8) Reports alleging the need for general protective services that have been determined invalid and are</p>	<ul style="list-style-type: none"> • Mandated the establishment of a statewide database of protective services • Identified the information to be included in the database • Required database to include the maintenance of false reports for the purpose of identifying and tracking patterns of intentional false reporting 	<p>Act 119 of 2013 effective 07/01/14</p> <p>Act 29 of 2014 effective 12/31/14</p> <p>Act 45 of 2014 effective 12/31/14</p>

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		expunction.	awaiting expunction. (9) A family case record for all reports accepted for investigation, assessment or services. (10) Information on reports made to the agency, but not accepted for investigation or assessment. (11) False reports of child abuse pursuant to a conviction under 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse) for the purpose of identifying and tracking patterns of intentionally false reports.		
Disposition and expunction of unfounded reports and general protective services reports	§6337 of Title 23 AMENDED by Act 29 of 2014	Disposition of unfounded reports. (a) General rule.-- When a report of suspected child abuse is determined by the appropriate county agency to be an unfounded report, the information concerning that report of suspected child abuse shall be maintained for a period of one year. Following the expiration of one year after the date the report was received	Disposition and expunction of unfounded reports and general protective services reports. (a) General rule.--When a report of suspected child abuse is determined by the appropriate county agency to be an unfounded report, the information concerning that report of suspected child abuse shall be maintained for a period of one year. Following the expiration of one year after the date the report was received by the department, the report shall be expunged from the Statewide database, as soon as possible, but no later than 120 days after the one-year period following the date the report was received by the department, and no information other than that	<ul style="list-style-type: none"> • Required the unfounded reports to be retained in the statewide database if the county agency has accepted the family for services and the report is clearly identified as an unfounded report • Required the county agency to notify the department immediately upon closure of the case, and the report must be expunged as soon as possible, but no later than 120 days after the one-year period following the date the family case was closed • Required the unfounded 	Act 29 of 2014 effective 12/31/14

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>by the department, the report shall be expunged from the pending complaint file, as soon as possible, but no later than 120 days after the one-year period following the date the report was received by the department, and no information other than that authorized by subsection (b), which shall not include any identifying information on any subject of the report, shall be retained by the department.</p> <p>(b) Absence of other determination.--If an investigation of a report of suspected child abuse conducted by the appropriate county agency pursuant to this chapter does not determine within 60 days of the date of the</p>	<p>authorized by subsection (b), which shall not include any identifying information on any subject of the report, shall be retained by the department. The expunction shall be mandated and guaranteed by the department.</p> <p>(b) Absence of other determination.-- If an investigation of a report of suspected child abuse conducted by the appropriate county agency pursuant to this chapter does not determine within 60 days of the date of the initial report of the instance of suspected child abuse that the report is a founded report, an indicated report or an unfounded report, or unless within that same 60-day period court action has been initiated and is responsible for the delay, the report shall be considered to be an unfounded report, and all information identifying the subjects of the report shall be expunged no later than 120 days following the expiration of one year after the date the report was received by the department. The agency shall advise the department that court action or an arrest has been initiated so that the Statewide database is kept current regarding the status of all legal proceedings and</p>	<p>report to be expunged if the subject child of the unfounded report becomes 23 years of age prior to the closure of the family case, the unfounded report must be expunged when the subject child reaches 23 years of age</p> <ul style="list-style-type: none"> • Required valid GPS reports that are not accepted for services to be reported to the department and entered into the Statewide database <ul style="list-style-type: none"> ○ The reports must be maintained for a period of five years. ○ Following the expiration of five years after the date the report was received by the department, the report must be expunged from the Statewide database as soon as possible, but no later than 120 days after the five-year period following the date the report was received by the 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>initial report of the instance of suspected child abuse that the report is a founded report, an indicated report or an unfounded report, or unless within that same 60-day period court action has been initiated and is responsible for the delay, the report shall be considered to be an unfounded report, and all information identifying the subjects of the report shall be expunged no later than 120 days following the expiration of one year after the date the report was received by the department. The agency shall advise the department that court action or an arrest has been initiated so that the pending complaint file is kept current</p>	<p>expunction is delayed. (c) Unfounded reports accepted for services.--Information on an unfounded report shall be retained in the Statewide database if the county agency has accepted the family for services and the report of suspected child abuse is clearly identified as an unfounded report. The county agency shall notify the department immediately upon closure of the case, and the report shall be expunged as soon as possible, but no later than 120 days after the one-year period following the date the family case was closed. If the subject child of the unfounded report becomes 23 years of age prior to the closure of the family case, the unfounded report shall be expunged when the subject child reaches 23 years of age. (d) Expunction of valid general protective services reports.-- Information concerning valid general protective services reports shall be maintained in the Statewide database as follows: (1) Reports that are assessed by the county agency and are determined to be valid, but are not accepted for services, shall be reported to the department and</p>	<p>department</p> <ul style="list-style-type: none"> • Required valid GPS reports that are accepted for services to be reported to the department and entered into the Statewide database <ul style="list-style-type: none"> ○ The reports must be maintained for a period of five years after the closure of services by the county agency ○ Following the expiration of five years after the closure of services by the county agency, the report must be expunged from the Statewide database as soon as possible, but no later than 120 days after the five-year period following the closure of services by the county agency • Required invalid GPS reports to be: <ul style="list-style-type: none"> ○ Maintained for a period of one year ○ Following the 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>regarding the status of all legal proceedings and expunction delayed.</p> <p>(c) Expunction of information.--All information identifying the subjects of any report of suspected child abuse and of any report under Subchapter C.1 (relating to students in public and private schools) determined to be an unfounded report shall be expunged from the pending complaint file pursuant to this section. The expunction shall be mandated and guaranteed by the department.</p>	<p>entered into the Statewide database. The reports shall be maintained for a period of five years. Following the expiration of five years after the date the report was received by the department, the report shall be expunged from the Statewide database as soon as possible, but no later than 120 days after the five-year period following the date the report was received by the department.</p> <p>(2) Reports that are assessed by the county agency and accepted for services shall be reported to the department and entered into the Statewide database. The reports shall be maintained for a period of five years after the closure of services by the county agency. Following the expiration of five years after the closure of services by the county agency, the report shall be expunged from the Statewide database as soon as possible, but no later than 120 days after the five-year period following the closure of services by the county agency.</p> <p>(3) The expunction of information on general protective services under this subsection shall be</p>	<p>expiration of one year after the date the report was received by the department, the report shall be expunged as soon as possible, but no later than 120 days after the one-year period following the date the report was received by the department</p> <ul style="list-style-type: none"> • Required county agency records of protective services to: <ul style="list-style-type: none"> ○ Be used and maintained in a manner that is consistent with the use and maintenance of information in the Statewide database ○ If required under this chapter to amend or expunge information in the statewide database, the department will notify the appropriate county agency of the amendment or expunction within ten 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
			<p>mandated and guaranteed by the department.</p> <p>(e) Expunction of invalid general protective services reports.--When a report alleging the need for general protective services is determined by the appropriate county agency to be an invalid report, the information concerning that report shall be maintained for a period of one year. Following the expiration of one year after the date the report was received by the department, the report shall be expunged as soon as possible, but no later than 120 days after the one-year period following the date the report was received by the department. The expunction shall be mandated and guaranteed by the department.</p> <p>(f) County agency records.--County agency records of protective services shall be used and maintained in a manner that is consistent with the use and maintenance of information in the Statewide database, as provided under this chapter. If required under this chapter to amend or expunge information in the Statewide database, the department shall notify the appropriate county agency of the amendment or expungement within ten days. The county agency shall</p>	<p>days</p> <ul style="list-style-type: none"> ○ Required the county agency to amend or expunge its records in a commensurate manner within ten days of receiving notification from the department 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
			amend or expunge its records in a commensurate manner within ten days of receiving notification from the department.		
Disposition of founded and indicated reports	§ 6338 of Title 23 AMENDED by Act 29 of 2014	(a) General rule.-- When a report of suspected child abuse or a report under Subchapter C.1 (relating to students in public and private schools) is determined by the appropriate county agency to be a founded report or an indicated report, the information concerning that report of suspected child abuse shall be expunged immediately from the pending complaint file, and an appropriate entry shall be made in the Statewide central register. Notice of the determination must be given to the subjects of the report, other than the abused	(a) General rule.--When a report of suspected child abuse or a report under Subchapter C.1 (relating to students in public and private schools) is determined by the appropriate county agency to be a founded report or an indicated report, the information concerning that report of suspected child abuse shall be expunged immediately from the pending complaint file, and an appropriate entry shall be made in the Statewide central register. Notice of the determination that a report is a founded, indicated or unfounded report shall be made as provided in section 6368(f) (relating to investigation of reports).	<ul style="list-style-type: none"> Notification of a determination moved to 6368(f) 	Act 29 of 2014 effective 12/31/14

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>child, and to the parent or guardian of the affected child or student along with an explanation of the implications of the determination. Notice given to perpetrators of child abuse and to school employees who are subjects of indicated reports for school employees or founded reports for school employees shall include notice that their ability to obtain employment in a child-care facility or program or a public or private school may be adversely affected by entry of the report in the Statewide central register. The notice shall also inform the recipient of his right, within 45 days after being notified of the status of the report, to appeal an indicated report, and his right to</p>			

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		a hearing if the request is denied.			
Expunction of information of perpetrator who was under 18 years of age when child abuse was committed	§6338.1 of Title 23 ADDED by Act 117 of 2013	NA	<p>(a) General rule.--The name of a perpetrator who is the subject of an indicated report of child abuse and who was under 18 years of age when the individual committed child abuse shall be expunged from the Statewide database when the individual reaches 21 years of age or when five years have elapsed since the perpetrator's name was added to the database, whichever is later, if the individual meets all of the following:</p> <p>(1) The individual has not been named as a perpetrator in any subsequent indicated report of child abuse and is not named as an alleged perpetrator in a child abuse report pending investigation.</p> <p>(2) The individual has never been convicted or adjudicated delinquent following a determination by the court that the individual committed an offense under section 6344(c) (relating to information relating to prospective child-care personnel), and no proceeding is pending seeking such conviction or adjudication.</p> <p>(3) The child abuse which resulted in the inclusion of the perpetrator's</p>	<ul style="list-style-type: none"> • Mandated the expunction from the statewide database of the name of a perpetrator in an indicated report of child abuse who was under the age of 18 when they committed the child abuse when: <ul style="list-style-type: none"> ○ The individual reaches the age of 21; or ○ Five years has elapsed since their name was added to the database, whichever is later • If the individual has: <ul style="list-style-type: none"> ○ Not been named as the perpetrator in any subsequent indicated report of child abuse and is not the subject of a pending child abuse investigation ○ Never been convicted or adjudicated delinquent by a court for an offense under § 6344(c) (relating to grounds for denying employment) and no proceeding is pending 	Act 117 of 2013 effective 12/31/14

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
			<p>name in the database did not involve the use of a deadly weapon, as defined under 18 Pa.C.S. § 2301 (relating to definitions).</p> <p>(b) Mandated expunction.--If the perpetrator meets all of the requirements under subsection (a), the expunction shall be mandated and guaranteed by the department.</p> <p>(c) Nonapplicability.--The provisions of this section shall not apply to any of the following cases:</p> <p>(1) A perpetrator who is the subject of a founded report of child abuse.</p> <p>(2) A sexually violent delinquent child, as defined in 42 Pa.C.S. § 9799.12 (relating to definitions), who meets all of the following:</p> <p>(i) Is required to register under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).</p> <p>(ii) Was found delinquent as a result of the same acts which resulted in the sexually violent delinquent child being named a perpetrator of child abuse.</p> <p>(3) A juvenile offender, as defined in 42 Pa.C.S. § 9799.12, who meets all of the following:</p>	<p>seeking a conviction or adjudication</p> <ul style="list-style-type: none"> ○ The child abuse did not involve the use of a deadly weapon as defined under 18 Pa.C.S. § 2301 (relating to definitions): <ul style="list-style-type: none"> ▪ Any firearm, whether loaded or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury ● These provisions do not apply to the following cases: <ul style="list-style-type: none"> ○ A perpetrator of a founded report of child 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
			<p>(i) Is required to register under 42 Pa.C.S. Ch. 97 Subch. H as a result of an adjudication of delinquency for the same acts which resulted in the juvenile offender being named a perpetrator of child abuse.</p> <p>(ii) Has not been removed from the Statewide Registry of Sexual Offenders pursuant to 42 Pa.C.S. § 9799.17 (relating to termination of period of registration for juvenile offenders).</p> <p>(4) A sexual offender, as defined in 42 Pa.C.S. § 9799.12, who meets all of the following:</p> <p>(i) Is required to register under 42 Pa.C.S. Ch. 97 Subch. H as a result of a criminal conviction for the same acts which resulted in the sexual offender being named a perpetrator of child abuse.</p> <p>(ii) Has not completed the period of registration required under 42 Pa.C.S. § 9799.15 (relating to period of registration).</p>	<p>abuse</p> <ul style="list-style-type: none"> ○ A sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions), who meets all of the following: <ul style="list-style-type: none"> ▪ Is required to register under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders); and ▪ Was found delinquent as a result of the same acts which resulted in their being named as a perpetrator of child abuse ○ A juvenile offender, as defined under 42 Pa.C.S. § 9799.12 who meets the following: <ul style="list-style-type: none"> ▪ Is required to register under 42 Pa.C.S Ch 97 Subch H as a result of an adjudication of 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
				<p>delinquency for the same as which resulted in their being named as a perpetrator of child abuse; and</p> <ul style="list-style-type: none"> ▪ Has not been removed from the Statewide Registry of Sexual Offenders pursuant to 42 Pa.C.S § 9799.17 (relating to termination period of registration for juvenile offenders) ○ A sexual offender, as defined in 42 Pa.C.S § 9799.12, who meets all of the following: <ul style="list-style-type: none"> ▪ Is required to register under Pa.C.S. Ch 97 as a result of a criminal conviction for the same acts which resulted in their being named a perpetrator of child abuse; and ▪ Has not completed 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
				the period of registration under 42 Pa.C.S. § 9799.15 (relating to period of registration)	
Amendment or expunction of information	§ 6341 of Title 23 AMENDED by Act 108 of 2013, Act 119 of 2013, and Act 45 of 2014	(a) General rule.--At any time: (1) The secretary may amend or expunge any record under this chapter upon good cause shown and notice to the appropriate subjects of the report. (2) Any person named as a perpetrator, and any school employee named, in an indicated report of child abuse may, within 45 days of being notified of the status of the report, request the secretary to amend or expunge an	(a) General rule.--Notwithstanding section 6338.1 (relating to expunction of information of perpetrator who was under 18 years of age when child abuse was committed): (1) At any time, the secretary may amend or expunge any record in the Statewide database under this chapter upon good cause shown and notice to the appropriate subjects of the report. The request shall be in writing in a manner prescribed by the department. For purposes of this paragraph, good cause shall include, but is not limited to, the following: (i) Newly discovered evidence that an indicated report of child abuse is inaccurate or is being maintained in a manner inconsistent with this chapter. (ii) A determination that the perpetrator in an indicated report of abuse no longer represents a risk of child abuse and that no significant public	<ul style="list-style-type: none"> • Maintained the Secretary’s ability to amend or expunge a record in the statewide database at any time upon good cause shown and notice to the subjects of the report • Defined good cause shown to include, but is not limited to: <ul style="list-style-type: none"> ○ Newly discovered evidence that an indicated report is inaccurate or is being maintained in a manner inconsistent with the CPSL; or ○ Determination that the perpetrator in an indicated report of abuse no longer represents a risk of child abuse and that no significant public purpose would be served by continuing to 	<p>Act 108 of 2013 effective 12/31/14</p> <p>Act 119 of 2013 effective 12/31/14</p> <p>Act 45 of 2014 effective 12/31/14</p>

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>indicated report on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this chapter.</p> <p>(b) Review of grant of request.--If the secretary grants the request under subsection (a)(2), the Statewide central register, appropriate county agency, appropriate law enforcement officials and all subjects shall be so advised of the decision. The county agency and any subject have 45 days in which to file an administrative appeal with the secretary. If an administrative appeal is received, the secretary or his designated agent shall schedule a hearing pursuant to Article IV of the act of June 13,</p>	<p>purpose would be served by the continued listing of the person as a perpetrator in the Statewide database.</p> <p>(2) Any person named as a perpetrator, and any school employee named, in an indicated report of child abuse may, within 90 days of being notified of the status of the report, request an administrative review by, or appeal and request a hearing before, the secretary to amend or expunge an indicated report on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this chapter. The request shall be in writing in a manner prescribed by the department.</p> <p>(3) Within 60 days of a request under paragraph (1) or a request for administrative review under paragraph (2), the department shall send notice of the secretary's decision.</p> <p>(b) Review of grant of request.--If the secretary grants the request under subsection (a)(2), the Statewide database, appropriate county agency, appropriate law enforcement officials and all subjects shall be so advised of</p>	<p>maintain that person's name on the database</p> <ul style="list-style-type: none"> • Limited good cause shown to indicated reports <ul style="list-style-type: none"> ○ Previously, an individual could request a good cause shown review of either an indicated or founded report • Required requests to be made in writing in a manner prescribed by the department • Extended the timeframe for someone named as a perpetrator of child abuse to request an administrative review by the Secretary or to appeal and request a hearing before the Bureau of Hearing and Appeals from 45 days to 90 days of being notified of the status of the report • Required notice related to decisions made pursuant to good cause shown or administrative review to be sent within 60 days (up from 30) of receipt of the request 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>1967 (P.L.31, No.21), known as the Public Welfare Code, and attending departmental regulations. If no administrative appeal is received within the designated time period, the Statewide central register shall comply with the decision of the secretary and advise the county agency to amend or expunge the information in their records so that the records are consistent at both the State and local levels.</p> <p>(c) Review of refusal of request.--If the secretary refuses the request under subsection (a)(2) or does not act within a reasonable time, but in no event later than 30 days after receipt of the request, the perpetrator or school</p>	<p>the decision. The county agency and any subject have 90 days in which to file an administrative appeal with the secretary. If an administrative appeal is received, the secretary or his designated agent shall schedule a hearing pursuant to Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, attending departmental regulations. If no administrative appeal is received within the designated time period, the Statewide database shall comply with the decision of the secretary and advise the county agency to amend or expunge the information in their records so that the records are consistent at both the State and local levels.</p> <p>(c) Review of refusal of request.-- Subject to subsection (c.1), if the secretary refuses a request under subsection (a)(1) or a request for administrative review under subsection (a)(2), or does not act within the prescribed time, the perpetrator or school employee shall have the right to appeal and request a hearing before the secretary to amend or expunge an indicated report on the grounds that it is inaccurate or it is being maintained in a manner</p>	<ul style="list-style-type: none"> • Required notice of the secretary’s decision to grants a request for good cause shown or as a result of the administrative review, to the appropriate county agency, law enforcement and all subjects • Allowed county agency or any subject of the report to file an administrative appeal with the secretary within 90 days (up from 45 days) • Provided the right to appeal to the perpetrator or school employee and the right to request a hearing before the secretary within 90 days of notice of the decision (up from 45 days), if the secretary refuses a request or does not act within the prescribed time • Required the appropriate county agency and law enforcement officials to be given notice of the hearing • The burden of proof remains with the county 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>employee shall have the right to a hearing before the secretary or a designated agent of the secretary to determine whether the summary of the indicated report in the Statewide central register should be amended or expunged on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with this chapter. The perpetrator or school employee shall have 45 days from the date of the letter giving notice of the decision to deny the request in which to request a hearing. The appropriate county agency and appropriate law enforcement officials shall be given notice of the hearing. The burden of proof in the hearing shall be on</p>	<p>inconsistent with this chapter. The request for hearing must be made within 90 days of notice of the DECISION. The appropriate county agency and appropriate law enforcement officials shall be given notice of the hearing. The burden of proof in the hearing shall be on the appropriate county agency. The department shall assist the county agency as necessary.</p> <p>(c.1) Founded reports.--A person named as a perpetrator in a founded report of child abuse must provide to the department a court order indicating that the underlying adjudication that formed the basis of the founded report has been reversed or vacated.</p> <p>(c.2) Hearing.--A person making an appeal under subsection (a)(2) or (c) shall have the right to a timely hearing to determine the merits of the appeal. A hearing shall be scheduled according to the following procedures:</p> <p>(1) Within ten days of receipt of an appeal pursuant to this section, the department shall schedule a hearing on the merits of the appeal.</p> <p>(2) The department shall make reasonable efforts to coordinate</p>	<p>agency</p> <ul style="list-style-type: none"> • Specified that founded reports will only be expunged when the perpetrator provides a court order that indicates that the underlying adjudication which was the basis of the founded report has been reversed or vacated • Expedited appeals and hearings by requiring that: <ul style="list-style-type: none"> ○ Hearings must be scheduled within ten days of receipt of the appeal ○ Reasonable efforts must be made to coordinate the hearing date with the appellee and the appellant ○ Proceedings before the Bureau of Hearings and Appeals must commence within 90 days of the scheduling order unless all parties have agreed to a continuance ○ Proceedings and hearings must be 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>the appropriate county agency. The department shall assist the county agency as necessary.</p> <p>(d) Stay of proceedings.--Any administrative appeal proceeding pursuant to subsection (b) shall be automatically stayed upon notice to the department by either of the parties when there is a pending criminal proceeding or a dependency or delinquency proceeding pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile matters), including any appeal thereof, involving the same factual circumstances as the administrative appeal.</p> <p>(e) Order.--The secretary or designated agent may make any appropriate</p>	<p>the hearing date with both the appellee and appellant.</p> <p>(3) After reasonable efforts required by paragraph (2) have been made, the department shall enter a scheduling order, and proceedings before the Bureau of Hearings and Appeals shall commence within 90 days of the date the scheduling order is entered, unless all parties have agreed to a continuance. Proceedings and hearings shall be scheduled to be heard on consecutive days whenever possible, but if not on consecutive days, then the proceeding or hearing shall be concluded not later than 30 days from commencement.</p> <p>(4) The department or county agency shall provide a person making an appeal with evidence gathered during the child abuse investigation WITHIN ITS POSSESSION that is relevant to the CHILD ABUSE determination. SUBJECT TO SECTIONS 6339 (RELATING TO CONFIDENTIALITY OF REORTS) AND 6340 (RELATING TO RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS).</p>	<p>scheduled on consecutive days when possible, but when not possible the proceeding or hearing must be concluded no later than 30 days from the day it commenced</p> <ul style="list-style-type: none"> ○ The department or the county agency shall provide the person requesting the appeal with evidence gathered during the investigation within its possession, that is relevant to the child abuse determination, subject to §§ 6339 (relating to confidential reports) and 6340 (relating to release of information in confidential reports) ○ The department or the county agency bears the burden of proof by substantial evidence that the report should remain on the database ○ The decision must be 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>order respecting the amendment or expunction of such records to make them accurate or consistent with the requirements of this chapter.</p> <p>(f) Notice of expunction.--Written notice of an expunction of any child abuse record made pursuant to the provisions of this chapter shall be served upon the subject of the record who was responsible for the abuse or injury and the appropriate county agency. Except as provided in this subsection, the county agency, upon receipt of the notice, shall take appropriate, similar action in regard to the local child abuse and school employee records and inform, for the same purpose, the</p>	<p>(5) The department or county agency shall bear the burden of proving by substantial evidence that the report should remain categorized as an indicated report.</p> <p>(c.3) Prompt decision.--The administrative law judge's or hearing officer's decision in a hearing under subsection (c.2) shall be entered, filed and served upon the parties within 45 days of the date upon which the proceeding or hearing is concluded unless, within that time, the tribunal extends the date for the decision by order entered of record showing good cause for the extension. In no event shall an extension delay the entry of the decision more than 60 days after the conclusion of the proceeding or hearing.</p> <p>(c.4) Notice of decision.--Notice of the decision shall be made to the Statewide database, the appropriate county agency, any appropriate law enforcement officials and all subjects of the report, except for the abused child.</p> <p>(d) Stay of proceedings.--Any administrative appeal proceeding pursuant to subsection (b) shall be automatically stayed upon notice to the department by either of the</p>	<p>entered, filed and served upon the parties within 45 days of the conclusion of the proceeding or hearing unless an order is entered showing good cause for an extension</p> <ul style="list-style-type: none"> ○ No decision may be delayed more than 60 days from the conclusion of the proceeding or hearing ○ Notices regarding the results are provided to: <ul style="list-style-type: none"> ▪ Statewide database ▪ Appropriate county agency ▪ Appropriate law enforcement officials; and ▪ All subjects of the report, except the abused child ● Parties to a proceeding or hearing before the Bureau of Hearings and Appeals have 15 calendar days from the mailing date of the final order to request 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>appropriate coroner if that officer has received reports pursuant to section 6367 (relating to reports to department and coroner). Whenever the county agency investigation reveals, within 60 days of receipt of the report of suspected child abuse, that the report is unfounded but that the subjects need services provided or arranged by the county agency, the county agency shall retain those records and shall specifically identify that the report was an unfounded report of suspected child abuse. An unfounded report regarding subjects who receive services shall be expunged no later than 120 days following the expiration of one year</p>	<p>parties when there is a pending criminal proceeding or a dependency or delinquency proceeding pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile matters), including any appeal thereof, involving the same factual circumstances as the administrative appeal.</p> <p>(e) Order.--The secretary or designated agent may make any appropriate order respecting the amendment or expunction of such records to make them accurate or consistent with the requirements of this chapter.</p> <p>(f) Notice of expunction.--Written notice of an expunction of any child abuse record made pursuant to the provisions of this chapter shall be served upon the subject of the record who was responsible for the abuse or injury and the appropriate county agency. Except as provided in this subsection, the county agency, upon receipt of the notice, shall take appropriate, similar action in regard to the local child abuse and school employee records and inform, for the same purpose, the appropriate coroner if that officer has received reports pursuant to section 6367 (relating to reports to department and</p>	<p>reconsideration by the secretary or to appeal to Commonwealth Court</p> <ul style="list-style-type: none"> ○ Parties have 30 days from mailing date of the final order from the Bureau of Hearings and Appeals to perfect an appeal to Commonwealth Court ○ The filing for reconsideration does not toll these 30 days 	

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>after the termination or completion of services provided or arranged by the county agency.</p>	<p>coroner). Whenever the county agency investigation reveals, within 60 days of receipt of the report of suspected child abuse, that the report is unfounded but that the subjects need services provided or arranged by the county agency, the county agency shall retain those records and shall specifically identify that the report was an unfounded report of suspected child abuse. An unfounded report regarding subjects who receive services shall be expunged no later than 120 days following the expiration of one year after the termination or completion of services provided or arranged by the county agency.</p> <p>(g) Reconsideration and appeal.-- Parties to a proceeding or hearing held under subsection (c.2) have 15 calendar days from the mailing date of the final order of the Bureau of Hearings and Appeals to request the secretary to reconsider the decision. Parties to a proceeding or hearing held under this section have 30 calendar days from the mailing date of the final order of the Bureau of Hearings and Appeals to perfect an appeal to Commonwealth Court. The filing for reconsideration shall not toll the 30 days provided.</p>		

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
Penalties	§ 6349 of Title 23 AMENDED (a) (b) ADDED (b.1) by Act 29 of 2014	(a) Failure to amend or expunge information.-- (1) A person or official authorized to keep the records mentioned in section 6337 (relating to disposition of unfounded reports) or 6338 (relating to disposition of founded and indicated reports) who willfully fails to amend or expunge the information when required commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation. (2) A person who willfully fails to obey a final order of the secretary or	(a) Failure to amend or expunge information.-- (1) A person or official authorized to keep the records mentioned in section 6337 (relating to disposition and expunction of unfounded reports and general protective services reports) or 6338 (relating to disposition of founded and indicated reports) who willfully fails to amend or expunge the information when required commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation. (2) A person who willfully fails to obey a final order of the secretary or designated agent of the secretary to amend or expunge the summary of the report in the Statewide database or the contents of any report filed pursuant to section 6313 (relating to reporting procedure) commits a misdemeanor of the third degree. (b) Unauthorized release of information.--A person who willfully releases or permits the release of any information contained in the Statewide database or the county	<ul style="list-style-type: none"> • Increased the penalties for willful failure to cooperate with the department or a county agency when investigating a report of suspected child abuse: <ul style="list-style-type: none"> ○ A misdemeanor of the third degree for the first violation ○ A misdemeanor of the second degree for subsequent violation • Included general protective services reports • Added a penalty for a person who willfully accesses, attempts to access, or uses information in the database for a purpose not authorized, <ul style="list-style-type: none"> ○ A misdemeanor of the second degree • Added a penalty for a person who uses information in the database with intent to harass, embarrass, or harm another person <ul style="list-style-type: none"> ○ A misdemeanor of the first degree 	Act 29 of 2014 effective 12/31/14

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>designated agent of the secretary to amend or expunge the summary of the report in the Statewide central register or the contents of any report filed pursuant to section 6313 (relating to reporting procedure) commits a summary offense.</p> <p>(b) Unauthorized release of information.--A person who willfully releases or permits the release of any information contained in the pending complaint file, the Statewide central register or the county agency records required by this chapter to persons or agencies not permitted by this chapter to receive</p>	<p>agency records required by this chapter to persons or agencies not permitted by this chapter to receive that information commits a misdemeanor of the second degree. Law enforcement officials shall insure the confidentiality and security of information under this chapter. A person, including a law enforcement official, who violates the provisions of this subsection shall, in addition to other civil or criminal penalties provided by law, be denied access to the information provided under this chapter.</p> <p>(b.1) Unauthorized access or use of information.--A person who willfully accesses, attempts to access or uses information in the Statewide database for a purpose not authorized under this chapter commits a misdemeanor of the second degree. A person who uses information in the Statewide database for a purpose not authorized under this chapter with intent to harass, embarrass or harm another person commits a misdemeanor of the first degree.</p> <p>(c) Noncompliance with child-care personnel regulations.--An administrator, or other person responsible for employment decisions</p>		

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>that information commits a misdemeanor of the third degree. Law enforcement agencies shall insure the confidentiality and security of information under this chapter. A person, including an employee of a law enforcement agency, who violates the provisions of this subsection shall, in addition to other civil or criminal penalties provided by law, be denied access to the information provided under this chapter.</p> <p>(c) Noncompliance with child-care personnel regulations.--An administrator, or other person responsible for employment decisions in a child-care facility or program, who willfully fails to</p>	<p>in a child-care facility or program, who willfully fails to comply with the provisions of section 6344 (relating to information relating to prospective child-care personnel) commits a violation of this chapter and shall be subject to a civil penalty as provided in this subsection. The department shall have jurisdiction to determine violations of section 6344 and may, following a hearing, assess a civil penalty not to exceed \$2,500. The civil penalty shall be payable to the Commonwealth.</p>		

Comparison Chart: Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>comply with the provisions of section 6344 (relating to information relating to prospective child-care personnel) commits a violation of this chapter and shall be subject to a civil penalty as provided in this subsection. The department shall have jurisdiction to determine violations of section 6344 and may, following a hearing, assess a civil penalty not to exceed \$2,500. The civil penalty shall be payable to the Commonwealth.</p>			

Comparison Chart:
Definitions Related to Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
Accepted for service	§6303(a) of Title 23 is NOT CHANGED	Decide on the basis of the needs and problems of an individual to admit or receive the individual as a client of the agency or as required by a court order entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Electronic technologies	§6303(a) of Title 23 ADDED by Act 29 of 2014	NA	The transfer of information in whole or in part by technology having electrical, digital, magnetic, wireless, optical, electromagnetic, photo-electronic or photo-optical systems, or similar capabilities. The term includes, but is not limited to, e-mail, Internet communication or other means of electronic transmission.	<ul style="list-style-type: none"> Added a definition for “electronic technologies” 	Act 29 of 2014 effective 12/31/14
Expunge	§6303(a) of Title 23 is NOT CHANGED	To strike out or obliterate entirely so that the expunged information may not be stored, identified or later recovered by any mechanical or electronic means or otherwise.	<Same as old law>	<ul style="list-style-type: none"> No change 	NA
Founded	§6303(a)	A child abuse report made	A child abuse report involving	<ul style="list-style-type: none"> This section was reorganized and 	Act 108 of

Comparison Chart:
Definitions Related to Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
report	of Title 23 AMENDED by Act 108 of 2013 and Act 44 of 2014	pursuant to this chapter if there has been any judicial adjudication based on a finding that a child who is a subject of the report has been abused, including the entry of a plea of guilty or nolo contendere or a finding of guilt to a criminal charge involving the same factual circumstances involved in the allegation of abuse.	a perpetrator that is made pursuant to this chapter, if any of the following applies: (1) There has been a judicial adjudication based on a finding that a child who is a subject of the report has been abused and the adjudication involves the same factual circumstances involved in the allegation of child abuse. The judicial adjudication may include any of the following: (i) The entry of a plea of guilty or nolo contendere. (ii) A finding of guilt to a criminal charge. (iii) A finding of dependency under 42 Pa.C.S. § 6341 (relating to adjudication) if the court has entered a finding that a child who is the subject of the report has been abused. (iv) A finding of delinquency under 42 Pa.C.S. § 6341 if the court has entered a finding that the child who is the subject of the report has been abused by the child	enumerated to clarify the conditions of a founded report • Added three provisions that support a founded disposition: ○ Acceptance into an accelerated rehabilitative disposition program ○ A consent decree entered in a juvenile proceeding, finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent ○ A final protection from abuse order has been granted which must meet four conditions including: ▪ Only one individual is charged with the abuse in the protection from abuse action ▪ Only that individual defends against the charge ▪ The adjudication	2013 effective 12/31/14 Act 44 of 2014 effective 12/31/14

Comparison Chart: Definitions Related to Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
			<p>who was found to be delinquent.</p> <p>(2) There has been an acceptance into an accelerated rehabilitative disposition program and the reason for the acceptance involves the same factual circumstances involved in the allegation of child abuse.</p> <p>(3) There has been a consent decree entered in a juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the decree involves the same factual circumstances involved in the allegation of child abuse and the terms and conditions of the consent decree include an acknowledgment, admission or finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent.</p> <p>(4) A final protection from abuse order has been granted under section 6108 (relating to relief), when the child who is a subject of the report is one of the individuals protected under</p>	<p>involves the same factual circumstances involved in the allegation of child abuse; and</p> <ul style="list-style-type: none"> ▪ The protection from abuse adjudication finds that the child abuse occurred <ul style="list-style-type: none"> • Clarified that a judicial adjudication based on a finding that a child who is a subject of the report has been abused, includes: <ul style="list-style-type: none"> ○ Dependency ○ Finding of delinquency 	

Comparison Chart:
Definitions Related to Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
			<p>the protection from abuse order and:</p> <ul style="list-style-type: none"> (i) only one individual is charged with the abuse in the protection from abuse action; (ii) only that individual defends against the charge; (iii) the adjudication involves the same factual circumstances involved in the allegation of child abuse; and (iv) the protection from abuse adjudication finds that the child abuse occurred. 		
General Protective Services	§6303(a) of Title 23 AMENDED by Act 44 of 2014	Those services and activities provided by each county agency for nonabuse cases requiring protective services, as defined by the Department of Public Welfare in regulations.	Those services and activities provided by each county agency for cases requiring protective services, as defined by the department in regulations.	<ul style="list-style-type: none"> • Changed language from “nonabuse cases” to “cases requiring protective services” 	Act 44 of 2014 effective 12/31/14
Indicated report	§6303(a) of Title 23 AMENDED by Act 108 of 2013	A child abuse report made pursuant to this chapter if an investigation by the county agency or the Department of Public	(1) Subject to paragraphs (2) and (3), a report of child abuse made pursuant to this chapter if an investigation by the Department or county	<ul style="list-style-type: none"> • Added provision for indicating a child abuse report regardless of the number of alleged perpetrators • Added provision for indicating a 	Act 108 of 2013 effective 12/31/14

Comparison Chart:
Definitions Related to Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		<p>Welfare determines that substantial evidence of the alleged abuse exists based on any of the following:</p> <ul style="list-style-type: none"> (1) Available medical evidence. (2) The child protective services investigation. (3) An admission of the acts of abuse by the perpetrator. 	<p>agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following:</p> <ul style="list-style-type: none"> (i) Available medical evidence. (ii) The child protective service investigation. (iii) An admission of the acts of abuse by the perpetrator. <p>(2) A report may be indicated under paragraph (1)(i) or (ii) for any child who is the victim of child abuse, regardless of the number of alleged perpetrators.</p> <p>(3) A report may be indicated under paragraph (1)(i) or (ii) listing the perpetrator as "unknown" if substantial evidence of abuse by a perpetrator exists, but the department or county agency is unable to identify the specific perpetrator.</p>	<p>child abuse report with an unknown perpetrator if:</p> <ul style="list-style-type: none"> ○ There is substantial evidence of abuse by a perpetrator ○ The county agency is unable to identify the specific perpetrator ○ Multiple perpetrators <ul style="list-style-type: none"> ● Changed Department of Public Welfare to "the department" 	
Perpetrator	§6303(a) of Title 23 AMENDED by Act 117 of 2013, Act	A person who has committed child abuse and is a parent of a child, a person responsible for the welfare of a child, and	A person who has committed child abuse as defined in this section. The following shall apply: (1) The term includes only	<ul style="list-style-type: none"> ● Added: <ul style="list-style-type: none"> ○ Former spouses and former paramours of the child's parent ● Changed failures to act to 	Act 117 of 2013 effective 12/31/14

Comparison Chart:
Definitions Related to Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
	15 of 2015, and Act 115 of 2016	individual residing in the same home as the child or a paramour of a child's parent.	the following: (i) A parent of the child. (ii) A spouse or former spouse of the child's parent. (iii) A paramour or former paramour of the child's parent. (iv) A person 14 years of age or older and responsible for the child's welfare or having direct contact with children as an employee of child-care services, a school or through a program, activity or service (v) An individual 14 years of age or older who resides in the same home as the child. (vi) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child. (vii) An individual 18 years of age or older who engages a child in severe forms of trafficking in	exclude 14-18 year olds who are not parents • Please see changes to the definition of child abuse	Act 15 of 2015 effective 7/1/2015 Act 115 of 2016 effective 10/28/2016

Comparison Chart:
Definitions Related to Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
			<p>persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).</p> <p>(2) Only the following may be considered a perpetrator for failing to act, as provided in this section:</p> <ul style="list-style-type: none"> (i) A parent of the child. (ii) A spouse or former spouse of the child’s parent. (iii) A paramour or former paramour of the child’s parent. (iv) A person 18 years of age or older and responsible for the child’s welfare. (v) A person 18 years of age or older who resides in the same home as the child. 		
Subject of the report	§6303(a) of Title 23 AMENDED by Act 45 of 2014	Any child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator or school	Any child, parent, guardian or other person responsible for the welfare of a child or any alleged or actual perpetrator [or school employee named] in a report made to the	<ul style="list-style-type: none"> • Added school employees • Changed Department of Public Welfare to “the department” 	Act 45 of 2014 effective 12/31/14

Comparison Chart:
Definitions Related to Appeals and Expunctions

Issue	Code	Old	New	Description	Effective Date
		employee named in a report made to the Department or a county agency under this chapter.	Department of Human Services or a county agency under this chapter.		
Unfounded report	§6303(a) of Title 23 is NOT CHANGED	Any report made pursuant to this chapter unless the report is a "founded report" or an "indicated report."	<Same as old law>	<ul style="list-style-type: none"> No change 	NA