

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL****No. 433** Session of  
2013

---

INTRODUCED BY AUMENT, WATSON, GINGRICH, MALONEY, MOUL, STEPHENS,  
YOUNGBLOOD, SCHLOSSBERG, HICKERNELL, MUNDY, ROCK, KORTZ,  
SACCONE, MAJOR, CUTLER, KAUFFMAN, O'NEILL, BAKER, SWANGER,  
COHEN, R. MILLER, FLECK, C. HARRIS, CLYMER, MILNE,  
BENNINGHOFF, MURT, DENLINGER, STURLA, EVERETT, GIBBONS,  
QUINN, V. BROWN, FARRY AND CALTAGIRONE, FEBRUARY 8, 2013

---

SENATOR MENSCH, AGING AND YOUTH, IN SENATE, AS AMENDED,  
DECEMBER 3, 2013

---

## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child protective services, further  
3 providing for disposition of founded and indicated reports,  
4 for amendment or expunction of information, for investigation  
5 of reports; and for evidence in court proceedings.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 6338(a) of Title 23 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 6338. Disposition of founded and indicated reports.

11 (a) General rule.--When a report of suspected child abuse or  
12 a report under Subchapter C.1 (relating to students in public  
13 and private schools) is determined by the appropriate county  
14 agency to be a founded report or an indicated report, the  
15 information concerning that report of suspected child abuse  
16 shall be expunged immediately from the pending complaint file,

1 and an appropriate entry shall be made in the Statewide central  
2 register. [Notice of the determination must be given to the  
3 subjects of the report, other than the abused child, and to the  
4 parent or guardian of the affected child or student along with  
5 an explanation of the implications of the determination. Notice  
6 given to perpetrators of child abuse and to school employees who  
7 are subjects of indicated reports for school employees or  
8 founded reports for school employees shall include notice that  
9 their ability to obtain employment in a child-care facility or  
10 program or a public or private school may be adversely affected  
11 by entry of the report in the Statewide central register. The  
12 notice shall also inform the recipient of his right, within 45  
13 days after being notified of the status of the report, to appeal  
14 an indicated report, and his right to a hearing if the request  
15 is denied.] Notice of the determination that a report is a  
16 founded or indicated, INDICATED OR UNFOUNDED report shall be <--  
17 made as provided in section 6368(c.2) (relating to investigation  
18 of reports).

19 \* \* \*

20 ~~Section 2. Sections 6341(a) and (c) and 6368(a) of Title 23~~ <--  
21 ~~are amended and the sections are amended by adding subsections~~  
22 ~~to read:~~

23 SECTION 2. SECTION 6341(A), (B) AND (C) OF TITLE 23 ARE <--  
24 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO  
25 READ:

26 § 6341. Amendment or expunction of information.

27 ~~(a) General rule. At any time:~~ <--

28 ~~(1) The secretary may amend or expunge any record under~~  
29 ~~this chapter upon good cause shown and notice to the~~  
30 ~~appropriate subjects of the report.~~

1           ~~(2) Any person named as a perpetrator, and any school~~  
2 ~~employee named, in an indicated report of child abuse may,~~  
3 ~~within [45] 90 days of being notified of the status of the~~  
4 ~~report, [request] appeal to the secretary to amend or expunge~~  
5 ~~an indicated report on the grounds that it is inaccurate or~~  
6 ~~it is being maintained in a manner inconsistent with this~~  
7 ~~chapter.~~

8           ~~(3) A person named as a perpetrator in a founded report~~  
9 ~~of child abuse may petition a court for the amendment or~~  
10 ~~expunction of the founded report in the Statewide central~~  
11 ~~register based on newly discovered evidence that the report~~  
12 ~~of child abuse is inaccurate or is being maintained in a~~  
13 ~~manner inconsistent with this chapter. The following shall~~  
14 ~~apply:~~

15           ~~(i) For founded reports that are not based on a~~  
16 ~~criminal conviction, the petition shall be filed with the~~  
17 ~~court that determined the report to be a founded report.~~  
18 ~~If the court determines that the report of child abuse is~~  
19 ~~inaccurate or is being maintained in a manner~~  
20 ~~inconsistent with this chapter, the court shall order the~~  
21 ~~department to amend or expunge the record in the~~  
22 ~~Statewide central register. The department shall comply~~  
23 ~~with the court's order within 15 days of the date of the~~  
24 ~~order.~~

25           ~~(ii) This paragraph does not apply to founded~~  
26 ~~reports that are based on a criminal conviction.~~

27 \* \* \*

28 ~~(b.1) Good cause.~~

29           ~~(1) For the amendment or expunction of a report of child~~  
30 ~~abuse in the Statewide central register pursuant to~~

1 ~~subsection (a) (1), good cause shall constitute any of the~~  
2 ~~following:~~

3 ~~(i) Newly discovered clear and convincing evidence~~  
4 ~~that an indicated report of child abuse is inaccurate or~~  
5 ~~is being maintained in a manner inconsistent with this~~  
6 ~~chapter.~~

7 ~~(ii) A determination that the perpetrator in an~~  
8 ~~indicated report of abuse no longer represents a~~  
9 ~~significant risk to children and that no significant~~  
10 ~~public purpose would be served by the continued listing~~  
11 ~~of the person as a perpetrator in the Statewide central~~  
12 ~~register, if all of the following apply:~~

13 ~~(A) The person did not cause serious bodily~~  
14 ~~injury to or sexual abuse or exploitation of a child.~~

15 ~~(B) At least five years have passed since the~~  
16 ~~entry of the person's name into the Statewide central~~  
17 ~~register.~~

18 ~~(C) The person is not identified as the~~  
19 ~~perpetrator in any other founded or indicated report~~  
20 ~~of child abuse.~~

21 ~~(D) The person would not be prohibited from~~  
22 ~~employment involving children under this chapter.~~

23 ~~(2) A person listed as the perpetrator in an indicated~~  
24 ~~report of child abuse may make a written request that the~~  
25 ~~secretary amend or expunge a report of child abuse in the~~  
26 ~~Statewide central register for good cause, as provided in~~  
27 ~~this subsection. The request shall be in a form acceptable to~~  
28 ~~the department.~~

29 ~~(3) Within 90 days of the receipt of a request under~~  
30 ~~paragraph (2), the secretary shall determine whether good~~

1 ~~cause exists to amend or expunge the record in the Statewide~~  
2 ~~central register. The secretary may consider any relevant~~  
3 ~~factor when determining whether good cause exists to amend or~~  
4 ~~expunge the record. If the secretary determines that good~~  
5 ~~cause exists, the department shall amend or expunge the~~  
6 ~~record within 15 days of the secretary's determination. The~~  
7 ~~department shall notify the person in writing within ten days~~  
8 ~~of the secretary's determination. The notice shall include~~  
9 ~~all of the following information:~~

10 ~~(i) Whether or not the record in the Statewide~~  
11 ~~central register will be amended or expunged pursuant to~~  
12 ~~the person's request.~~

13 ~~(ii) The date of the determination.~~

14 ~~(iii) The reasons for the determination.~~

15 ~~(iv) The person's right to appeal the determination~~  
16 ~~to a court within 30 days, as provided by paragraph (4).~~

17 ~~(4) If the secretary determines that good cause does not~~  
18 ~~exist to amend or expunge a record pursuant to a request~~  
19 ~~under paragraph (2), the person making the request may appeal~~  
20 ~~the determination to the court of common pleas in the county~~  
21 ~~where the child abuse occurred within 30 days of the date of~~  
22 ~~notice. The department shall be given notice of an appeal~~  
23 ~~under this paragraph, and may participate in any court~~  
24 ~~proceeding related to the appeal. If the court determines~~  
25 ~~that good cause exists to amend or expunge the record, the~~  
26 ~~court shall order the department to amend or expunge the~~  
27 ~~record in the Statewide central register. The department~~  
28 ~~shall comply with the court's order within 15 days of the~~  
29 ~~date of the order.~~

30 ~~(b.2) Hearing. A person making an appeal under subsection~~

~~(a) (2) shall have the right to a timely hearing to determine the merits of the appeal. A hearing on the appeal of a person named as a perpetrator authorized under subsection (a) (2) shall be scheduled according to the following procedures:~~

~~(1) Within 30 days of receipt of an appeal pursuant to this section, the department shall schedule a hearing on the merits of the appeal.~~

~~(2) The department shall make reasonable efforts to coordinate the hearing date with both the appellee and appellant.~~

~~(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 45 days of the date the scheduling order is entered, unless good cause for extending this deadline can be shown. In no circumstance may proceedings commence more than 90 days after a scheduling order is entered. 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.~~

~~(4) The investigative agency shall bear the burden of proving by clear and convincing evidence that the report should remain categorized as an indicated report.~~

~~(b.3) Prompt decision. The administrative law judge or hearing officer's decision in a hearing under subsection (b.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~~

1 ~~cause for the extension. In no event shall an extension delay~~  
2 ~~the entry of the decision more than 60 days after the~~  
3 ~~conclusion of the proceeding or hearing.~~

4 ~~(c) [Review of refusal of request. If the secretary refuses~~  
5 ~~the request under subsection (a) (2) or does not act within a~~  
6 ~~reasonable time, but in no event later than 30 days after~~  
7 ~~receipt of the request, the perpetrator or school employee shall~~  
8 ~~have the right to a hearing before the secretary or a designated~~  
9 ~~agent of the secretary to determine whether the summary of the~~  
10 ~~indicated report in the Statewide central register should be~~  
11 ~~amended or expunged on the grounds that it is inaccurate or that~~  
12 ~~it is being maintained in a manner inconsistent with this~~  
13 ~~chapter. The perpetrator or school employee shall have 45 days~~  
14 ~~from the date of the letter giving notice of the decision to~~  
15 ~~deny the request in which to request a hearing. The appropriate~~  
16 ~~county agency and appropriate law enforcement officials shall be~~  
17 ~~given notice of the hearing. The burden of proof in the hearing~~  
18 ~~shall be on the appropriate county agency. The department shall~~  
19 ~~assist the county agency as necessary.] Reconsideration and~~  
20 ~~appeal. Parties to a proceeding or hearing held under~~  
21 ~~subsection (b.2) have 15 calendar days from the mailing date of~~  
22 ~~the final order of the Bureau of Hearings and Appeals to request~~  
23 ~~the secretary to reconsider the decision or appeal to~~  
24 ~~Commonwealth Court. Parties to a proceeding or hearing held~~  
25 ~~under this section have 30 calendar days from the mailing date~~  
26 ~~of the final order of the Bureau of Hearings and Appeals to~~  
27 ~~perfect an appeal to the Commonwealth Court. The filing for~~  
28 ~~reconsideration shall not toll the 30 days provided.~~

29 ~~(c.1) Notice of decision. Notice of the decision shall be~~  
30 ~~made to the central register, the appropriate county agency, any~~

1 ~~appropriate law enforcement officials and all subjects of the~~  
2 ~~report.~~

3 (A) GENERAL RULE.--[AT ANY TIME] NOTWITHSTANDING SECTION <--  
4 6338.1 (RELATING TO EXPUNCTION OF INFORMATION OF PERPETRATOR WHO  
5 WAS UNDER 18 YEARS OF AGE WHEN CHILD ABUSE WAS COMMITTED):

6 (1) [THE] AT ANY TIME, THE SECRETARY MAY AMEND OR  
7 EXPUNGE ANY RECORD IN THE STATEWIDE DATABASE UNDER THIS  
8 CHAPTER UPON GOOD CAUSE SHOWN AND NOTICE TO THE APPROPRIATE  
9 SUBJECTS OF THE REPORT. THE REQUEST SHALL BE IN WRITING IN A  
10 MANNER PRESCRIBED BY THE DEPARTMENT. FOR PURPOSES OF THIS  
11 PARAGRAPH, GOOD CAUSE SHALL INCLUDE, BUT IS NOT LIMITED TO,  
12 THE FOLLOWING:

13 (I) NEWLY DISCOVERED EVIDENCE THAT AN INDICATED  
14 REPORT OF CHILD ABUSE IS INACCURATE OR IS BEING  
15 MAINTAINED IN A MANNER INCONSISTENT WITH THIS CHAPTER.

16 (II) A DETERMINATION THAT THE PERPETRATOR IN AN  
17 INDICATED REPORT OF ABUSE NO LONGER REPRESENTS A RISK OF  
18 CHILD ABUSE AND THAT NO SIGNIFICANT PUBLIC PURPOSE WOULD  
19 BE SERVED BY THE CONTINUED LISTING OF THE PERSON AS A  
20 PERPETRATOR IN THE STATEWIDE DATABASE.

21 (2) ANY PERSON NAMED AS A PERPETRATOR, AND ANY SCHOOL  
22 EMPLOYEE NAMED, IN AN INDICATED REPORT OF CHILD ABUSE MAY,  
23 WITHIN [45] 90 DAYS OF BEING NOTIFIED OF THE STATUS OF THE  
24 REPORT, REQUEST AN ADMINISTRATIVE REVIEW BY, OR APPEAL AND  
25 REQUEST A HEARING BEFORE, THE SECRETARY TO AMEND OR EXPUNGE  
26 AN INDICATED REPORT ON THE GROUNDS THAT IT IS INACCURATE OR  
27 IT IS BEING MAINTAINED IN A MANNER INCONSISTENT WITH THIS  
28 CHAPTER. THE REQUEST SHALL BE IN WRITING IN A MANNER  
29 PRESCRIBED BY THE DEPARTMENT.

30 (3) WITHIN 60 DAYS OF A REQUEST UNDER PARAGRAPH (1) OR A

1 REQUEST FOR ADMINISTRATIVE REVIEW UNDER PARAGRAPH (2), THE  
2 DEPARTMENT SHALL SEND NOTICE OF THE SECRETARY'S DECISION.

3 (B) REVIEW OF GRANT OF REQUEST.--IF THE SECRETARY GRANTS THE  
4 REQUEST UNDER SUBSECTION (A) (2), THE STATEWIDE [CENTRAL  
5 REGISTER] DATABASE, APPROPRIATE COUNTY AGENCY, APPROPRIATE LAW  
6 ENFORCEMENT OFFICIALS AND ALL SUBJECTS SHALL BE SO ADVISED OF  
7 THE DECISION. THE COUNTY AGENCY AND ANY SUBJECT HAVE [45] 90  
8 DAYS IN WHICH TO FILE AN ADMINISTRATIVE APPEAL WITH THE  
9 SECRETARY. IF AN ADMINISTRATIVE APPEAL IS RECEIVED, THE  
10 SECRETARY OR HIS DESIGNATED AGENT SHALL SCHEDULE A HEARING  
11 PURSUANT TO ARTICLE IV OF THE ACT OF JUNE 13, 1967 (P.L.31,  
12 NO.21), KNOWN AS THE PUBLIC WELFARE CODE, [AND] ATTENDING  
13 DEPARTMENTAL REGULATIONS AND SUBSECTION (C.2). IF NO  
14 ADMINISTRATIVE APPEAL IS RECEIVED WITHIN THE DESIGNATED TIME  
15 PERIOD, THE STATEWIDE [CENTRAL REGISTER] DATABASE SHALL COMPLY  
16 WITH THE DECISION OF THE SECRETARY AND ADVISE THE COUNTY AGENCY  
17 TO AMEND OR EXPUNGE THE INFORMATION IN THEIR RECORDS SO THAT THE  
18 RECORDS ARE CONSISTENT AT BOTH THE STATE AND LOCAL LEVELS.

19 (C) REVIEW OF REFUSAL OF REQUEST.--[IF THE SECRETARY REFUSES  
20 THE REQUEST UNDER SUBSECTION (A) (2) OR DOES NOT ACT WITHIN A  
21 REASONABLE TIME, BUT IN NO EVENT LATER THAN 30 DAYS AFTER  
22 RECEIPT OF THE REQUEST, THE PERPETRATOR OR SCHOOL EMPLOYEE SHALL  
23 HAVE THE RIGHT TO A HEARING BEFORE THE SECRETARY OR A DESIGNATED  
24 AGENT OF THE SECRETARY TO DETERMINE WHETHER THE SUMMARY OF THE  
25 INDICATED REPORT IN THE STATEWIDE CENTRAL REGISTER SHOULD BE  
26 AMENDED OR EXPUNGED ON THE GROUNDS THAT IT IS INACCURATE OR THAT  
27 IT IS BEING MAINTAINED IN A MANNER INCONSISTENT WITH THIS  
28 CHAPTER. THE PERPETRATOR OR SCHOOL EMPLOYEE SHALL HAVE 45 DAYS  
29 FROM THE DATE OF THE LETTER GIVING NOTICE OF THE DECISION TO  
30 DENY THE REQUEST IN WHICH TO REQUEST A HEARING.] SUBJECT TO

1 SUBSECTION (C.1), IF THE SECRETARY REFUSES A REQUEST UNDER  
2 SUBSECTION (A) (1) OR A REQUEST FOR ADMINISTRATIVE REVIEW UNDER  
3 SUBSECTION (A) (2), OR DOES NOT ACT WITHIN THE PRESCRIBED TIME,  
4 THE PERPETRATOR OR SCHOOL EMPLOYEE SHALL HAVE THE RIGHT TO  
5 APPEAL AND REQUEST A HEARING BEFORE THE SECRETARY, UNDER  
6 SUBSECTION (C.2), TO AMEND OR EXPUNGE AN INDICATED REPORT ON THE  
7 GROUNDS THAT IT IS INACCURATE OR IT IS BEING MAINTAINED IN A  
8 MANNER INCONSISTENT WITH THIS CHAPTER. THE REQUEST FOR HEARING  
9 MUST BE MADE WITHIN 90 DAYS OF NOTICE OF THE RESULTS OF THE  
10 INVESTIGATION. THE APPROPRIATE COUNTY AGENCY AND APPROPRIATE LAW  
11 ENFORCEMENT OFFICIALS SHALL BE GIVEN NOTICE OF THE HEARING. THE  
12 BURDEN OF PROOF IN THE HEARING SHALL BE ON THE APPROPRIATE  
13 COUNTY AGENCY. THE DEPARTMENT SHALL ASSIST THE COUNTY AGENCY AS  
14 NECESSARY.

15 (C.1) FOUNDED REPORTS.--A PERSON NAMED AS A PERPETRATOR IN A  
16 FOUNDED REPORT OF CHILD ABUSE MUST PROVIDE TO THE DEPARTMENT A  
17 COURT ORDER INDICATING THAT THE UNDERLYING ADJUDICATION THAT  
18 FORMED THE BASIS OF THE FOUNDED REPORT HAS BEEN REVERSED OR  
19 VACATED.

20 \* \* \*

21 ~~§ 6368. Investigation of reports.~~ <--

22 ~~(a) General rule. Upon receipt of each report of suspected~~  
23 ~~child abuse, the county agency shall immediately commence an~~  
24 ~~appropriate investigation and see the child immediately if~~  
25 ~~emergency protective custody is required or has been or shall be~~  
26 ~~taken or if it cannot be determined from the report whether~~  
27 ~~emergency protective custody is needed. Otherwise, the county~~  
28 ~~agency shall commence an appropriate investigation and see the~~  
29 ~~child within 24 hours of receipt of the report. The~~  
30 ~~investigation shall include a determination of the risk of harm~~

1 ~~to the child or children if they continue to remain in the~~  
2 ~~existing home environment, as well as a determination of the~~  
3 ~~nature, extent and cause of any condition enumerated in the~~  
4 ~~report, any action necessary to provide for the safety of the~~  
5 ~~child or children and the taking of photographic identification~~  
6 ~~of the child or children to be maintained with the file. During~~  
7 ~~the investigation, the county agency shall provide or arrange~~  
8 ~~for services necessary to protect the child while the agency is~~  
9 ~~making a determination pursuant to this section. If the~~  
10 ~~investigation indicates serious physical injury, a medical~~  
11 ~~examination shall be performed on the subject child by a~~  
12 ~~certified medical practitioner. Where there is reasonable cause~~  
13 ~~to suspect there is a history of prior or current abuse, the~~  
14 ~~medical practitioner has the authority to arrange for further~~  
15 ~~medical tests or the county agency has the authority to request~~  
16 ~~further medical tests. The investigation shall include~~  
17 ~~communication with the department's service under section 6332~~  
18 ~~(relating to establishment of Statewide toll free telephone~~  
19 ~~number). The investigation shall include interviews with all~~  
20 ~~subjects of the report, including the alleged perpetrator. If a~~  
21 ~~subject of the report is not able to be interviewed or cannot be~~  
22 ~~located, the county agency shall document its reasonable efforts~~  
23 ~~to interview the subject and the reasons for its inability to~~  
24 ~~interview the subject. Prior to interviewing a subject of the~~  
25 ~~report, the county agency shall orally notify the subject who is~~  
26 ~~about to be interviewed of the existence of the report, the~~  
27 ~~subject's rights under 42 Pa.C.S. §§ 6337 (relating to right to~~  
28 ~~counsel) and 6338 (relating to other basic rights) and the~~  
29 ~~subject's rights pursuant to this chapter in regard to amendment~~  
30 ~~or expungement. Within 72 hours following oral notification to~~

1 ~~the subject, the county agency shall give written notice to the~~  
2 ~~subject. The notice and interview may be reasonably delayed if~~  
3 ~~notification is likely to threaten the safety of the victim, a~~  
4 ~~nonperpetrator subject or the investigating county agency~~  
5 ~~worker, to cause the perpetrator to abscond or to significantly~~  
6 ~~interfere with the conduct of a criminal investigation. However,~~  
7 ~~the written notice must be provided to all subjects prior to the~~  
8 ~~county agency's reaching a finding on the validity of the~~  
9 ~~report.~~

10 \* \* \*

11 ~~(c.1) Review of indicated reports. A final determination~~  
12 ~~that a report of suspected child abuse is indicated shall be~~  
13 ~~made by the county agency solicitor and the county administrator~~  
14 ~~or the designee of the administrator.~~

15 ~~(c.2) Notice of final determination. Immediately upon~~  
16 ~~conclusion of the child abuse investigation, the county agency~~  
17 ~~shall provide notice of its determination to the department, in~~  
18 ~~a form acceptable to the department. Within 24 business hours of~~  
19 ~~receipt of notice from the county agency, the department shall~~  
20 ~~send notice of the final determination to the subjects of the~~  
21 ~~report and the mandated reporter if a report was made under~~  
22 ~~section 6313 (relating to reporting procedure). The notice shall~~  
23 ~~include the following information:~~

24 SECTION 3. SECTION 6368 OF TITLE 23 IS AMENDED BY ADDING <--  
25 SUBSECTIONS TO READ:

26 § 6368. INVESTIGATION OF REPORTS.

27 \* \* \*

28 (J.1) REVIEW OF INDICATED REPORTS.--A FINAL DETERMINATION  
29 THAT A REPORT OF SUSPECTED CHILD ABUSE IS INDICATED SHALL BE  
30 APPROVED BY:

1           (1) THE COUNTY ADMINISTRATOR OR A DESIGNEE AND A COUNTY  
2           AGENCY SOLICITOR, WHEN THE COUNTY AGENCY IS INVESTIGATING; OR

3           (2) THE SECRETARY OR A DESIGNEE AND LEGAL COUNSEL FOR  
4           THE DEPARTMENT, WHEN THE DEPARTMENT IS INVESTIGATING.

5           (J.2) FINAL DETERMINATION.--IMMEDIATELY UPON CONCLUSION OF  
6           THE CHILD ABUSE INVESTIGATION, THE COUNTY AGENCY SHALL PROVIDE  
7           THE RESULTS OF ITS INVESTIGATION TO THE DEPARTMENT, IN A MANNER  
8           PRESCRIBED BY THE DEPARTMENT. WITHIN THREE BUSINESS DAYS OF  
9           RECEIPT OF THE RESULTS OF THE INVESTIGATION FROM THE COUNTY  
10          AGENCY, THE DEPARTMENT SHALL SEND NOTICE OF THE FINAL  
11          DETERMINATION TO THE SUBJECTS OF THE REPORT, OTHER THAN THE  
12          ABUSED CHILD. THE DETERMINATION SHALL INCLUDE THE FOLLOWING  
13          INFORMATION:

14           (1) The status of the report.

15           (2) The perpetrator's right to request the secretary to  
16           amend or expunge the report.

17           (3) The right of the subjects of the report to services  
18           from the county agency.

19           (4) The effect of the report upon future employment  
20           opportunities involving children.

21           (5) The fact that the name of the perpetrator, the  
22           nature of the abuse and the final status of a founded or  
23           indicated report will be entered in the Statewide ~~central~~ <--  
24           ~~register~~ DATABASE, IF THE PERPETRATOR'S SOCIAL SECURITY <--  
25           NUMBER OR DATE OF BIRTH ARE KNOWN.

26           (6) The perpetrator's right to file an appeal of an  
27           indicated finding of abuse pursuant to section 6341 (relating  
28           to amendment or expunction of information) within 90 days of  
29           the date of notice.

30           (7) The perpetrator's right to a fair hearing on the

1 merits on an appeal of an indicated report filed pursuant to  
2 section 6341.

3 (8) The burden on the investigative agency to prove its  
4 case by clear and convincing SUBSTANTIAL evidence in an <--  
5 appeal of an indicated report.

6 (c.3) Reasonable efforts to provide notice. If the <--  
7 department has mailed the notice required by subsection (c.2),  
8 but the notice is returned as undeliverable, the department  
9 shall make reasonable efforts to provide notice and document the  
10 reasons for its inability to provide notice. If the department  
11 is unable to provide notice with respect to an indicated report,  
12 the entry in the Statewide central register shall include  
13 information that the department was unable to provide notice.  
14 No further efforts to provide notice shall be required, except  
15 that the department shall resume reasonable efforts to provide  
16 notice if new information is received regarding the whereabouts  
17 of an individual who is entitled to receive notice under  
18 subsection (c.2).

19 (J.3) NOTICE.--NOTICE UNDER SUBSECTION (J.2) SHALL <--  
20 CONSTITUTE MAILING OF THE FINAL DETERMINATION TO THE RECIPIENT'S  
21 LAST KNOWN ADDRESS. THE DETERMINATION IS PRESUMED RECEIVED WHEN  
22 NOT RETURNED BY THE POSTAL AUTHORITIES AS UNDELIVERABLE. IF THE  
23 DETERMINATION IS RETURNED AS UNDELIVERABLE, THE ENTRY IN THE  
24 STATEWIDE DATABASE SHALL INCLUDE INFORMATION THAT THE DEPARTMENT  
25 WAS UNABLE TO PROVIDE NOTICE. NO FURTHER EFFORTS TO PROVIDE  
26 NOTICE SHALL BE REQUIRED, EXCEPT THAT THE DEPARTMENT SHALL  
27 RESUME REASONABLE EFFORTS TO PROVIDE NOTICE IF NEW INFORMATION  
28 IS RECEIVED REGARDING THE WHEREABOUTS OF AN INDIVIDUAL WHO IS  
29 ENTITLED TO RECEIVE NOTICE UNDER SUBSECTION (J.2).

30 (J.4) NOTICE TO MANDATED REPORTER.--IF A REPORT WAS MADE BY

1 A MANDATED REPORTER UNDER SECTION 6313 (RELATING TO REPORTING  
2 PROCEDURE), THE DEPARTMENT SHALL NOTIFY THE MANDATED REPORTER  
3 WHO MADE THE REPORT OF SUSPECTED CHILD ABUSE OF ALL OF THE  
4 FOLLOWING WITHIN THREE BUSINESS DAYS OF THE DEPARTMENT'S RECEIPT  
5 OF THE RESULTS OF THE INVESTIGATION:

6 (1) WHETHER THE CHILD ABUSE REPORT IS FOUNDED, INDICATED  
7 OR UNFOUNDED.

8 (2) ANY SERVICES PROVIDED, ARRANGED FOR OR TO BE  
9 PROVIDED BY THE COUNTY AGENCY TO PROTECT THE CHILD.

10 \* \* \*

11 Section ~~3~~ 4. Section 6381 of Title 23 is amended by adding a <--  
12 subsection to read:

13 § 6381. Evidence in court proceedings.

14 \* \* \*

15 (e) Child victims and witnesses.--In addition to the  
16 provisions of this section, any consideration afforded to a  
17 child victim or witness pursuant to 42 Pa.C.S. Ch. 59, Subch. D  
18 (relating to child victims and witnesses) in any prosecution or  
19 adjudication shall be afforded to a child in child abuse  
20 proceedings in court or in any department administrative hearing  
21 pursuant to section 6341 (relating to amendment or expunction of  
22 information).

23 Section ~~4~~ 5. This act shall take effect ~~in 120 days~~ DECEMBER <--  
24 31, 2014.