

**Senate Aging & Youth Committee**  
**Virtual Public Hearing on DHS' Proposed Revisions to the Child Protective Services Law (CPSL)**  
**Monday, August 16, 2021 – 1:30 PM**

**Comments of the Honorable David Heckler, Chair**  
**Children's Advocacy Center Advisory Committee (CACAC)**  
**Pennsylvania Commission on Crime and Delinquency (PCCD)**

Thank you for the opportunity to provide written comments on the PA Department of Human Services' (DHS) proposed edits to the Child Protective Services Law (CPSL). As the former chair of the Task Force on Child Protection, which was established by [Senate Resolution 250](#) of the 2011-2012 legislative session to review the CPSL and make recommendations for its improvement, I am pleased to say that I support DHS' language, particularly as it pertains to the issue of expungement of records.

Currently, I serve as the chair of the Children's Advocacy Center Advisory Committee (CACAC) under the Pennsylvania Commission on Crime and Delinquency (PCCD). The CACAC was established by Act 28 of 2014 to advise PCCD on the development and promotion of programs and projects related to children's advocacy centers (CACs) and multidisciplinary investigative teams (MDITs), which are mainly responsible for the coordinated treatment and investigation of child abuse cases in the Commonwealth. Our [membership](#) is composed of a wide variety of experts and practitioners who mirror the representation one would find on an MDIT, as well as the relevant state-related agencies that participate in this process.

Since our formation, our Committee has supported the distribution of over \$30 million in both state CAC funding and Act 1 of 2013 funding (better known as the 'Endowment Act'), which has enabled the network of CACs to double throughout the state. This funding supports services to thousands of child abuse victims and adult survivors of child abuse on an annual basis.

Despite these advances and improvements in service delivery, we, as a body, continue to see that there are elements of our current laws and regulations that should be amended to improve the detection, reporting, investigation, prosecution, and treatment of child abuse in all of its forms. One of the key reforms needed is to revise the process by which we expunge protective services records.

Indeed, this legislation begins the process of correcting omissions by the Legislature in its implementation of our 2012 report. One of the watchwords of the work of the Task Force, as repeatedly articulated by Dr. Cindy Christian of Children's Hospital of Philadelphia and Dr. Rachael Berger of Children's Hospital of Pittsburgh, was "For the protection of children, not for the convenience of adults!" At the time of our deliberations, the CPSL, both in its provisions and its administration, provided safeguards protecting suspected abusers which in our views exceeded any reasonable concept of due process. It was the Task Force's strong desire that information which in itself might fall far short of probable cause for either civil or criminal action, should nevertheless be preserved and made available to the public officials responsible for child protection and for investigating and prosecuting criminals who victimize children. This intention was reflected in the draft legislation recommended and discussed in the Summary of Proposed Legislation generally at pages 36 through 39 of the [Task Force's report](#).

While the many revisions to the CPSL enacted after 2012 embodied much of what we had recommended, the separate retention of information about suspected abuse or neglect for use by investigators dealing with subsequent incidents fell by the wayside. The experience of Dr. Jennie Noll and colleagues at Penn State in their exploration of DHS case data supports our perception that the loss

of this data to investigators materially interferes with child protection and the investigation of child abuse. DHS and the sponsors of this legislation should be commended for recognizing and seeking to address this serious shortcoming in present law.

Speaking of current law, the CPSL requires that unfounded CPS reports and invalid GPS reports be expunged from the statewide database after one year and GPS reports, even when validated, are expunged after ten years. While we are cognizant of the rights of due process and understand individual concerns, the primary concern with this approach is that it hinders efforts to protect children from maltreatment, as well as efforts to identify children at risk of future abuse. Even the recently passed Clean Slate legislation, which established an extensive record sealing process, permitted access and use of criminal history information to appropriate entities. The CPSL process as it currently stands requires nearly total deletion, as opposed to just restriction from public view.

While caution is warranted in distinguishing between substantiated and unsubstantiated cases, both are associated with similar degrees of harm to child health and development and pose similar risks for re-report and future victimization. Risk of future maltreatment or CPS recidivism is similar regardless of whether reports are substantiated or not; therefore, there are many circumstances in which prior case files can assist in future investigations.

Prior records can help caseworkers assess means for reducing familial risk, protect their own safety, identify potential adoptive families if risks cannot be mediated, and locate missing children. Vital information from prior investigations would not be available if the records are completely expunged prior to recidivism. Thus, we recommend an approach that balances the need to seal the information from the public, while allowing those entrusted with ensuring child safety access to the information.

In 2018, the CPSL was amended to allow a county agency to maintain information regarding protective services reports that have been expunged in the Statewide database, for their own access to assist in future risk and safety assessments and research. We recommend that the same approach be taken with the Statewide database – i.e., “expunged” reports can and should be blocked from public view, but CYS, law enforcement and MDITs should be able to utilize them to fully understand a child or family’s history when investigating child abuse reports.