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No. \_\_\_\_\_

**ORIGINAL  
JURISDICTION**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

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Harrisburg, Pennsylvania 17101  
(717) 232-0581

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[Additional Counsel Appear Below]

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-- Senior Judge Friedman, dissenting in *K.J. v. Dep't of Public Welfare*, 787 A.2d 609, 616 n.9 (Pa. Cmwlth. 2001)

## **INTRODUCTION**

1. The statutory scheme of the Child Protective Services Law (“CPSL”), 23 Pa.C.S. §§ 6301–6395, requires the Commonwealth to list individuals named in “indicated” reports of child abuse on a statewide database without providing those individuals with any prior notice or hearing, much less a full and fair opportunity to be heard. This system violates the due process rights and reputational protections guaranteed by the Constitution of the Commonwealth of Pennsylvania and is inconsistent with the Pennsylvania Administrative Agency Law, 2 Pa.C.S. § 504. Through this Petition for Review, Petitioners seek declaratory and injunctive relief against Respondent Commonwealth of Pennsylvania, Department of Human Services (“DHS”), to declare unconstitutional the portions of the CPSL that require the immediate listing on the ChildLine registry of all individuals accused of child abuse in an “indicated” report, without first providing those individuals with prior notice and an opportunity for a pre-deprivation evidentiary hearing.

2. Petitioners A.W., M.A., W.B., T.W., and P.L. (collectively, “Individual Petitioners”), whose experiences are detailed in paragraphs 98-204 *infra*, were each the subject of a child abuse report into which caseworkers or other county officials, pursuant to the CPSL, conducted an initial investigation. In each case, the investigator labeled the report “indicated” rather than “unfounded.” In each

case the determination was erroneous but the Individual Petitioners were provided no pre-deprivation opportunity to be heard to demonstrate that error. Based solely on the investigator's subjective determination, Individual Petitioners were immediately placed on the ChildLine registry and identified as child abusers.

3. The deleterious effects of being listed on the ChildLine registry as a child abuser are immediate and often irreparable. Once identified, an individual suffers instant reputational harm and faces a wide range of serious repercussions, including prohibitions on employment, the inability to provide foster or adoptive care, the inability to volunteer or participate in numerous educational and recreational activities of children (including one's own children), and the inability to participate in organizations having contact with children.

4. The deleterious effects from being labeled a child abuser based on unproven allegations cannot be effectively remedied by post-deprivation process of any nature. While a subsequent appeal may, if successful, result in the removal of an individual's name from ChildLine and the elimination of certain prohibitions on employment and other opportunities going forward, the longstanding and severe harm to the individual's reputation and liberty interests from being falsely labeled a child abuser is often permanent and

irreversible.

5. The CPSL, as implemented and enforced by DHS, fails to provide *any* of the constitutionally mandated due process protections prior to an indicated finding of child abuse or the placement of an individual on the ChildLine registry due solely to an indicated report.

6. The data contained in DHS's own annual reports show that, for each of the last three years, the Pennsylvania Bureau of Hearings and Appeal ("BHA") – the entity that provides post-deprivation evidentiary hearings for those individuals who timely demand such relief – overturned 91% of indicated reports in 2021; 94% of indicated reports in 2020; and 91% of indicated reports in 2019. See DHS 2021 Child Abuse Annual Report ("2021 Report") at 24; DHS 2020 Child Abuse Annual Report ("2020 Report") at 22; and 2019 Child Abuse Annual Report ("2019 Report") at 21.<sup>1</sup> In other words, BHA "upheld" the indicated findings of investigators less than 10% of the time for each of the past three years. This remarkable rate of reversal dispositively establishes that the initial investigations conducted by investigators – which form the sole basis for

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<sup>1</sup> The CPSL requires DHS to produce a report to the Governor and the General Assembly on the operations of the ChildLine registry, including a full statistical analysis of the reports of suspected child abuse or neglect. 23 Pa.C.S. § 6347(a). DHS annuals reports are available at: <https://www.dhs.pa.gov/docs/Publications/Pages/Child-Abuse-Reports.aspx>.

listing subjects of indicated reports on the ChildLine registry – are often seriously flawed, inaccurate, and lack evidentiary value.<sup>2</sup>

7. Without the implementation of constitutionally mandated due process protections – in particular, prior notice and an evidentiary hearing before placing individuals on the ChildLine registry due to an indicated report – caseworkers and other investigators will continue to stigmatize and disqualify Pennsylvanians on the basis of incomplete, flawed, and inaccurate investigations of alleged child abuse.

8. Unless this Court declares the practice of immediately listing subjects of indicated child abuse reports on the ChildLine registry to be unconstitutional, both facially and as applied to these Individual Petitioners, thousands of Pennsylvania citizens will remain subject to and continue to suffer the devastating long-term effects of being falsely identified as child abusers in violation of their constitutional rights.

9. While the protection and safety of children is an indisputably important public interest that the Commonwealth can and should zealously pursue, the Commonwealth's efforts must comport with the guaranteed rights

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<sup>2</sup> In 2014, the General Assembly amended the CPSL to require county solicitors or DHS legal counsel to review indicated report findings. *See* 23 Pa. C.S. § 6368(e). That review, however, has done nothing to ameliorate the inaccuracies of indicated reports maintained on the registry based only on the subjective untested decision of caseworkers, as amply demonstrated by BHA's greater than 90% reversal rate each of the past three years.

provided by the Constitution, including the rights to due process and protection from reputational harm.

10. Numerous Pennsylvania judges have expressed serious doubt that the CPSL's lack of a pre-deprivation hearing comports with due process guarantees. For instance, in *G.V. v. Department of Public Welfare*, 91 A.3d 667 (Pa. 2014), former Chief Justice Saylor noted that "the inquiry into whether the Pennsylvania statute reflects adequate due process remains seriously in question" and stated that the CPSL "is in tension with the constitutional preference for pre-deprivation process." *Id.* at 674 n.1 (Saylor, J., concurring). Similarly, in *J.P. v. Department of Human Services*, 170 A.3d 575 (Pa. Cmwlth. 2017), then-Judge (now-Justice) Brobson expressed "concern that the lack of a pre-deprivation hearing raises a serious due process question," noting that "an indicated report goes into the registry on the basis of the investigation alone" which results in the alleged perpetrator "suffer[ing] a loss to reputation and possibly employment, all without a hearing." *Id.* at 581-82.

11. This Court's opinions have repeatedly expressed profound concern over the constitutionality of the registry process under the CPSL. *See, e.g., C.S. v. Dep't of Human Servs.*, 184 A.3d 600, 607 (Pa. Cmwlth. 2018) (recognizing "the lack of an adequate pre-deprivation hearing in the statute" despite the "harm [that] occurs to an individual's reputation the moment the abuse is reported,



the aggravation of which continues unless or until the record is expunged”); *D.C. v. Dep’t of Human Servs.*, 150 A.3d 558, 566-67 (Pa. Cmwlth. 2016) (expressing concern over the constitutionality of CPSL and noting “[t]he post-deprivation process ... has already been criticized in published appellate opinions” but the issue “has yet to be squarely addressed”); *K.J. v. Dep’t of Public Welfare*, 767 A.2d 609, 613 (Pa. Cmwlth. 2001) (Friedman, J., dissenting) (CPSL scheme, which allows caseworkers generally untrained in the law to render *de facto* determinations that permanently ruins citizens’ reputations, “shocks my conscience”).

12. To remedy these ongoing constitutional deprivations and violations of due process, Petitioners file this Petition for Review to seek appropriate declaratory and injunctive relief and respectfully ask this Court to: (a) declare the process of placing an individual on the ChildLine registry based solely on an indicated report of child abuse, without first providing the individual with prior notice and a prior evidentiary hearing before a neutral arbiter where the individual may challenge the evidence, to be facially unconstitutional; (b) declare the process of placing Petitioners here on the ChildLine registry based solely on indicated reports of child maltreatment, without first providing them with prior notice and a prior evidentiary hearing before a neutral arbiter where they could challenge the evidence against them,

to be unconstitutional as applied to the Individual Petitioners; (c) declare the process of placing Petitioners here on the ChildLine registry based solely on indicated reports of child maltreatment, without first providing them with prior notice and a prior evidentiary hearing before a neutral arbiter where they could challenge the evidence against them, to be a violation Section 504 of the Administrative Agency Law; (d) order DHS to remove the Individual Petitioners from the ChildLine registry until they are provided with adjudication following an evidentiary hearing before a neutral arbiter; (e) enjoin DHS from future implementation or enforcement of the CPSL in any manner that violates due process or an individual's constitutional right to be free from unreasonable reputational harm; (f) order appropriate relief to remediate the constitutional violations that previously occurred by listing individuals on ChildLine based on an indicated report without due process protections; and (g) order all other relief that the Court deems appropriate and proper.

### **JURISDICTION**

13. This Court has original jurisdiction of this matter pursuant to 42 Pa.C.S. § 761(a)(1).

### **PARTIES**

#### **A. Individual Petitioners**

14. Petitioner A.W. is a 57-year-old resident of Philadelphia who, in

2004, was the subject of an indicated child abuse report.

15. Petitioner M.A. is a 29-year-old resident of Philadelphia who, in 2017, was the subject of an indicated child abuse report.

16. Petitioner W.B. is a resident of New York who, in 2019, was the subject of an indicated child abuse report in Pennsylvania.

17. Petitioner T.W. is a lifelong resident of Philadelphia who, in 2022, was the subject of an indicated child abuse report.

18. Petitioner P.L. is a 36-year-old resident of Philadelphia who, in 2008, was the subject of an indicated child abuse report.

19. Individual Petitioners are identified by their initials because public disclosure of their identities will result in severe adverse consequences that substantially outweigh the general requirement that actions be brought in the names of the parties and, further, because public disclosure of the full names of the petitioners will directly lead to disclosure of the identities of minor children.

## **B. Organizational Petitioners**

20. La Liga del Barrio (“La Liga”) is a Philadelphia-based non-profit youth basketball league that offers Latino youth an opportunity to develop basketball skills and enjoy the game while also promoting educational achievement. La Liga currently has over 400 children on 36 different teams, and

has served between 10,000 and 15,000 children over the past 22 years.

21. Philadelphia Lawyers for Social Equity (“PLSE”) is a non-profit legal service organization that provides advice and representation to low-income residents of Philadelphia facing social and career barriers due to their criminal records. PLSE achieves this goal by filing expungement petitions in criminal court and pardons from the Governor; educating elected, business and community leaders; empowering and organizing under-resourced communities, and leading legislative, administrative, and systemic reform.

**C. Respondent**

22. Respondent DHS is an administrative and cabinet-level state agency in the Commonwealth of Pennsylvania that administers services to the residents of Pennsylvania, including the Office of Children, Youth and Families, and is responsible for implementation and enforcement of the CPSL. Meg Snead is the current Acting Secretary of DHS.

**FACTUAL ALLEGATIONS**

**A. The Child Protective Services Law**

23. Pennsylvania enacted the CPSL, 23 Pa.C.S. §§ 6301-6395, to “encourage more complete reporting of suspected child abuse,” “establish in each county protective services for the purpose of investigating the reports swiftly and competently,” and “ensure that each county children and youth

agency establish[es] a program of protective services . . . with the capabilities to respond adequately to meet the needs of the family and child who may be at risk.” *Id.* § 6302(b).

24. The CPSL contains provisions that broadly cover both the provision of child protective services to children and families (*see, e.g., id.* §§ 6361-6364) and the investigation and reporting of suspected child abuse or neglect (*see, e.g., id.* §§ 6311-6318).

25. Through this Petition for Review, Petitioners do not challenge any aspect of the CPSL directed towards DHS’s provision of protective services to children and families. DHS’s ability to respond to reports, investigate, care for, and take any necessary protective actions deemed necessary for children and families will in no way be affected by this litigation, regardless of the outcome. Moreover, Petitioners do not challenge any aspect of the CPSL directed towards DHS’s investigation and reporting of suspected child abuse and neglect, other than challenging the unconstitutionally flawed process of immediately placing individuals on the ChildLine registry based solely on indicated reports without first providing the individual with prior notice and a hearing before being placed on the registry.

**1. Reporting and Investigation of Suspected Child Abuse**

26. The CPSL mandates that DHS (formerly Department of Public

Welfare) establish and maintain a state-wide, toll-free telephone hotline to receive reports of suspected child abuse or neglect from throughout the Commonwealth. *Id.* § 6332(a). In response, DHS established ChildLine. 55 Pa. Code § 3490.31.

27. ChildLine is an organizational unit of DHS that operates a Statewide toll-free system for receiving reports of suspected child abuse, refers the reports for investigation, and maintains the reports in the appropriate file. 55 Pa. Code § 3490.4.

28. The CPSL identifies broad categories of individuals who are required by law to report suspected child abuse or neglect, including physicians, teachers, clergy, police officers, and numerous other individuals. 23 Pa.C.S. 6311(a). The CPSL includes stiff penalties for mandatory reporters who fail to make a required report. *Id.* § 6319.

29. The CPSL also encourages other individuals to report suspected child abuse or neglect. *Id.* § 6312. Such reports can be made anonymously, 55 Pa. Code § 3490.11(a), and the CPSL provides broad legal immunity to anyone who submits a report of suspected child abuse or neglect, 23 Pa. C.S. § 6318.

30. The CPSL broadly defines “child abuse” to include conduct ranging in severity from physical or sexual abuse of a child to general “neglect,” which includes the failure to provide appropriate supervision or “[t]he failure to

provide a child with adequate essentials of life, including food, shelter or medical care.” *Id.* §§ 6303(b.1).

31. Any report made to ChildLine is immediately referred to the appropriate county child welfare agency for investigation. *Id.* § 6334(a); *see also* 55 Pa. Code § 3490.32(a). The investigating county agency is required to initiate its investigation of the report within 24 hours. 23 Pa. C.S. § 6368(b)(2); 55 Pa. Code § 3490.55(a).

32. DHS caseworkers or other county officials conduct all such investigations. As part of that investigation, the investigator is required, to the extent possible, to interview those individuals who may have information relating to the incident, including without limitation the child, the parent or guardian, the alleged perpetrator, the reporter, and any eyewitnesses. 55 Pa. Code § 3490.55(d).

33. All investigations must be completed within 60 days. 23 Pa.C.S. § 6368(n)(1).

34. At the close of the investigation, the investigator determines whether the report is indicated or unfounded. A report is considered “indicated” if, in the investigator’s subjective judgment, “substantial evidence of the alleged abuse” exists. *Id.* A report is considered “unfounded” if the investigator determines that there is not “substantial evidence of abuse.” *Id.*

35. A report is considered “founded,” in turn, where, in a separate judicial adjudication (dependency, delinquency, criminal, or otherwise), a judicial finding is made that the individual named in the report committed child abuse. *Id.* § 6303(a).

36. The CPSL defines “substantiated child abuse” to include child abuse for which there is a founded or indicated report. *Id.* Therefore, indicated reports are treated as “substantiated” child abuse in the same manner as founded reports, despite the lack of any judicial determination. *Id.*

37. Individuals accused of having committed child abuse or neglect often do not receive adequate notice of the allegations made against them before a child abuse investigation is completed. Among other deficiencies, the notices sent fail to explain clearly the meaning of an indicated report and the lifelong consequences to being placed on the registry.

38. Individuals accused of child abuse or neglect are not afforded an opportunity before a neutral forum to present evidence or meaningfully challenge the evidence against them before a child abuse investigation is completed and the report is classified as indicated.

39. Regardless of the outcome of the investigation, DHS is authorized to provide rehabilitative services and/or develop and implement a service plan for the affected family. *Id.* §§ 6370-6371; 55 Pa. Code § 3490.59. Moreover,



county agencies also maintain their own internal records of investigations and findings that can be used for child protection purposes.

## **2. The ChildLine Registry**

40. The CPSL directs DHS to maintain a state-wide central database of child protective services, including founded and indicated reports of child abuse or neglect. 23 Pa. C.S. § 6331. Among other information, the database contains the name, social security number, and date of birth of all individuals who allegedly committed child abuse, as determined in a founded or indicated report. *Id.* § 6336(a).

41. The investigator is required to promptly inform ChildLine of the disposition of an investigation. If the report is classified as founded or indicated, that designation is immediately reported in the ChildLine registry. *Id.* § 6338(a); 55 Pa. Code § 3490.35.

42. The CPSL mandates that DHS “indefinitely retain the names of perpetrators of child abuse.” 23 Pa. C.S. § 6338(c) (emphasis added).

43. Neither the CPSL nor the implementing regulations provides for a pre-deprivation hearing on the merits of the allegations before an individual is identified as a child abuser on the ChildLine registry as the result of an indicated report.

44. Information in the ChildLine registry is accessible by a wide variety

of parties, including, *inter alia*, federal officials, court personnel, the Attorney General, district attorneys, law enforcement officials, county officials, childcare service employers, school administrators, the Department of Education, and citizen review panels. *Id.* § 6340.

45. Following various statutory amendments enacted over the years, the CPSL also requires an increasing set of employers and individuals to obtain child abuse clearances using information in the ChildLine registry, including: school employees; adoptive and foster parents; individuals involved in “child-care services” – a broad category that includes day-care centers, child-care homes, boarding homes, mental health services, and a variety of service providers to children (*id.* § 6303); and volunteers having contact with children. *Id.* §§ 6344-6344.4.

46. The CPSL also allows any employer or organization that involves contact with children to demand that prospective or current employees or volunteers obtain a certificate of clearance (*i.e.*, a certificate stating that the applicant’s name does not appear on the ChildLine registry with a “founded” or “indicated” report) as a condition of employment or volunteering. *Id.* § 6344(j); 55 Pa. Code § 3490.125(a).

47. Numerous private employers and educational institutions, including many not regulated by DHS, now require applicants to obtain a child

abuse clearance using information on the ChildLine registry. Indeed, the requirement for obtaining a child abuse clearance as a prerequisite to employment has become ubiquitous in a wide swath of employment fields, as shown from the following examples:

- a. The Archdiocese of Philadelphia, which employs over 1,000 people in the greater Philadelphia area, requires all applicants for any positions to obtain clearance;
- b. Community College of Philadelphia, a major source of low-cost post-secondary education for residents of Philadelphia County, requires child abuse clearances for its education and nursing programs;
- c. Long-term care, senior care, and behavioral health agencies often require clearances;
- d. Home health care operators, schools, hospitals, and other facilities often require clearances for persons who work or volunteer, including in non-contact positions like cafeteria workers or janitorial staff;
- e. Certain state licensing boards, including the boards for licensing of psychologists and dental hygienist, require child abuse clearances;
- f. Paratransit workers and school bus drivers are required to obtain child abuse clearances.

48. In 2021 alone, there were 788,344 requests for child abuse clearances from the ChildLine registry. 2021 Report at 26.

49. Because DHS indefinitely maintains the names of suspected perpetrators of child abuse or neglect, being listed in the ChildLine registry is

effectively a lifetime employment ban from a large segment of the Pennsylvania labor market.

50. An individual with an indicated report on the ChildLine registry is barred from working or volunteering as a school employee or at any organization that provides child-care services. Such an individual is also prohibited from acting as an adoptive or foster parent, is often precluded from participating in their own children's educational and recreational activities, and cannot seek employment with the expansive and ever-increasing range of organizations that voluntarily require child abuse clearances as a condition of employment.

### **3. Post-Deprivation Appeals from Registry Listings**

51. The CPSL and implementing regulations contain a process of Byzantine complexity for an individual to appeal an indicated report of child abuse and associated listing on the ChildLine registry on a post-deprivation basis.

52. To start, the appellate timing and structure set forth in the CPSL statute is entirely inconsistent with the appellate timing and structure set forth in the implementing regulations. *Compare* 23 Pa. C.S. § 6341(a)(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.”) *with* 55 Pa. Code § 3490.105a (“A perpetrator of an indicated report of child abuse may request the Secretary to amend or expunge the report on the grounds that it is inaccurate or is being maintained in a manner inconsistent with the CPSL and this chapter ... within 45-calendar days of the mailing date of the letter from ChildLine.”) (emphasis added to both). Thus, the statute and the regulations directly and material conflict over how an individual may appeal an indicated report.

53. Even ignoring this material inconsistency, the CPSL’s post-deprivation appellate procedures are highly complex and nearly impenetrable to laypersons and all but deeply experienced legal counsel.

54. Under the CPSL, a person identified as an alleged perpetrator in an indicated report has three potential ways to seek post-deprivation review: (a) requesting an administrative review by the DHS Secretary; (b) appealing and requesting a hearing before the DHS Secretary; or (c) requesting that the DHS Secretary amend or expunge the record on the ChildLine registry. 23 Pa.C.S. § 6341(a)-(c).

55. *First*, a person named as a perpetrator in an indicated report may

seek an administrative review by making a written request within 90 days after being notified of the report status (“First Level Review”). 23 Pa.C.S. § 6341(a)(2).

56. First Level Review is conducted by the ChildLine Administrative Review Panel (“CARP”), an entity of DHS.

57. CARP does not hold evidentiary hearings as part of the First Level Review.

58. If CARP refuses to grant relief to the applicant during First Level Review, or if CARP fails to act on the request within the mandated 60-day period, a person named as a perpetrator in an indicated report has the right to appeal and request a hearing before the Secretary by making a written request within 90 days of notice of the decision (“Second Level Review”). *Id.* § 6341(c).

59. At the Second Level Review, the BHA is required to conduct a “timely hearing,” commence proceedings within 90 days after the scheduling order is entered, and issue a decision within 45 days after the proceedings are concluded. *Id.* §§ 6341(c.2)-(c.3). In practice, however, the BHA often fails to comply with these timing requirements.<sup>3</sup>

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<sup>3</sup> For instance, the 2021 DHS Report shows that, of the 666 individuals who directly sought Second Level Review before the BHA, 585 – or 87.8% of those appeals – remain pending. The prior years show similar results. *See* 2020 Report at 22; 2019 Report at 21. Thus, BHA is plainly not complying with the statutory timing requirements.

60. Once the Second Level Review has been completed, a person named as a perpetrator in an indicated report may appeal the decision of the BHA to the Commonwealth Court of Pennsylvania. *Id.* § 6341(g). Any such appeal must be perfected no later than 30 days from the mailing date of the BHA order. *Id.*

61. Second, a person named as a perpetrator in an indicated report may skip the First Level Review (administrative review) and go straight to Second Level Review by making a written request expressly requesting this process within 90 days after being notified of the report's status. *Id.* § 6341(a)(2).

62. As a practical matter, however, DHS generally interprets any written request for an "appeal" as a request for administrative review (First Level Review) rather than Second Level Review; therefore, unless the written request expressly and unequivocally states that the individual wishes to skip the administrative review process, the request is treated to First Level Review only.

63. Third, a person named as a perpetrator in an indicated report may at any time petition the DHS Secretary to amend or expunge a record in the ChildLine registry for "good cause" shown ("Discretionary Review"). *Id.* § 6341(a)(1). "Good cause" is defined to include "[n]ewly discovered evidence" that an indicated report is inaccurate or a "determination that the perpetrator

in an indicated report of child abuse no longer represents a risk.” *Id.*

64. If the Secretary refuses to amend or expunge the record as part of Discretionary Review, the individual may appeal to the BHA (*id.* § 6341(c)) and then the Commonwealth Court of Pennsylvania (*id.* § 6341(g)), similar to other types of appeals.

65. Notably, however, any Discretionary Review of an indicated report (whether conducted by the Secretary or on appeal to the BHA) is limited to a determination of whether “good cause” exists and will not address the merit of the underlying indicated report (except with respect to “newly discovered evidence”). In other words, an individual generally cannot challenge the accuracy or validity of an indicated report through Discretionary Review; such review is instead limited to considerations of “good cause” alone.

66. Many individuals are unable to obtain legal counsel and attempt to navigate this complex appellate process without the benefit of legal advice.

67. The CPSL’s time restrictions for appellate review are strictly applied. Any request for appellate review made after the 90-day deadline (other than a request for Discretionary Review for “good cause” shown) is untimely and is rejected.

68. Because Discretionary Review is limited to “good cause,” any subject of an indicated report who misses the original 90-day deadline is



forever precluded from challenging the accuracy or validity of an indicated report.

69. Individuals miss the mandatory 90-day appellate deadline for varied and numerous reasons, including lack of personal service, the fact that notices do not clearly explain the long-term implications of the indicated report, the fact that their lives are often in crisis at the time a report is made, and because they are often involved in related family court proceedings and do not understand that the processes are separate and distinct. Many individuals are unable to understand the import of the notice given to them and still others mistake the notice for an indication that the case has been closed.

70. Many individuals do not receive adequate notice or adequate explanation of the different types of available review – First Level Review, Second Level Review, and Discretionary Review – or how the different review levels relate to each other.

71. In any event, First Level Review is effectively meaningless because CARP rubber stamps the conclusions of the investigator. For instance, in 2021, CARP reviewed 849 cases and failed to overturn a single indicated report. 2021 Report at 24.<sup>4</sup> The same thing occurred in prior years: CARP reviewed 841

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<sup>4</sup> The 2021 data shows that of 849 reports that were appealed to CARP: 725 were upheld; 98 were dismissed; 26 remain pending; and zero were overturned. *Id.*

cases in 2020 and 956 cases in 2019; it failed to overturn a single indicated report either year. 2020 Report at 22; 2019 Report at 21.

72. Because DHS subjects all written requests for an “appeal” (*i.e.*, requests that do not expressly ask for a “hearing”) to First Level Review – which is meaningless – many individuals are unaware of their right to seek Second Level Review or Discretionary Review.

73. Many individuals mistakenly (but reasonably) believe that denial of First Level Review – which happened 100% of the time the past three years – means that their appeal has been denied and they have no further avenue for relief.

74. As a result, many individuals named as perpetrators in indicated reports either do not receive any type of appellate review<sup>5</sup> or, at most, receive only meaningless First Level Review.<sup>6</sup> In each of those cases, the investigator’s

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<sup>5</sup> Historically, fewer than one-third of individuals named in indicated reports of child abuse file for appellate relief. In 2021, there were 5,438 substantiated reports of child abuse but only 1,515 requests for First Level or Second Level Review. 2021 Report at 11, 24. Thus, less than 28% of individuals with indicated reports in 2021 sought review by CARP (First Level Review) or BHA (Second Level Review). The percentages are similarly low in prior years. *See* 2020 Report at 11, 22 (31%); 2019 Report at 10, 21 (35%).

<sup>6</sup> Of the limited number of individuals who request appellate review of an indicated report, the vast majority receive only First Level Review. *First*, most appellees fail to request a hearing before the BHA (Second Level Review) and are therefore subject to the rubber stamp administrative review by CARP (First Level Review). *See, e.g.*, 2021 Report at 24 (56% of appeals went to CARP); 2020 Report at 22 (54% of appeals went to CARP); 2019 Report at 21 (59% of appeals went to CARP). *Second*, very few individuals who are unsuccessful before CARP file for a BHA hearing. In 2021, for instance, 849 individuals received First Level

subjective determination (along with any supervisory review) is the sole basis for identifying the individual as a child abuser on the ChildLine registry.

75. Because those individuals are unable to challenge the factual underpinnings of an indicated report before being listed on ChildLine, the CPSL fails to provide the “opportunity to be heard” required by both due process guarantees and the Pennsylvania Administrative Agency Law, 2 Pa. C.S. § 504, and the caseworker’s investigative report cannot be considered a valid adjudication without further process. *See, e.g., J.F. v. Dep’t of Human Servs.*, 245 A.3d 658, 673 (Pa. 2021).

#### **4. BHA’s Remarkable Rates of Reversal for Indicated Reports**

76. As previously noted, First Level Review before CARP is meaningless. DHS Annual Reports show that CARP has not overturned a single indicated report at any point over the past three years.

77. However, Second Level Review before the BHA – which, unlike administrative review, includes an evidentiary hearing before a neutral arbiter

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Review. 2021 Report at 24. Even though all such appeals were denied, no more than 153 individuals (or only 18%) further appealed for Second Level Review. *Id.* The rates for the two prior years are similar. *See* 2020 Report at 22 (less than 11% of individuals unsuccessful at First Level Review sought Second Level Review); 2019 Report at 21 (only 27.5% of individuals unsuccessful at First Level Review sought Second Level Review). Thus, DHS’ own data conclusively establishes that the vast majority of individuals seeking appellate relief receive First Level Review only, which is meaningless relief since CARP has not overturned a single indicated report the past three years.

– is decidedly the opposite: In 2021, of the 70 cases directly appealed to the BHA that were decided on the merits, BHA overturned 64 – or 91% – of them. 2021 Report at 24.<sup>7</sup> Similarly, BHA overturned 94% of indicated reports in 2020 and 91% of indicated reports in 2019. *See* 2020 Report at 22; 2019 Report at 22. Thus, for each of the past three years, BHA has overturned more than 90% of the indicated reports directly appealed to it.

78. This remarkable rate of reversal (which applies only to the limited number of individuals who were aware of and persevered through Second Level Review) dispositively establishes that the initial investigative decisions – which form the sole basis for listing the subjects of indicated reports on the ChildLine registry – are often seriously flawed and lack evidentiary value.

79. The remarkably high BHA reversal rates of indicated reports stem from a combination of factors in the design and implementation of the CPSL, which include:

- a. The structure and design of the CPSL encourages reporting and was not initially intended to be used as an employment screening

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<sup>7</sup> In reporting the annual data, DHS makes a distinction between appeals made directly to BHA in the first instance (*i.e.*, where an individual expressly chooses to skip First Level Review) and those appeals to BHA that follow unsuccessful First Level Review. In 2021, DHS reports that there were 666 direct appeals to BHA. 2021 Report at 24. Of those 666 appeals: 585 remain pending; 9 were withdrawn; 2 were dismissed; and 70 were decided on the merits. *Id.* Of the 70 cases BHA decided on the merits, 64 were overturned and only 6 were upheld. Thus, BHA overturned 91% of the indicated reports directly appealed in 2021. *Id.* The 2021 Report also shows that BHA overturned 100% of indicated reports appealed to it after unsuccessful First Level Review. *Id.* (showing that of the 153 appeals to BHA that occurred after unsuccessful First Level Review or Discretionary Review, zero were upheld).

mechanism, which has led to flawed investigations that do not effectively test the evidence supporting the claim of child abuse or neglect;

- b. A practice and custom within investigating county agencies and among investigating caseworkers that encourages indicated findings;
- c. The vague and subjective definitions and standards in the CPSL that investigators, who typically lack legal and other training, erroneously apply; and
- d. The time pressures resulting from the CPSL's requirement that all investigations be completed within 60 days.

## **5. The CPSL's Impact on Poor Mothers and Families of Color**

80. The Constitution of the Commonwealth of Pennsylvania expressly provides that “[a]ll men are born equally free and independent, and have certain inherent and inalienable rights, among which are those ... of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.” PA. CONST. art. I, § 1.

81. The Constitution also provides that “[e]quality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania” due to an individual’s sex, race, or ethnicity. PA. CONST. art. I, §§ 28-29.

82. As currently implemented, the CPSL and the associated ChildLine reporting system is inconsistent with these commitments. The impacts from the denial of due process in connection with erroneous indicated reports of child abuse fall disproportionately on poor mothers and families of color.

83. The CPSL and associated ChildLine registry, like other aspects of the child welfare system, is more likely to ensnare disadvantaged populations in its net. *See, e.g.,* Reiko Boyd, *African American Disproportionality and Disparity in Child Welfare: Towards a Comprehensive Conceptual Framework*, 37 CHILD. & YOUTH SERVS. REV. 15 (2014); Emily Putnam-Hornstein et al., *Racial and Ethnic Disparities: A Population-Based Examination of Risk Factors for Involvement with Child Protective Services*, 37 CHILD ABUSE & NEGLECT 33 (2013).

84. Social science research establishes that allegations against poor women, who are disproportionately women of color, are in turn disproportionately referred to and substantiated by child welfare systems for maltreatment of children. *See, e.g.,* CHILDREN'S BUREAU, U.S. DEP'T OF HEALTH & HUMAN SERVS., CHILD MALTREATMENT 2018, at 19 (2020), available at <https://perma.cc/6325-6AZV> (last accessed August 9, 2022); Boyd, *supra*, at note 8; Putnam-Hornstein, *supra*, at note 8.

85. Moreover, social science research indicates that poor women, and particularly poor women of color, make up a disproportionate share of those individuals working in childcare occupations. *See, e.g.,* Henry & Lens, *Marginalizing Mothers: Child Maltreatment Registries, Statutory Schemes, and Reduced Opportunities for Employment*, 24 THE CITY UNIVERSITY OF NEW YORK LAW REVIEW 1, 3 (2021); Henry et al., *The Collateral Consequences of State Central*

*Registries: Child Protection and Barriers to Employment for Low-Income Women and Women of Color*, 64 SOC. WORK 373, 374 (2019).

86. Therefore, the use of Pennsylvania’s ChildLine registry falls most heavily along the lines of race, class, and gender, and creates a “cycle of poverty” from which many individuals cannot escape. Henry & Lens, *supra*, at 3.

87. Many substantiated reports of child maltreatment arise from neglect rather than abuse. Neglect is highly correlated with poverty. Henry & Lens, *supra*, at 11; Maguire-Jack et al., *Geographic Variation in Racial Disparities in Child Maltreatment: The Influence of County Poverty and Population Density*, 47 CHILD ABUSE & NEGLECT 1, 10-11 (2015).

88. The identification of neglect as a type of child maltreatment is highly subjective and subject to gendered and racialized expectations of childcare that make low-income mothers – and particularly women of color – more vulnerable to substantiation and registry listing than other groups. Henry & Lens, *supra*, at 10-12; Henry et al., *Substantiated Allegations of Failure to Protect in the Child Welfare System: Against Whom, in What Context, and with What Justification?*, 116 CHILD. & YOUTH SERVS. REV. 1, 3 (2020).

89. In 2021 alone, there were 788,344 requests for child abuse clearances from the ChildLine registry. 2021 Report at 26.

90. Because DHS indefinitely maintains the names of suspected

perpetrators of child abuse or neglect, being listed in the ChildLine registry is effectively a lifetime employment ban from a large segment of the Pennsylvania labor market.

91. Many of the jobs impacted by the CPSL and the ChildLine registry, including many positions in childcare, nursing, and home health care, are disproportionately filled by lower-income women and persons of color. As a result, placement on the ChildLine registry has a disproportionate and insidious effect on poor women, families of color, and the communities in which they live, which has the effect of harming the very children the CPSL was designed to protect.

## **6. Judicial Criticism of the CPSL System and Alternatives to the Unconstitutional Registry System**

92. Pennsylvania judges at all levels have expressed serious doubt that the CPSL's lack of a pre-deprivation hearing before an individual is listed on the ChildLine registry comports with due process guarantees. For instance, in *G.V. v. Department of Public Welfare*, 91 A.3d 667 (Pa. 2014), former Chief Justice Saylor noted that "the inquiry into whether the Pennsylvania statute reflects adequate due process remains seriously in question" and recognized that the CPSL "is in tension with the constitutional preference for pre-deprivation process." *Id.* at 674 n.1 (Saylor, J., concurring). Similarly, in *J.P. v. Department of*



*Human Services*, 170 A.3d 575 (Pa. Cmwlth. 2017), then-Judge (now-Justice) Brobson expressed “concern that the lack of a pre-deprivation hearing raises a serious due process question,” noting that “an indicated report goes into the registry on the basis of the investigation alone” which results in the alleged perpetrator “suffer[ing] a loss to reputation and possibly employment, all without a hearing.” *Id.* at 581-82.

93. This Court has repeatedly expressed profound concern over the constitutionality of the registry process under the CPSL. *See, e.g., C.S. v. Dep’t of Human Servs.*, 184 A.3d 600, 607 (Pa. Cmwlth. 2018) (recognizing “the lack of an adequate pre-deprivation hearing in the statute” despite the “harm [that] occurs to an individual’s reputation the moment the abuse is reported, the aggravation of which continues unless or until the record is expunged”); *D.C. v. Dep’t of Human Servs.*, 150 A.3d 558, 566-67 (Pa. Cmwlth. 2016) (expressing concern over the constitutionality of CPSL and noting “[t]he post-deprivation process ... has already been criticized in published appellate opinions” but the issue “has yet to be squarely addressed”); *K.J. v. Dep’t of Public Welfare*, 767 A.2d 609, 613 (Pa. Cmwlth. 2001) (Friedman, J., dissenting) (CPSL scheme, which allows caseworkers generally untrained in the law to render a *de facto* determination that permanently ruins a citizen’s reputation, “shocks my conscience”).

94. For similar reasons, courts in numerous other jurisdictions have held registry systems like ChildLine to be unconstitutional for failing to comport with due process. For instance, in *Jamison v. State of Missouri, Department of Social Services, Division of Family Services*, 218 S.W.3d 399, 417 (Mo. 2007), the Supreme Court of Missouri unanimously found the state’s child abuse registry system – which operated similarly to ChildLine – to be unconstitutional, recognizing that “individuals subject to having their names included in the Central Registry have a constitutionally protected liberty interest because the dissemination of their names from the Central Registry creates a stigma damaging their reputation and effectively precludes their employability in the profession of their choosing” and holding that individuals “are entitled to notice and a pre-deprivation hearing” before being listed on the registry. Moreover, in *In re W.B.M.*, 690 S.E.2d 41, 52 (N.C. Ct. App. 2010), the court held that “an individual has a right to notice and an opportunity to be heard before being placed on the [registry]” and that “at the constitutionally necessary pre-deprivation hearing in the district court, the director shall have the burden of proving abuse or serious neglect and identifying the responsible individual by a preponderance of the evidence.” *See also, e.g., Winegar v. Des Moines Indep. Cmty. Sch. Dist.*, 20 F.3d 895, 901 (8th Cir. 1994) (“[An] investigation is exactly that—an investigation. No matter how elaborate, an

investigation does not replace a hearing.”); *Valmonte v. Bane*, 18 F.3d 992, 1004 (2d Cir. 1994) (holding that New York’s child abuse registry did not provide sufficient procedures to comport with the mandates of due process).

95. In recognition of the constitutional requirement to provide due process before identifying individuals on a child abuse registry, Georgia recently abolished its registry system entirely (*see, e.g.*, Georgia Dissolves Child Abuse and Neglect Registry (Sept. 4, 2020), available at: <https://imprintnews.org/news-briefs/georgia-dissolves-child-abuse-and-neglect-registry/47207> (last accessed August 9, 2022)) and other states – including Alabama, Arizona, Arkansas, Delaware, Louisiana, Maryland, Nevada, and North Carolina – provide for a pre-deprivation hearing either (a) before an administrative finding of child abuse or (b) before listing an alleged perpetrator’s name in the registry. *See, e.g.*, ALA. CODE § 26-14-7.1(4)-(11); ARIZ. REV. STAT. ANN. § 8-811; ARK. CODE ANN. § 12-18-812; 16 DEL. CODE ANN. § 924; LA. CHILD. CODE ANN. art. 616; MD. CODE ANN., FAM. LAW § 5-714; NEV. REV. STAT. ANN. § 432B.317; N.C. GEN. STAT. ANN. § 7B-320(c) & 323(a).

96. These systems work effectively to provide protection to children while also protecting the rights of potential subjects of reports. Pennsylvania can, and should, adopt the same due process procedures for those individuals named in an indicated child maltreatment report.

97. In recognition of the important liberty and reputational interests at stake, the Constitution of the Commonwealth of Pennsylvania requires DHS to provide an individual accused in an indicated child abuse report with meaningful notice and a hearing before that individual is listed on the ChildLine registry.

**B. Petitioners<sup>8</sup>**

**1. Petitioner A.W.**

98. A.W. is a 57-year-old certified nursing assistant who, for the past ten years, has worked as a direct support staff person at COMHAR, a Philadelphia non-profit organization that provides behavioral and mental health services, assistance for people with intellectual and developmental disabilities, and children and family services.

99. A.W. has years of experience working with Alzheimer's patients and with providing services to other vulnerable populations.

100. In August 2021, A.W. applied for a job at a Philadelphia non-profit organization that provides services to children with behavioral health issues. She was hired and began her training. As part of the hiring process, A.W. was required to provide a ChildLine clearance. Her clearance showed an indicated

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<sup>8</sup> The supporting declaration of each Petitioner is attached to this Petition for Review as an exhibit.

report from 2004 and, as a result, the job offer was revoked and A.W. was forced to leave her job.

101. In 2004, A.W. had been working at a group home for children with cerebral palsy. In June 2004, one of the children at the home developed unexplained bruising. A doctor examined the child and opined that the bruises were from an incident that occurred within the immediately preceding one-week period. Based upon the doctor's opinion, DHS indicated every staff member who had worked a shift at the group home during that one-week period, without identifying any evidence showing what had happened or who was responsible for the bruising.

102. A.W. did not cause the bruising of the child. When questioned by two DHS investigators, she stated that she had no idea how the bruising occurred.

103. In total, DHS indicated seven total employees of the group home, including A.W., and placed all of them on the ChildLine registry.

104. A.W. understood that the executive director of the group home filed appeals of the indicated reports on behalf of all staff members; however, A.W. never received any response to the appeal request. Only recently through counsel did A.W. learn that DHS had summarily denied a request for administrative review (First Level Review) on her behalf.

105. A.W. never received notice of the First Level Review determination in 2004 and, therefore, never had a chance to appeal that determination.

106. A.W. never received an evidentiary hearing concerning the incident.

107. In 2004, A.W. did not understand how the CPSL appellate process worked. She did not understand that she could have requested a Second Level Review (had she received timely notice of the First Level Review determination, which did not occur) or that she was entitled to request an evidentiary hearing. A.W. would have strongly preferred to have an evidentiary hearing concerning the underlying incident had she known that option was available to her.

108. Until very recently, A.W. did not understand what it meant to have an indicated report. She did not understand that she would be listed on the registry for life and did not appreciate the substantial impact that being identified on the ChildLine registry would have on her life.

109. A.W. raised four children and now has 11 grandchildren. She had never had any involvement with DHS other than the group home incident in 2004.

110. In 2021, A.W. applied for Discretionary Review from the DHS Secretary and explained how the ChildLine listing was precluding her from finding alternative employment.

111. In February 2022, the DHS Secretary denied A.W.'s request for expungement without explanation.

112. Unfortunately, A.W. suffered a stroke in April 2022 and, as a result of her health challenges, was unable to timely appeal the Discretionary Review denial.

113. A.W. was placed on the ChildLine registry even though there was no evidence even suggesting – let alone conclusively demonstrating – that any child abuse occurred or that A.W. was responsible for the bruising on the child. Had she been provided with an evidentiary hearing prior to being listed on the ChildLine registry, she is highly confident that she never would have been listed on the registry.

114. Because A.W. missed the original 45-day appellate deadline that existed in 2004, she is unable to effectively challenge the accuracy of the underlying indicated report. Even if she again chooses to seek Discretionary Review, she will be limited to showing “good cause” and will not be permitted to attack the factual inaccuracy of the indicated report.

115. As a result of being improperly listed on the ChildLine registry, A.W. has been denied multiple employment opportunities. Prospective employers are eager to hire A.W. but are precluded from doing due to the indicated report. A.W. feels stuck in her current job because she cannot be

employed in any capacity where the organization is required to obtain, or voluntarily chooses to require, ChildLine clearances. She has decades of experience working with vulnerable populations but her listing on the ChildLine registry is preventing her from advancing professionally.

116. As a result of being improperly listed on the ChildLine registry, A.W. has suffered embarrassment and mental anguish.

117. As a result of being improperly listed on the ChildLine registry, A.W. is precluded from going on school trips with her grandchildren or otherwise participating in her grandchildren's educational and recreational activities.

## **2. Petitioner M.A.**

118. M.A. is a 29-year-old nursing student who has been barred from continuing her education because she was incorrectly placed on the ChildLine registry without a hearing.

119. M.A. obtained her Associates Degree in Healthcare Studies at Community College of Philadelphia ("CCP") in 2020. When she started the program at CCP, she was required to provide a child abuse clearance and the report showed no indicated reports.

120. M.A. subsequently enrolled in the nursing program at Holy Family University and was on track to graduate in 2023. In March 2021, however, Holy



Family asked her to provide a child abuse clearance before beginning her practical work. On this occasion, the clearance showed an indicated report from 2017 involving M.A.'s daughter.

121. In March 2017, M.A.'s boyfriend was taking care of M.A.'s three-year-old daughter while M.A. was at work. The child developed a rash across parts of her body and, after returning home from work, M.A. and her boyfriend, concerned that the child was having an allergic reaction, took her to St. Christopher's Hospital for Children. The hospital staff took x-rays and a performed CAT scan but found no fractures or signs of other injuries. They also noted that the child was not in pain. The hospital nonetheless contacted DHS over concern that the marks could have been bruises caused by physical abuse.

122. A DHS investigator came to the hospital and interviewed M.A. and the child. The social worker found that the child "laughed, played, hugged [M.A.]" and was "very busy running around the room, entertaining herself and enjoying a little free time." The social worker also noted that M.A. "did take the necessary steps to have the child seen by a medical professional team" about the marks.

123. When the investigator spoke to M.A.'s boyfriend, he stated that did not know how the child could have gotten marks like that and said the only thing he could think of was that he and the child liked to "horse play." He also

explained that he took care of the child several days a week while M.A. worked and had never had any previous problems or seen any marks on the child.

124. While DHS completed its investigation, M.A. ended up in Dependency Court and the child went to live with her father. The Dependency Court ultimately found no evidence of abuse against M.A. and ultimately discharged the dependency petition on March 31, 2017. As far as M.A. knew, the Dependency Court determination was the end of DHS's involvement. She did not receive any other notices from DHS.

125. Unbeknownst to M.A., however, DHS had filed an indicated report of child abuse against both M.A. and her boyfriend. Specifically, the CY-48 stated that M.A. was indicated for "[c]ausing bodily injury to child through recent act/failure to act" because she allegedly "left child in the care of paramour... having the knowledge of [the paramour] and child horse playing that led to child's physical injuries."

126. Once M.A. received the clearance showing the indicated report while at Holy Cross, she immediately filed an appeal. Because she submitted her appeal after the 90-day deadline, her case was first scheduled for a hearing on the timeliness of her appeal. After the representative from ChildLine testified that the original notice they mailed to M.A. was returned as undeliverable, the Administrative Law Judge ruled that her appeal could go forward to a merits

hearing.

127. In January 2022, M.A. had a BHA merits hearing.

128. The BHA has not made a decision on the appeal and M.A. remains listed on the Childline registry.

129. As part of the appellate process, M.A. was able to review DHS' investigation file. The file included a note from a follow-up appointment with the doctor at St. Christopher's hospital dated March 23, 2017. The note stated that the child's paternal grandparents had taken the child to Children's Hospital of Pennsylvania ("CHOP") for a "second opinion" where she was "diagnosed with eczema," "prescribed hydrocortisone and eucerin lotion," and that upon treatment her "skin [was] much improved." In other words, CHOP determined that the rash on the child was the result of eczema and not bruising. M.A. was not previously aware of this information.

130. As a result of being listed on the ChildLine registry, M.A. was required to take a leave of absence from nursing school in January 2022. She was not permitted to complete her training in a hospital setting with an indicated report on her record. If the indicated report is not fully expunged by the fall semester, she will be forced to drop out of the program all together.

131. M.A. is currently working at Applebee's to support herself and her family, but her income from the position only allows her to "get by" and she is

never completely comfortable. She wishes to pursue a career in nursing to provide a better life for her children.

132. Had M.A. been provided a hearing and an opportunity to defend herself before being placed on the registry, she strongly believes that she never would have ended up on the registry and been forced to interrupt her education and tarnish her reputation in her school community. More importantly, M.A. would have had access to the DHS file earlier and discovered the eczema diagnosis, which would have proved that her daughter did not suffer any injuries. She also would have been able to show that her boyfriend was a trustworthy caregiver and that she had no reason to doubt that he would care appropriately for the child.

133. Because M.A. never had a chance to defend herself, she has suffered and continues to suffer from the consequences of being placed on the registry without merit.

### **3. Petitioner W.B.**

134. W.B. is a New York resident who works as a therapist for children in the foster care system in New York City. She has worked with children in the foster care system since earning her master's degree nearly 10 years ago.

135. W.B. also has a family home in Monroe County, Pennsylvania, which she routinely visits with her two children, J.H. and H.H., who are 5 and 11 years

old.

136. In the winter of 2019, W.B. was with her family at the home in Monroe County, Pennsylvania. Her daughter, J.H., was 20 months old at the time. During the visit, J.H. was running towards W.B. when J.H. fell and tumbled forward hitting her head against the wall.

137. J.H. cried briefly but then seemed fine. W.B. monitored her daughter for signs of concussion overnight. In the morning, W.B. noticed some swelling on J.H.'s neck and became concerned so she took J.H. to the hospital.

138. The hospital ran tests and told W.B. that her daughter had a small fracture in her skull where her head had hit the wall. Although the fracture required no further treatment, the hospital called the County Children and Youth Agency to open an investigation into the possibility of abuse.

139. Because W.B. and her family live in New York, the case was transferred there. After hearings were held in New York Family Court in which Dr. Saadi Ghatan, the Chair of Neurosurgery at Mt. Sinai Hospital, testified that the injuries J.H. had suffered were clearly caused by an accidental fall and not the result of child abuse, the family court judge dismissed the case against W.B. and reunited her with her children. The Child Advocate in the case, after hearing the evidence, also agreed that she should be reunited with her children.

140. However, because the incident occurred in Pennsylvania, W.B. has

remained on Pennsylvania's ChildLine registry for more than three years.

141. W.B. experienced many delays in her efforts to appeal being placed on the registry. Due to the family court proceedings in New York, her appeal was stayed. The existence of any court proceedings involving the same incident causing someone to be on the registry stays all appears until those collateral proceedings are resolved. During that entire time period, W.B. remained listed on Pennsylvania's ChildLine registry.

142. Despite the judicial finding in New York that J.H. was not the victim of child abuse, W.B. still had to proceed to a hearing before the BHA in Pennsylvania. W.B. then faced additional delays in her Pennsylvania expungement case due to the Covid-19 pandemic and continuances in the case.

143. W.B. finally had a hearing on the merits of her case in July 2022. The decision remains pending.

144. Even though W.B. is currently employed in New York, she lives in fear that the fact she remains on the registry in Pennsylvania will tarnish her professional reputation in her field and lead to loss of her employment.

145. W.B. has also been prevented from moving back to Pennsylvania to be closer to her family since she would not be able to work in her professional field due to her being erroneously listed on the registry.

146. W.B. is currently in school earning her Doctorate in Education. She

remains afraid that her school and community of colleagues will learn that she is listed on the ChildLine registry in Pennsylvania and that it will thwart her ability to advance in her career.

147. As a mandated reporter who works with children and youth in the foster care system, W.B. cares deeply about ensuring that children are safe and protected. W.B. even understands why the hospital called the child welfare agency in her case, and why the agency investigated the situation to make sure her child was not being abused. However, W.B. does not understand why she was placed on the registry without ever having a chance to be heard first and why she has remained on the registry for three years.

148. Being labeled a child abuser because her child suffered an accidental injury has been traumatic to W.B. and her children. It has affected W.B.'s livelihood and continues to constrain her ability to move and work freely. As soon as the evidence in the case was heard in New York, W.B. was cleared of the allegations. W.B. believes that, had she had the chance to be heard in Pennsylvania before being placed on the registry, she never would have been listed in the first place.

#### **4. Petitioner T.W.**

149. T.W., a lifelong resident of Philadelphia, is a registered nurse who has worked at the Children's Hospital of Philadelphia since 2019.

150. T.W. is the single mother of two children, K.H. and B.H, who participate in extracurricular activities throughout the year and play multiple sports. T.W. is a very involved parent who attends and supports her children's activities. As a result, T.W. is often around groups of children – for instance, when volunteering at school, chaperoning a trip, traveling to a tournament, or at one of the children's games.

151. T.W. loves children, loves her job and loves being around and working with kids.

152. Due to a decision by DHS to indicate a false report of alleged abuse against her in Spring 2022, however, T.W. may be forced to permanently leave her job and her entire field of work. She will also be prevented from further participating in her children's activities.

153. In April 2022, T.W.'s 15-year-old daughter, K.H., who was upset that T.W. had taken away her phone privileges, attempted to run away by climbing out of her second-floor bedroom window.

154. Scared for her daughter's safety and well-being, T.W. grabbed K.H. to prevent her from falling out the second-story window and harming herself.

155. The following day, K.H. went to school and falsely reported to the school nurse that she had been abused. Those statements are untrue.

156. In June 2022, after a very brief investigation by the Philadelphia



Department of Human Services, T.W. received notice that a report against her was indicated.

157. The allegations of abuse are false and T.W. strenuously disagrees with the indicated status. T.W. did not take any actions to intentionally hurt K.H. that night (or on any other occasion); she was simply trying to protect her daughter.

158. Since the incident, T.W. has obtained counseling services for K.H. to ensure she is getting the help that she needs.

159. The false allegations against T.W. put her career in jeopardy and losing her career would materially interfere with her ability to care for her own children, including K.H. CHOP will not continue to employ T.W. as a registered nurse unless her appeal succeeds and the report is expunged. Unless and until expungement occurs, T.W. is required to leave her current job (and the entire field of working with children), which is her passion and where she has the most experience.

160. The false report of abuse also prevents T.W. from being a present parent at her children's school. Unless and until expungement occurs, T.W. is not permitted to chaperone on school trips or volunteer at her children's schools.

161. T.W. promptly filed an appeal herself as soon as she learned of the

indicated report. She is determined to have the report expunged and removed from her record as quickly as possible so that it will no longer be a threat to her career and her ability to work with her children and their schools.

162. When she wrote her appeal request, T.W. did not realize that, to get the fastest review of her case, DHS required her to specifically ask to skip the administrative review (First Level Review) and go straight to a hearing (Second Level Review). T.W. simply stated that she wanted to appeal.

163. After she mailed her appeal letter, T.W. reached out to Community Legal Services for further assistance in clearing her name. It was at that point she learned for the first time that, unless an individual specifically requests a hearing, DHS will only conduct an administrative review that takes months to resolve. T.W. also learned that indicated reports are never expunged in administrative reviews, but those who request them must wait until that review is completed before they can finally request a hearing (Second Level Review).

164. T.W. did not realize that filing an appeal request without mentioning a hearing would mean that her appeal would have to complete First Level Review before she could ask for a hearing. Had she known that fact, she never would have filed an appeal without a hearing request.

165. As a result of the delay, T.W. may permanently lose her job at CHOP.

166. As a result of the delay, T.W. is prevented from actively participating in her children's educational and recreational activities.

**5. Petitioner P.L.**

167. P.L. is a 36-year-old mother who has been barred from employment opportunities in the healthcare and childcare fields because she was incorrectly placed on the Childline registry in 2008 without a hearing.

168. At the time of the incident that resulted in her placement on the registry, P.L. was a 22-year-old single mother caring for her one-year-old child. The child's father was incarcerated and P.L. did not have much family assistance. She was doing hair from her home to make ends meet to support her family.

169. In May 2008, P.L. was doing a client's hair while her one-year-old son was in the room. While T.W. was speaking to the client, her son touched a hot hair iron with his hand. Immediately upon hearing him cry, P.L. applied first aid and ran her son's fingers under cold water. The redness subsided and a blister formed. Believing that her son's injuries were minor and had been treated correctly, she continued to monitor her son but otherwise proceeded as normal.

170. The following day, P.L. dropped off her son to his paternal great-grandmother. P.L. showed her the injury from the prior day and explained what

had happened. Her son's great-grandmother took the child to the hospital for an evaluation. The hospital staff called DHS to make a report of abuse.

171. As the result of this incident, P.L.'s son was briefly removed from her care and placed in the care of his great-grandmother. After several months, P.L. was able to secure physical custody of her son and he has continuously remained in her care since the incident. The child has grown up to be an honor student and is a wonderful son.

172. In July 2008, P.L. received notice that she had been indicated as a perpetrator of child abuse. She was advised that she had 45 days to submit in writing an appeal of the indicated report.

173. P.L. submitted a written appeal that was treated to First Level Review.

174. In July 2009, P.L. received a letter stating that the review was complete and the report was found to be accurate.

175. P.L. did not understand the process and thought that her appeal had been denied with no further recourse. She did not understand that she still had an option to request a hearing.

176. In 2017, P.L. applied for a job as a home health care worker and was denied the job because of the indicated report. When she realized the report would stop her from working in health care, she submitted a second written

appeal and requested a hearing.

177. In March 2017, P.L. attended a hearing in Harrisburg to decide whether her appeal was timely. She did not have a lawyer at the hearing and represented herself.

178. In April 2017, P.L.'s appeal to the BHA was dismissed as untimely.

179. In the years following her placement on the Childline Registry, P.L. was denied work, deterred from seeking employment opportunities, and limited from taking on additional work responsibilities.

180. P.L. has a position available to her at a hospital where her father has worked for nearly 40 years; however, she is unable to apply and secure that position because she has an indicated report against her.

181. P.L. is interested in opening a daycare of her own but the indicated report prevents her from working with children and obtaining the requisite license to operate a daycare.

182. When P.L. was first placed on the registry, it was among the lowest and most challenging times in her life. She has suffered the consequences of remaining on the registry for nearly 14 years because of mistakes that she made while trying to navigate a confusing and intimidating appeal process without legal assistance. P.L. believes that, had she received a hearing before being placed on the ChildLine registry, she would have been able to tell her story and

could have avoiding being listed on the registry and denied employment opportunities for all these years.

**6. Petitioner La Liga del Barrio**

183. La Liga del Barrio is a non-profit youth basketball league that offers Latino youth an opportunity to develop basketball skills and enjoy the game while also promoting educational achievement. La Liga currently has over 400 children on 36 different teams, and has served between 10,000 and 15,000 children over the last 22 years.

184. La Liga has an annual budget of approximately \$67,000. La Liga has no paid staff and relies on a team of over 200 volunteers who coach, work the concession stands, monitor the hallways, and coordinate games and logistics.

185. Because La Liga depends on parents and other community members to volunteer in order to keep the league running, La Liga continually seeks additional volunteers. As required by Pennsylvania law, La Liga requires ChildLine clearances from all volunteers.

186. Over the last 20 years, more and more parents have been unable to volunteer with La Liga because they are listed on the ChildLine registry. La Liga has been forced to turn away dozens of parents who offered to participate as coaches with their children's teams or help out in other ways. Many more parents have decided not to offer help because they know they cannot provide

the necessary clearance. Some of these parents have been attending games for 15 years and would love to take on a more active role but are forced to sit in the bleachers because they have indicated reports.

187. Many of these parents never received notice of being listed on the ChildLine registry and first learned of their status only after they requested a clearance in order to volunteer with La Liga. Most of the parents are Spanish-speakers, and language barriers have contributed to confusion about the registry process and what they can do to get off the registry, especially since ChildLine registry notices are only sent in English. Being on the registry has caused embarrassment and frustration for parents who cannot be there for their children.

188. The La Liga children have also suffered as a result of their parents not being able to participate with the league. For example, a team from La Liga was invited to attend a tournament in Indianapolis, and all children needed an adult chaperone to accompany them on the trip. However, several kids were not able to go because their parents could not provide the required ChildLine clearances, which meant those children were forced to miss playing in the tournament.

189. La Liga has struggled to find enough volunteers to maintain its operations, in large part because potential volunteers are unable to provide the

required clearances. La Liga always needs more coaches, but many parents who want to be involved are prohibited from participating. In one instance, a referee was not allowed to continue with the league because he had an indicated report.

190. La Liga believes that the current process of placing people on the registry due to “indicated” reports without having a hearing first is unconstitutional and that, if parents were able to have a hearing before being placed on the registry, it would not have to exclude so many caregivers from participating in organizational activities.

## **7. Petitioner Philadelphia Lawyers for Social Equity**

191. Philadelphia Lawyers for Social Equity (“PLSE”) is a non-profit legal service organization that provides advice and representation to low-income residents of Philadelphia facing social and career barriers due to their criminal records. PLSE achieves this by filing expungement petitions in criminal court and assisting individuals apply for pardons from the Governor; educating elected, business and community leaders; and empowering and organizing under-resourced communities, and leading legislative, administrative, and systemic reform.

192. PLSE has an annual budget of \$750,000. PLSE employs 17 individuals and each year serves hundreds of Philadelphia residence in need of legal assistance.



193. PLSE primarily receives its clients from community expungement clinics and through a phone intake system. Prospective clients provide PLSE employees and volunteers with information regarding their legal concerns. Based on the issues presented and criteria such as income-level and residency, PLSE then determines whether it can provide legal assistance to prospective clients. PLSE serves approximately 1,500 clients each year.

194. Given the number of community members it serves, PLSE encounters clients with a variety of barriers preventing them from working, accessing public benefits, and participating in their communities. An issue of growing importance and concern to PLSE clients is placement of low-income individuals on Pennsylvania's Childline registry due to indicated reports of child abuse or neglect.

195. PLSE has had multiple clients attend its community-based expungement clinics where they presented issues concerning placement on the ChildLine registry due to indicated reports.

196. PLSE regularly receives phone intake calls from prospective clients who present with concerns about their placement on the ChildLine registry due to indicated reports.

197. Due to the continuing and ongoing presentation of the ChildLine registry as a significant employment barrier to PLSE's client population, PLSE

has begun to provide regular advice and representation to clients on the ChildLine registry.

198. In these interactions, many PLSE clients have expressed surprise and dismay upon discovering they have indicated reports on the ChildLine registry. In some instances, clients did not realize that they were under investigation by DHS for alleged abuse or neglect at all; others did not know that their reports had been indicated. Still others could not understand the letters they received or figure out how to navigate the complex appeals process. Even as legal professionals, PLSE staff have faced challenges figuring out the procedural aspects of how to appeal placement on the ChildLine registry due to its complexity.

199. PLSE clients who have been placed on the ChildLine registry due to indicated reports have been denied employment opportunities. Several PLSE clients have been terminated from jobs in behavioral health or childcare and denied further employment in these fields. In one instance, a PLSE client was successfully working as a behavioral health tech in a nursing home environment when she was placed on the registry and was in immediate danger of losing her employment during the appeals process, which is lengthy.

200. PLSE clients have seen their ability to care for their families stripped away. One PLSE client was placed on the registry as a result of

accidental injury for which a specific perpetrator was not named in the report. This client is an older woman who agreed to babysit her infant granddaughter overnight. After the visit, she observed the child to be drowsy and irritable and she was taken to the hospital, where evidence of past injuries was noted. Because the doctors could not accurately date the injuries within the preceding 48 hours, mother, father, and grandmother were all named as perpetrators. As a result, this client was barred from seeing and caring for her granddaughter.

201. PLSE has observed that the clients who have presented with ChildLine registry issues are disproportionately low-income women of color, who are then blocked from working in fields such as health care and childcare. PLSE has observed that many of its low-income clients seek work in these two fields as they are fields that are accessible and have a high demand for workers.

202. PLSE has observed that many of the positions that its clients are blocked from due to having indicated reports and being placed on the ChildLine registry are not even ones that involve regular child contact. While Pennsylvania law requires childcare facilities to exclude workers with indicated reports, there are not statutory requirements to exclude individuals with indicated reports in other types of jobs. However, the requirement that employers hiring for jobs that have “direct contact with children” procure a ChildLine clearance in practice has been broadly interpreted and had led to

widespread exclusion from jobs. PLSE sees clients denied from jobs including home health care, senior care, and behavioral health care due to their placement on the registry. These include positions such as cleaning jobs and cafeteria jobs that do not include providing direct care to children. Ultimately, PLSE has concluded that placement on the registry due to an indicated report operates as an absolute bar to many kinds of jobs in the health care industry, in addition to all childcare jobs.

203. As more prospective clients have approached PLSE for assistance with removal from the ChildLine registry, PLSE has been required to redirect resources and make changes to its internal intake processes to meet this need. Because clients have been befuddled by the appellate process and cannot afford to hire counsel with expertise in this field, PLSE staff has had to learn a new area of law to ensure clients are receiving proper advice and representation.

204. PLSE believes that the current process of placing people on the registry due to indicated reports without having a hearing first is unconstitutional. If individuals with indicated reports were provided with an opportunity to be heard before being placed on the registry, many would never suffer employment consequences and would not need legal help, which would allow PLSE to redirect its resources back to its primary mission of expunging criminal records.

## **CLAIMS FOR DECLARATORY AND INJUNCTIVE RELIEF**

205. Petitioners seek a judicial declaration that those provisions of the CPSL and the implementing regulations requiring DHS to immediately place an individual on the ChildLine registry based solely on an indicated report of child abuse (*see, e.g.*, 23 Pa.C.S. § 6338(a); 55 Pa. Code § 3490.35), without first providing that individual with prior notice and an evidentiary hearing before a neutral arbiter to challenge the evidence, to be unconstitutional, both facially and as applied to Individual Petitioners.

206. The CPSL and its implementing regulations violate the rights to due process inherent in Article I, Section 1 of the Constitution of the Commonwealth of Pennsylvania by requiring DHS to immediately place an individual on the ChildLine registry based solely on an indicated report of child abuse, without first providing that individual with notice and an opportunity for an evidentiary hearing before a neutral arbiter to challenge the evidence before being listed.

207. The CPSL and its implementing regulations violate the rights to reputational protection expressly guaranteed by Article I, Section 1 of the Constitution of the Commonwealth of Pennsylvania by requiring DHS to immediately place an individual on the ChildLine registry based solely on an indicated report of child abuse, without first providing that individual with notice and an opportunity for an evidentiary hearing before a neutral arbiter to

challenge the evidence before being listed.

208. The CPSL and its implementing regulations violate Section 504 of Pennsylvania's Administrative Agency Law, 2 Pa.C.S. § 504, by failing to provide an individual accused of child abuse in an indicated report with any opportunity to challenge the factual underpinnings of the report before placing that individual on the ChildLine registry before being listed.

209. Petitioners therefore seek a judicial declaration that the CPSL's mandatory requirement for immediately listing individuals accused of child abuse on the basis of an indicated report to be unconstitutional, both facially and as applied to Individual Petitioners, and cannot be lawfully enforced.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioners pray that this Honorable Court:

- a. assume original jurisdiction of this suit;
- b. declare those provisions of the CPSL and the implementing regulations requiring DHS to immediately place an individual on the ChildLine registry based solely on an indicated report of child, without first providing that individual with prior notice and an opportunity for a prior evidentiary hearing before a neutral arbiter to challenge the evidence, to be unconstitutional, invalid, and illegal as violative of the Constitutional of the Commonwealth of Pennsylvania;
- c. declare the process of placing Petitioners here on the ChildLine registry based solely on indicated reports of child maltreatment, without first providing them with prior notice and a prior evidentiary hearing before a neutral arbiter where they could

challenge the evidence against them, to be a violation Section 504 of the Administrative Agency Law;

- d. order DHS to remove the Individual Petitioners from the ChildLine registry until they are provided with an adjudication following an evidentiary hearing before a neutral arbiter;
- e. enjoin the Commonwealth and its agencies from enforcing those provisions of the CPSL and the implementing regulations that purportedly require DHS to immediately place an individual on the ChildLine registry based solely on an indicated report of child maltreatment;
- f. mandate that DHS adopt an evidence-based approach to the investigation and adjudication of reports relating to child maltreatment that both promotes the health and safety of children and families and provides due process of law to those accused of child maltreatment, including meaningful notice of the allegations, a hearing before a neutral body, the opportunity to present evidence rebutting the allegations, and a clear and understandable appellate process without unreasonable time limitations; and
- g. mandate that DHS provide notice to and permit any individual currently listed on the ChildLine registry based on an indicated report, and who did not previously have a hearing before a neutral body to present evidence rebutting the allegations, to demand such a hearing within 24 months of the Court's final judgment in this matter; and
- h. provide such other and further relief as this Court deems just and proper.

Dated: August 10, 2022

**LeVAN STAPLETON SEGAL COCHRAN LLC**

/s/ Peter H. LeVan, Jr.

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*Attorneys for Petitioners*



**DECLARATION OF A.W.**

I, A.W., hereby depose and state, subject to the penalties of 18 Pa. Con. Stat. § 4904, relating to unsworn falsification to authorities, that the following facts are true and correct to the best of my knowledge, information, and belief.

1. My name is A.W. I live in Philadelphia, PA. I am 57 years old. I was born in Torrence, California and have lived in Philadelphia, PA since 1983.
2. I have a high school diploma from Woodrow Wilson Highschool in Philadelphia, and I obtained a degree as a Certified Nursing Assistant in the late 1980s. I worked as a CNA with Alzheimer's patients for many years in Philadelphia. For the last 10 years, I have worked as a Direct Support Staff for COMHAR, a non-profit organization in Philadelphia, PA that provides a wide range of services, including behavioral and mental health services, assistance for people with intellectual and developmental disabilities, and children and family services. I distribute medication, prepare meals, provide transportation, and assist with bathing and other needs for people with intellectual and developmental disabilities.
3. In August 2021, I applied for a new job at another non-profit organization in Philadelphia that would have involved working with kids with behavioral health issues. The organization hired me and I began my training. As part of the hiring process, I was required to provide a ChildLine clearance. My clearance showed an indicated report from 2004 for physical abuse. As a result, I had to stop my training and the job offer was withdrawn.
4. In 2004, I was working at a group home for children with cerebral palsy. In June 2004, one of the children at the home developed unexplained bruising and was examined by a doctor, who determined that the bruises would have been caused in the one-week period prior to the date of the examination. Based on the doctor's evaluation, DHS indicated every staff member who had

worked a shift at the group home during that weeklong period, without identifying any evidence about what happened or who was responsible. In total, DHS indicated seven people and placed them all on the ChildLine registry.

5. I did not cause the bruising on the child. At the time, I spoke with two DHS investigators and told them that I had no idea how the bruising occurred.
6. The executive director of the organization where I was working attempted to file appeals of the indicated reports for all of the staff members, but never received any response to the appeal request. I found out from my lawyer at Community Legal Services years later that DHS had denied an administrative review request for me, but I never received any notice of that, so I did not have a chance to appeal and never had a hearing.
7. In 2013, I submitted another appeal request but was denied again. Throughout this process, I did not understand how the appeal process worked or what it meant to have an indicated report. I did not understand that I could have had a hearing where DHS would have to prove the allegations against me. I simply asked to appeal the decision and would have preferred to have a hearing if I knew that were an option. I also did not understand that I would be on the registry for life or how it would impact me going forward.
8. I have raised four children and now have 11 grandchildren. I have never had any other involvement with DHS, or any allegations of misconduct or abuse in my work with seniors, Alzheimer's patients, or people with developmental and intellectual disabilities.
9. In 2021, after I was denied the job working with children, I contacted ChildLine to ask how I could get off the registry and was told to write a letter to the Secretary of DHS. In my letter, I explained how being on the registry was holding me back from finding a better job. However, in

February 2022, my request to expunge the report was denied under 23 Pa. C.S. § 6341(a)(1) without any explanation.

10. Unfortunately, I recently suffered a stroke in April 2022, and as a result was not able to file an appeal of the decision to deny my expungement request under 23 Pa. C.S. § 6341(a)(1) within the 90-day deadline. I am still listed on the ChildLine registry.

11. I was placed on the registry without a hearing. There was absolutely no evidence to suggest that I was responsible for the bruising on the child. If I had been provided a hearing before being indicated, I am confident that DHS could not have met its burden of showing that I physically abused the child.

12. As a result of being placed on the registry, I have been denied employment opportunities and suffered for years. In February or March 2022, I applied for another job in direct support services at a different behavioral health services organization in Philadelphia. I went through the entire hiring process, and they told me they wanted to hire me. However, they requested a ChildLine clearance and when they saw the report, they told me they could not hire me anymore even though they really wanted to.

13. I feel embarrassed and hurt to be listed as a child abuser on the registry. I cannot go on school trips with my grandchildren because I am listed on the registry, and I feel stuck in my job because I cannot work in any jobs that require clearances. I am good at what I do and have decades of experience working with vulnerable populations, but my indicated report is still holding me back.

08/03/2022

DATE

*A.W.*

A.W.

**DECLARATION OF M.A.**

I, M.A., hereby depose and state, subject to the penalties of 18 Pa. Con. Stat. Ann 4904, relating to unsworn falsification to authorities, that the following facts are true and correct to the best of my knowledge, information, and belief.

1. My name is M.A.. I live at 4627 Kraydor Street, Philadelphia, PA 19136. I am 29 years old. I was born in Philadelphia and moved away when I was ten-years-old, before returning to live here in 2016.
2. I have been barred from continuing my education as a nursing student because I was incorrectly placed on the Childline registry without a hearing.
3. I obtained my Associates Degree in Healthcare Studies at Community College of Philadelphia in 2020. When I started the program at Community College, I had to provide a child abuse clearance and it showed that I did not have any indicated reports.
4. I enrolled in the nursing program at Holy Family University in 2020 and was on track to graduate in 2023. In March 2021, the university asked me to provide a child abuse clearance because I was going to begin my practical work at a hospital the following year, which could have involved direct contact with children. This time, the clearance showed an indicated report from 2017 involving my daughter.
5. On March 7, 2017, I was working at an Applebee's Restaurant while my boyfriend was taking care of my daughter, who was three years old at the time. While I was at work, my daughter developed what looked like a rash with marks all over her body. When I got home, my boyfriend

showed me the marks. We were concerned that she was having an allergic reaction, so we took her to the hospital right away. The doctors at St. Christopher's Hospital did x-rays and a CAT scan but found no fractures or signs of other injuries, and they found that my daughter was not in any pain. Nevertheless, the doctors called the Department of Human Services (DHS) because they were concerned that the marks were bruises caused by physical abuse.

6. The DHS social worker came to the hospital and interviewed my daughter and me. The social worker found that my daughter "laughed, played, hugged [me]," and was "very busy running around the room, entertaining herself and enjoying a little free time." The social worker also noted that I "did take the necessary steps to have [my] child seen by a medical professional team when [I] had concerns" about the marks.
7. When they spoke with my boyfriend, he did not know how she could have gotten bruises like that and said the only thing he could think of was that he and my daughter liked to horse play. He also explained that he took care of my daughter several days a week while I worked and had never had any previous problems or seen any marks on her.
8. When DHS got involved, we ended up in Dependency Court and my daughter went to live with her father. The judge in Dependency Court did not make any finding of abuse against me and ultimately discharged the dependency petition on March 31, 2017. As far as I knew, that was the end of DHS's involvement and I did not receive any other notices from DHS.
9. However, it turns out that DHS had determined the report of abuse to be indicated for both my boyfriend and me. Specifically, the CY-48 stated that I was indicated for "Causing bodily injury to child through recent act/failure to act" because I "left child in the care of paramour...having the knowledge of [paramour] and child horse playing that led to child's physical injuries."

10. Once I received the clearance showing the indicated report, I immediately filed an appeal in April 2021. Because I submitted my appeal after the 90-day deadline, my case was first scheduled for a hearing on the timeliness of my appeal on July 22, 2021. However, because the representative from ChildLine testified that the original notice they mailed to me was returned as undeliverable and I never received notice of being placed on the registry, the Administrative Law Judge ruled that my appeal could go forward to a merits hearing.
11. I finally had a hearing on the merits of the allegations with an Administrative Law Judge from the Bureau of Hearings and Appeals (BHA) on January 12, 2022, but have not yet received a decision on my appeal and am still listed on the Childline registry.
12. After I appealed, I was finally able to request the investigation file from DHS and review everything that happened. The file included a note from a follow-up appointment with the doctor at St. Christopher's hospital dated March 23, 2017. The note stated that my daughters' paternal grandparents had taken my daughter to Children's Hospital of Pennsylvania (CHOP) for a "second opinion because [I was] reporting that the rash was because [my daughter had] allergies." The note further stated that my daughter was "diagnosed with eczema," "prescribed hydrocortisone and eucerin lotion," and that her "skin [was] much improved." In other words, the doctors at CHOP determined that the rash was caused by eczema and not bruising. This information was never provided to me and I only found out about this when my lawyer obtained DHS's investigation file before my hearing nearly five years later.
13. As a result of being listed on the Childline registry, I had to take a leave of absence from nursing school in January 2022 because I was not allowed to complete my training in a hospital setting with an indicated report on my record. If the indicated report is not expunged by the fall semester, I will be forced to drop out of the program all together.

14. For now, I am still working at Applebee's to support myself and my family, but my income in this position only allows us to just get by and we are never completely comfortable. I want to pursue a career in nursing to provide a better life for my children.
15. If I had been provided a hearing and an opportunity to defend myself before being placed on the registry, I believe that I never would have ended up on the registry and been forced to interrupt my education and tarnish my reputation in my school community. Most importantly, I would have had access to the DHS file and discovered the eczema diagnosis in 2017, which would have proved my child did not suffer injuries that could be categorized in any way as child abuse. I also would have been able to show that my boyfriend was a trustworthy caregiver and I had no reason to doubt that he would care appropriately for my child. Yet, because I never had a chance to defend myself, I have suffered and continue to suffer from the consequences of being placed on the registry without merit.

08/08/2022

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DATE

*M.A.*

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M.A.

**DECLARATION OF W.B.**

I, W.B., hereby depose and state, subject to the penalties of 18 Pa. Con. Stat. § 4904, relating to unsworn falsification to authorities, that the following facts are true and correct to the best of my knowledge, information, and belief.

1. My name is W.B. and I reside in the Bronx, New York with my two children J.H. and H.H. who are 5 and 11 years old.
2. I work as a therapist for children in the foster care system in New York City. I have been in this line of work since getting my Masters Degree nearly 10 years ago.
3. My family has a home in Monroe County, Pennsylvania, which I routinely visit with my family.
4. In the winter of 2019, I visited my family's home with my children. My daughter J.H. was 20 months old at the time. During our visit, J.H. was running toward me while I was in the bathroom and she fell and tumbled forward hitting her head against the wall.
5. She cried briefly but then seemed fine. I monitored her for signs of concussion overnight. In the morning, I noticed some swelling on her neck and became concerned so I took her to the hospital.
6. At the hospital they ran tests and told me she had a small fracture in her skull where her head had hit the wall that would require no further treatment. Yet they called the County Children and Youth Agency to open an investigation into the possibility of abuse.
7. Since my children and I live in New York, the case was transferred there. After hearings were held in New York Family Court in which Dr. Saadi Ghatan, the Chair of Neurosurgery at Mt. Sinai Hospital, testified that the injuries J.H. had were clearly caused by an accidental fall and not the result of child abuse, the Judge in family court dismissed the case against me and reunited me



with my children. The Child Advocate in the case, after hearing the evidence, also agreed that I should be reunited with my children.

8. However, because this incident occurred in Pennsylvania, I have remained on Pennsylvania's Registry for over three years now.
9. I experienced many delays in my efforts to appeal being placed on Pennsylvania's Registry. First, due to the family court proceedings in New York, my appeal to be removed from Pennsylvania's Registry was stayed. My understanding is that any court proceedings involving the same incident that caused me to be on the Registry would mean my appeal could not go forward until those proceedings concluded. However, during that entire time period, I still had to be listed on Pennsylvania's Registry.
10. After the proceedings in New York concluded, I then faced additional delays in my case due to the Covid-19 pandemic and continuances in the case. I finally had a hearing on the merits of my case in July of 2022.
11. Even though I have been able to maintain my employment in New York during these delays, I live in fear that the fact that I am still on the Registry in Pennsylvania will tarnish my reputation in my field and lead to loss of employment.
12. I also would have liked to move back to Pennsylvania to be closer to my family during this time, but since I would not be able to work in my field in Pennsylvania because I am on the Registry, I have not been able to consider moving back.
13. I am currently back in school getting my Doctorate in Education, and I am also afraid my school and community of colleagues will learn that I am still on the Registry in Pennsylvania and that will impact my ability to advance in my career.

14. As a mandated reporter who works with children and youth in the foster care system, I care deeply about making sure children are safe and protected. I even understand why the hospital had to call the child welfare agency in my case, and why they needed to investigate the situation to make sure my daughter was not experiencing abuse. However, I do not understand why I was placed on the Registry without ever having a chance to be heard first and have remained on the Registry for three years.

15. Being labeled a child abuser because my child suffered an accidental injury has been incredibly traumatic to both me and my children. It has affected my livelihood and continues to constrain my ability to move and work freely. As soon as the evidence in the case was actually heard in New York, I was cleared of these allegations. I believe if I had had the chance to be heard in Pennsylvania before being placed on the Registry, I never would have been put on it at all.

08/04/2022

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DATE

WJB

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W.B.

**DECLARATION OF T.W.**

I, T.W., hereby depose and state, subject to the penalties of 18 Pa. Con. Stat. § 4904, relating to unsworn falsification to authorities, that the following facts are true and correct to the best of my knowledge, information, and belief.

1. My name is T.W. I live at 6685 Musgrave Street, Philadelphia, PA 19119. I am a lifelong resident of Philadelphia.
2. I am the mother and legal guardian of two children, K.H. and B.H. K.H. was born in August 2006 and was 15 years old at the time of the incident discussed below.
3. I studied at Princeton Information Technology Center in Glendale, Pa. to become a Licensed Practical Nurse. After that, I obtained an associate's degree at Jersey College in Ewing, NJ; these studies enabled me to become a Registered Nurse in 2019. I finished my Bachelor's of Science in Nursing degree in the online program at Grand Canyon University.
4. I am a Registered Nurse, and, since I obtained my RN in 2019, I have been working at the Children's Hospital of Philadelphia. I love children, I love my job and I love being able to work with kids.
5. I am a single mother of two children and a very involved parent. My children are in extracurricular activities throughout the year. Both of them play multiple sports. I am constantly around children whether it's volunteering at my children's school, chaperoning on a trip, traveling to a tournament or at one of their games. I try to attend and support all activities my children are involved in.
6. Due to the decision by DHS to indicate a false report of alleged abuse from spring 2022, I am going to have to leave my job and my entire field of work, and stop all of my involvement with my kids' activities.

7. In April 2022, in anger that I had taken away her phone privileges, K.H. became upset and attempted to run away by climbing out of her second-floor bedroom window multiple times.
8. During this attempt, I attempted to grab her to prevent her from going out of the window and harming herself. The following day, I told K.H. she was grounded.
9. K.H. then went to school and falsely reported to the school nurse that she had been abused. These statements are untrue.
10. The Department of Human Services then contacted me on Thursday, April 28 regarding these inaccurate and false allegations with a request to see my children. Catherine Savage, a Philadelphia DHS worker, came out to see me as part of her investigation. I explained to her that the allegations were untrue.
11. In June 2022 I received word that the report with the allegations that I had abused K.H. was indicated.
12. I do not agree with these findings, as these allegations are false. I did not take any actions to intentionally hurt K.H. that night, or any night; I was only trying to protect her, as I have always done.
13. I thought Ms. Savage would assist me with the teenager/peer pressure issues that contributed to K.H.'s actions. Ms. Savage offered to send out a worker who would provide support with these issues and I am still waiting for a worker to contact me and offer those supports. In the meantime, on my own, I was able to setup counselling services for K.H.
14. Ms. Savage only came to my house a total of two times, to open and close the investigation. Even after listening to my explanation of what had happened, she never asked me to show her the window that K.H. was trying to jump out of, or to give details on how I was grabbing K.H. in an

effort to prevent her from jumping. It felt like she had already made up her mind about what happened. I do not understand how these two visits could lead to the findings of child abuse.

15. These false allegations put my career in jeopardy, and losing my career would inhibit my ability to care for my children. It is my understanding that I will not be permitted to continue working at CHOP unless and until my appeal succeeds and this report is expunged. Until that time, I will have to leave not only my current job, but the entire field of working with children, which is where I have the most experience, and which is my passion.
16. This false report will also prevent me from being a present parent at my children's school. Unless and until this report is expunged, I will not be able to chaperone on school trips or volunteer at their schools.
17. I filed my own appeal very promptly as soon as I heard that the report about me had been indicated. I wrote my own appeal letter, with no outside advice. I am determined to have this report expunged and removed from my record as quickly as possible so that it will no longer be a threat to my career and my ability to work with my kids and their schools.
18. When I wrote my appeal request, I did not realize that, to get the fastest outcome to my case, I had to specifically declare that I wanted to skip the administrative review and go right to a hearing. I simply said that I wanted to appeal. I thought the most natural thing was that, if I just explained the truth of what had happened and the damage that an indicated report would do to me and my family, the Department would consider my arguments, recognize how important it is that I have a clean record, and expunge the record.
19. After I mailed in my appeal letter that I reached out to Community Legal Services for further assistance in clearing my name. It was only at this point that I was informed that if you do not specifically request a hearing, the Department of Human Services will conduct an administrative

review, which will take months to resolve. I was also informed that indicated reports are almost never expunged in administrative reviews, but people who request them must wait until they are complete before they can finally request a hearing.

20. I did not realize that filing an appeal request without mentioning a hearing would mean that my appeal would have to go through the administrative process before I can ask for a hearing. I would never have filed an appeal without a hearing request if I had known that it would delay completing my appeal by months but was almost guaranteed not to result in the report being expunged. This delay may be the difference between keeping my job and losing my job.

08/08/2022 21:50 UTC  
\_\_\_\_\_  
DATE

*TW*  
\_\_\_\_\_  
T.W.

**DECLARATION OF P.L.**

I, P.L., hereby depose and state, subject to the penalties of 18 Pa. Con. Stat. Ann. § 4904, relating to unsworn falsification to authorities, that the following facts are true and correct to the best of my knowledge, information, and belief.

1. My name is P.L. I live at 1119 Lemon Street, Philadelphia, PA 19123. I am 36 years old and a lifetime resident of Philadelphia.
2. I have been on the Childline Registry since July 9, 2008. As the result of my placement on the registry, I have missed out on several job opportunities in the healthcare and childcare fields.
3. At the time of the incident that resulted in my placement on the registry, I was a 22-year-old single mother caring for two young children. My child's father was incarcerated and I did not have much by way of family assistance. I was doing hair from my home to save enough money to support my family and to make much needed repairs to the home in which we were living.
4. On May 25, 2008, I was doing a client's hair while my one-year-old son was in the room and crawling along the floor. I turned my attention away from my son to my client for a moment, at which point my son managed to grab a hot hair iron with his hand. Immediately upon hearing him cry I applied first aid and ran his fingers under cold water. The redness subsided but I saw that a blister formed. Believing that was the extent of his injuries and that they had been treated correctly, I monitored him and proceeded as normal.
5. On May 26, 2008, I dropped off my child with his paternal great-grandmother. I showed her the injury from the day prior and explained what had happened. My son's great-grandmother took him to the hospital for an evaluation. The hospital staff called the Department of Human Services (DHS) to file a report, after which I was called.

6. As the result of this incident, my son was briefly removed from my care and placed in the care with his great-grandmother. After several months, I was able to secure physical custody of my son and he has remained in my care since then. He has grown up to be an honor student and is a wonderful son.
7. On July 9, 2008, I received notice that I had been indicated as a perpetrator of child abuse of my son. I was advised that while my son's record would be expunged when he turns 23, my indicated report would remain indefinitely and that I had 45 days to submit in writing a request to have the indicated report expunged
8. I submitted a written request to appeal that was treated under the First Level of Review. When I received a letter stating that the review was complete and the report against me was being maintained as accurate, I did not understand that I still had any right to appeal to get a hearing to challenge the allegations against me.
9. I was an overwhelmed young parent, and I did not know how to proceed at that time. I also did not have plans to work with children at that time so I did not understand that this would affect me for the rest of my life and stop me from getting jobs in the health care field.
10. In 2017, I applied for a job as a home health care worker and was denied the job because of my indicated report. When I realized the report would stop me from working in health care, I submitted a written appeal to the Childline Abuse and Neglect Registry requesting a hearing.
11. On March 30, 2017, I attended a hearing in Harrisburg, PA to decide whether my appeal was timely. I did not have a lawyer with me at the hearing and I represented myself. At the hearing I testified that I did not submit an appeal in 2009 to the Bureau of Hearings and Appeals because I did not understand the process and I had too much going on in my life at the time.



12. On April 6, 2017, my appeal to the Bureau of Hearing and Appeals was dismissed because my appeal was not filed in a timely manner.
13. In the years following my placement on the Childline Registry, I have been denied work, deterred from seeking employment opportunities, and limited from taking on additional work responsibilities.
14. I have a position available to me at the hospital where my father has worked for nearly 40 years; however, I am unable to apply and secure that position because I have an indicated report on the Childline Registry.
15. I have also become interested in opening a daycare of my own, but my indicated report prevents me from working with children and obtaining the requisite license to operate a daycare.
16. When I was first placed on the registry, it was among the lowest and most challenging times in my life. I have suffered the consequences of remaining on the registry for nearly 14 years because of mistakes that I made while trying to navigate a confusing and intimidating appeal process. I believe if I had been given a hearing before being placed on the Registry I would have been able to tell my story and would not have been stuck on the Registry and denied opportunities for all of these years.

08/08/2022 20:09 UTC

DATE

P.L.

P.L.

**DECLARATION OF LA LIGA DEL BARRIO**

I, Raymond Alvarez, hereby depose and state, subject to the penalties of 18 Pa. Con. Stat. Ann. § 4904, relating to unsworn falsification to authorities, that the following facts are true and correct to the best of my knowledge, information and belief.

1. My name is Raymond Alvarez and I am the Executive Director and CEO of petitioner La Liga del Barrio. I make this declaration on behalf of La Liga del Barrio and am authorized to do so.

2. La Liga del Barrio ("La Liga") is a non-profit youth basketball league that offers Latino youth an opportunity to develop basketball skills and enjoy the game while also promoting educational achievement. La Liga currently has over 400 children on 36 different teams, and has served between 10,000 and 15,000 children over the last 22 years.

3. La Liga has an annual budget of approximately \$67,000. La Liga has no paid staff and relies on a team of over 200 volunteers who coach, work the concession stands, monitor the hallways, and coordinate games and logistics.

4. Because La Liga depends on parents and other community members to volunteer to keep the league running, La Liga is always trying to find more volunteers. As required by Pennsylvania law, La Liga requires ChildLine clearances from all volunteers.

5. Over the last 20 years, more and more parents have been unable to volunteer with La Liga because they are listed on the ChildLine Registry. La Liga has had to turn away dozens of parents who wanted to participate as coaches with their children's teams or help out in other ways. Many more parents have decided not to offer help because they know they cannot provide a clearance. Some of these parents have been attending games for 15 years and would love to take on a more active role, but are forced to sit in the bleachers because they have indicated reports.

6. In our experience, many parents first learned that they were listed on the Childline registry only after they requested a clearance in order to volunteer with La Liga because they never received notice of being placed on the registry. Most of our parents are Spanish-speakers, and language barriers have contributed to confusion about the registry process and what they can do to get off the registry. Being on the registry has caused embarrassment and frustration for parents who cannot be there for their children.

7. The La Liga children have also suffered as a result of their parents not being able to participate with the league. For example, a team from La Liga was invited to attend a tournament in Indianapolis, and all children needed an adult chaperone to accompany them on the trip. However, several kids were not able to go because their parents could not provide the required Childline clearances, and those kids had to miss the tournament as a result.

8. La Liga has struggled to find enough volunteers to maintain its operations, in large part because people are unable to provide the required clearances. La Liga always needs more

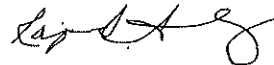
coaches, but many parents who want to be involved are prohibited from participating. In one instance, a referee was not allowed to continue with the league because he had an indicated report.

9. La Liga believes that the current process of placing people on the registry due to “indicated” reports without having a hearing first is unconstitutional and that, if parents were able to have a hearing before being placed on the registry, we would not have to exclude so many caregivers from participating in our league.

08/02/2022

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DATE



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RAYMOND ALVAREZ

**DECLARATION OF PHILADELPHIA LAWYERS FOR SOCIAL EQUITY**

I, Renee Chenault Fattah, hereby depose and state, subject to the penalties of 18 Pa. Con. Stat. Ann. 4904, relating to unsworn falsification to authorities, that the following facts are true and correct to the best of my knowledge, information and belief.

1. My name is Renee Chenault Fattah and I am the Executive Director of petitioner Philadelphia Lawyers for Social Equity ("PLSE"). I make this declaration on behalf of Philadelphia Lawyers for Social Equity and I am authorized to do.

2. PLSE is a non-profit legal service organization that provides advice and representation to low-income residents of Philadelphia facing social and career barriers due to their criminal records. PLSE achieves this by filing expungement petitions in criminal court and pardons from the Governor; educating elected, business and community leaders; empowering and organizing under-resourced communities, and leading legislative, administrative, and systemic reform.

3. PLSE has an annual budget of \$750,000. PLSE employs 17 individuals and each year serves hundreds of Philadelphia residence in need of legal assistance.

4. PLSE primarily receives its clients from community expungement clinics and through a phone intake system. Prospective clients provide PLSE employees and volunteers with information regarding their legal concerns. Based on the issues presented and criteria such as income-level and residency, PLSE then determines whether it can provide legal assistance to prospective clients. PLSE serves approximately 1500 clients each year.

5. Given the number of community members it serves, PLSE encounters clients with a variety of barriers preventing them from working, accessing public benefits, and participating in their communities.

An issue of growing importance and concern to PLSE clients is placement of low-income individuals on Pennsylvania's Childline registry due to "indicated" reports of child abuse or neglect.

6. PLSE has had multiple clients attend its community-based expungement clinics where they presented with issues concerning placement on the ChildLine registry due to "indicated" reports.

7. PLSE regularly receives phone intake calls from prospective clients who present with concerns about their placement on the ChildLine registry due to "indicated" reports.

8. Due to the continuing and ongoing presentation of the ChildLine registry as a significant employment barrier to PLSE's client population, PLSE has begun to provide regular advice and representation to clients on the ChildLine registry.

9. Through these interactions, PLSE clients have expressed surprise and dismay upon discovering they have "indicated" reports that have led to their placement on the Childline registry. In some instances, clients did not realize that they were under investigation by DHS for alleged abuse or neglect at all, or did not realize their reports had been "indicated." Others could not understand the letters they received or figure out how to navigate the complex appeals process. Even as legal professionals, PLSE staff have faced challenges figuring out the procedural aspects of how to appeal placement on the ChildLine registry due to its complexity.

10. PLSE clients who have been placed on the Childline registry due to "indicated" reports have been denied employment opportunities. Several PLSE clients have been let go from jobs in behavioral health or childcare and denied further employment in these fields. In one instance, a PLSE client was successfully working as a behavioral health tech in a nursing home environment when she was placed on the registry and was in immediate danger of losing her employment during the appeals process, which is lengthy.

11. PLSE clients have seen their ability to care for their families stripped away. One PLSE client was placed on the registry as a result of accidental injury for which a specific perpetrator was not named in the

report. This client is an older woman who agreed to babysit her infant granddaughter overnight. After the visit, she observed the child to be drowsy and irritable and she was taken to the hospital, where evidence of past injuries was noted. Because the doctors could not accurately date the injuries within the preceding 48 hours, mother, father, and grandmother were all named as perpetrators. As a result, this client was barred from seeing and caring for her granddaughter.

12. PLSE has observed that the clients who have presented with ChildLine registry issues are disproportionately low-income women of color, who are then blocked from working in fields such as health care and childcare. PLSE has observed that many of its low-income clients seek work in these two fields as they are fields that are accessible and have a high demand for workers.

13. PLSE has observed that many of the positions that its clients are blocked from due to having “indicated” reports and being placed on the ChildLine registry are not even ones that involve regular childcare. While Pennsylvania law requires childcare facilities to exclude workers with “indicated” reports, there are not statutory requirements to exclude individuals with “indicated” reports in other types of jobs. However the requirement that employers hiring for jobs that have “direct contact with children” procure a ChildLine clearance in practice leads to widespread exclusion from jobs. PLSE has seen clients denied from jobs including home health care, senior care, and behavioral health care because of their placement on the registry. These include positions such as cleaning jobs and cafeteria jobs that do not include providing direct care to children. Ultimately, PLSE has concluded that placement on the registry due to an “indicated” report is an absolute bar to many kinds of jobs in the health care industry, in addition to all childcare jobs.

14. As more prospective clients have approached PLSE for assistance with removal from the Childline registry, PLSE has needed to redirect resources and make changes to its internal intake processes to meet this need. Because clients have been befuddled by the appeal process and cannot afford

to hire counsel with expertise in this field, PLSE staff has had to learn a new area of law to ensure clients are receiving proper advice and representation.

15. PLSE believes that the current process of placing people on the registry due to “indicated” reports without having a hearing first is unconstitutional. If individuals with “indicated reports” were provided with an opportunity to be heard before being placed on the registry, many of the people we serve would never suffer employment consequences and wouldn’t need legal help. That would allow us to divert our resources back to our primary mission of expunging criminal records.

A rectangular box containing a handwritten signature in cursive script, which reads "Renee Chenault Fattah".

DATE 8/9/2022

Renee Chenault Fattah,  
Executive Director of PLSE

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

W., A., et al., Petitioner v. : N/A  
{OpposingPartyDisplayNm} :  
:

**PROOF OF SERVICE**

I hereby certify that this 10th day of August, 2022, I have served the attached document(s) to the persons on the date(s)  
and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

**Service**

Served: Attorney General  
Service Method: eService  
Service Date: 8/10/2022  
Address: Strawberry Square  
16th Floor  
Harrisburg, PA 17120  
Phone: (71-7) -787-3391

Served: Department of Human Services  
Service Method: eService  
Service Date: 8/10/2022  
Address: 625 Forster Street  
3rd Floor West, H & W Building  
Harrisburg, PA 17120  
Phone: 717--78-3-2800



**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

/s/ Peter Houghton LeVan

*(Signature of Person Serving)*

Person Serving: LeVan, Peter Houghton  
Attorney Registration No: 083456  
Law Firm: LeVan Stapleton Segal Cochran LLC  
Address: 1 Liberty Pl  
1650 Market St Ste 3600  
Philadelphia, PA 19103  
Representing: Petitioner A., M.  
Petitioner B., W.  
Petitioner L., P.  
Petitioner LA LIGA DEL BARRIO  
Petitioner PHILADELPHIA LAWYERS FOR SOCIAL EQUITY  
Petitioner W., A.  
Petitioner W., T.