
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 642 Session of
2025

INTRODUCED BY KEARNEY, J. WARD, FONTANA, COSTA AND SCHWANK,
APRIL 14, 2025

REFERRED TO AGING AND YOUTH, APRIL 14, 2025

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for establishment of Statewide database, for access
4 to information in Statewide database, for information in
5 Statewide database, for disposition of founded and indicated
6 reports, for amendment or expunction of information, for
7 employees having contact with children and adoptive and
8 foster parents, for information relating to certified or
9 licensed child-care home residents, for continued employment
10 or participation in program, activity or service and for
11 investigation of reports.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 6331(3) of Title 23 of the Pennsylvania
15 Consolidated Statutes is amended to read:

16 § 6331. Establishment of Statewide database.

17 There shall be established in the department a Statewide
18 database of protective services, which shall include the
19 following, as provided by section 6336 (relating to information
20 in Statewide database):

21 * * *

22 (3) Indicated and founded reports of child abuse[.],

1 including the designated child protection tier level of the
2 reports under section 6335(h) (relating to access to
3 information in Statewide database).

4 * * *

5 Section 2. Section 6335(e) of Title 23 is amended and the
6 section is amended by adding subsections to read:

7 § 6335. Access to information in Statewide database.

8 * * *

9 (e) Certifications.--Information provided in response to
10 inquiries under section 6344 (relating to employees having
11 contact with children; adoptive and foster parents), 6344.1
12 (relating to information relating to certified or licensed
13 child-care home residents) or 6344.2 (relating to volunteers
14 having contact with children) shall be subject to the
15 limitations under subsections (g) and (h) and shall not include
16 unfounded reports of child abuse or reports related to general
17 protective services [and]. Information provided under this
18 section shall be limited to the following:

19 (1) Whether the person was named as a perpetrator of
20 child abuse in a founded or indicated report.

21 (2) Whether there is an investigation pending in which
22 the individual is an alleged perpetrator.

23 (3) The number, date of the incidents upon which the
24 report is based and the type of abuse or neglect involved in
25 any reports identified under paragraph (1).

26 (4) The clearance level of the certification, if
27 applicable, and the position or purpose for which the
28 certification was requested, under subsection (g).

29 * * *

30 (g) Clearance levels.--

1 (1) An individual requesting a certification under
2 subsection (e) must indicate to the department the purpose
3 for the certification request. If the certification request
4 is for employment or volunteer purposes, the individual must
5 indicate to the department the nature of the employment or
6 volunteer position.

7 (2) Upon receipt of a certification request, the
8 department shall verify that the individual requesting the
9 certification meets the definition of an individual required
10 to submit a certification under section 6344(b).

11 (3) If the individual requesting the certification does
12 not meet the definition of an individual who is required to
13 submit a certification under section 6344(b), the department
14 shall provide the individual with a notice stating that the
15 individual cannot be required to submit a certification as a
16 condition of employment or volunteering pursuant to section
17 6344(b).

18 (4) If the individual meets the definition of an
19 individual who is required to submit a certification under
20 section 6344(b), the department shall designate the clearance
21 level required for the position for which the individual has
22 applied, as provided in paragraph (5), except as described in
23 paragraph (5)(iii). Information about founded or indicated
24 reports provided by the department under subsection (e) shall
25 be subject to the following limitations based on the
26 clearance level and child protection tier as provided in
27 subsection (h).

28 (5) Clearance levels shall be as follows:

29 (i) Clearance level 1 shall be required for an
30 individual who applies to work or volunteer in a position

1 in which the individual is responsible for a child's
2 welfare or for the care, supervision, guidance or control
3 of children at a school, day care, health care facility
4 that serves children or facility providing a program,
5 activity or service for children, including a position as
6 a children's healthcare provider, camp counselor, school
7 employee, coach or other position providing child-care
8 services, as defined in section 6303(a) (relating to
9 definitions), except as provided under subparagraph
10 (iii). A certification issued by the department under
11 this subparagraph shall include information about founded
12 and indicated reports subject to the following
13 limitations:

14 (A) An indicated or founded report classified as
15 child protection tier I, as provided in subsection
16 (h), shall be reportable under clearance level 1
17 indefinitely.

18 (B) An indicated or founded report classified as
19 child protection tier II, as provided in subsection
20 (h), shall be reportable under clearance level 1 for
21 a period of 10 years from the date of the incident.

22 (C) An indicated or founded report classified as
23 child protection tier III, as provided in subsection
24 (h), shall be reportable under clearance level 1 for
25 a period of three years from the date of the
26 incident.

27 (ii) Clearance level 2 shall be required for an
28 individual who applies to work or volunteer in a position
29 in which the individual is not responsible for a child's
30 welfare or for the care, supervision, guidance or control

1 of children, but does have routine interaction with
2 children, as defined under subsection 6303(a), due to
3 working or volunteering at a health care facility that
4 serves children, school, day care, a facility providing
5 child-care services as defined under subsection 6303(a)
6 or a facility providing a program, activity or service
7 for children, including positions as administrative,
8 cafeteria, janitorial or other non-direct-care staff who
9 have regular and repeated contact with children integral
10 to the individual's employment or volunteer
11 responsibilities. A certification issued by the
12 department under this subparagraph shall include
13 information about founded and indicated reports subject
14 to the following limitations:

15 (A) An indicated or founded report classified as
16 child protection tier I, as provided in subsection
17 (h), shall be reportable under clearance level 2 for
18 a period of 15 years from the date of the incident.

19 (B) An indicated or founded report classified as
20 child protection tier II, as provided in subsection
21 (h), shall be reportable under clearance level 2 for
22 a period of five years from the date of the incident.

23 (C) An indicated or founded report classified as
24 Child protection tier III, as provided in subsection
25 (h), shall not be reportable under clearance level 2.

26 (iii) If the certification request is for an
27 individual who meets the description under section
28 6344(a) (2) or (3), or who otherwise meets the definition
29 of a potential kinship care resource as defined under 42
30 Pa.C.S. § 6302 (relating to definitions) or a resource

1 family as defined in section 6303(a), the department may
2 not designate a clearance level for the request. A
3 certification issued by the department under this
4 subparagraph shall not be subject to the limitations
5 under subparagraphs (i) and (ii).

6 (6) Upon receipt of the certification provided under
7 subsection (e), the individual requesting certification may,
8 within 21 days, challenge the designated clearance level,
9 including whether a certification may be required for the
10 position to which the individual has applied under section
11 6344(b). In challenging the designated clearance level, the
12 individual must provide the department with a brief
13 explanation of why the individual disagrees with the
14 designated clearance level.

15 (h) Child protection tiers.--An indicated or founded report
16 of abuse or neglect shall be categorized under a child
17 protection tier level at the time the report is substantiated
18 or, with regard to reports currently existing in the Statewide
19 database prior to the effective date of this section, at the
20 time a certification is requested under subsection (e), as
21 follows:

22 (1) Child protection tier I shall include the following
23 reports of child abuse:

24 (i) Causing bodily injury to a child through any
25 recent act under section 6303(b.1)(1), if the injury
26 rises to the level of serious bodily injury as defined
27 under section 6303(a).

28 (ii) Causing sexual abuse or exploitation of a child
29 through an act under section 6303(b.1)(4).

30 (iii) Causing serious physical neglect of a child

1 under section 6303(b.1) (7) if the neglect rises to the
2 level of aggravated physical neglect as defined under 42
3 Pa.C.S. § 6302.

4 (iv) Causing the death of a child through an act
5 under section 6303(b.1) (9).

6 (v) Engaging a child in a severe form of trafficking
7 in persons or sex trafficking, as those terms are defined
8 under section 103 of the Trafficking Victims Protection
9 Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102), under
10 section 6303(b.1) (10).

11 (2) Child protection tier II shall include the following
12 reports of child abuse:

13 (i) Causing bodily injury to a child through a
14 failure to act under section 6303(b.1) (1) if the injury
15 rises to the level of serious bodily injury as defined
16 under section 6303(a).

17 (ii) Fabricating, feigning or intentionally
18 exaggerating or inducing a medical symptom or disease
19 resulting in a potentially harmful medical evaluation or
20 treatment to the child through a recent act under section
21 6303(b.1) (2).

22 (iii) Causing sexual abuse or exploitation of a
23 child through a failure to act under section 6303(b.1)
24 (4).

25 (iv) Creating a likelihood of sexual abuse or
26 exploitation of a child through a recent act or failure
27 to act under section 6303(b.1) (6).

28 (v) Engaging in any recent act described in section
29 6303(b.1) (8).

30 (vi) Reports of child abuse designated as child

1 protection tier III under paragraph (3) where the
2 individual has two or more such reports within the five-
3 year period immediately preceding the certification
4 request.

5 (3) Child protection tier III shall include the
6 following reports of child abuse:

7 (i) Causing bodily injury to a child through an act
8 or failure to act under section 6303(b.1)(1) if the
9 injury does not rise to the level of serious bodily
10 injury as defined under section 6303(a).

11 (ii) Creating a reasonable likelihood of bodily
12 injury to a child through a recent act or failure to act
13 under section 6303(b.1)(5).

14 (iii) Causing serious physical neglect of a child
15 under section 6303(b.1)(7) if the neglect does not rise
16 to the level of aggravated physical neglect as defined
17 under 42 Pa.C.S. § 6302.

18 (iv) Causing or substantially contributing to
19 serious mental injury to a child through an act or
20 failure to act or a series of such acts or failures to
21 act under section 6303(b.1)(3).

22 Section 3. Sections 6336(a)(10), 6338(a), 6341(c.2)(5),
23 6344(b)(2), (c)(1) and (4)(iii) and (d)(1) and (2) introductory
24 paragraph, 6344.1(b), 6344.3(e) and 6368(e) introductory
25 paragraph, (f)(1) and (4) and (n)(3) of Title 23 are amended to
26 read:

27 § 6336. Information in Statewide database.

28 (a) Information authorized.--The Statewide database shall
29 include and shall be limited to the following information:

30 * * *

1 (10) If the report alleges child abuse, whether the
2 report was determined to be founded, indicated or
3 unfounded[.] and the child protection tier level for the
4 report under section 6335(h) (relating to access to
5 information in Statewide database).

6 * * *

7 § 6338. Disposition of founded and indicated reports.

8 (a) General rule.--When a report of suspected child abuse is
9 determined by the appropriate county agency to be a founded
10 report or an indicated report, the status of the report shall be
11 changed from pending to founded or indicated and designated at
12 the appropriate child protection tier level under section
13 6335(h) (relating to access to information in Statewide
14 database) in the Statewide database. Notice of the determination
15 that a report is a founded, indicated or unfounded report shall
16 be made as provided in section 6368(f) (relating to
17 investigation of reports).

18 * * *

19 § 6341. Amendment or expunction of information.

20 * * *

21 (c.2) Hearing.--A person making an appeal under subsection
22 (a) (2) or (c) shall have the right to a timely hearing to
23 determine the merits of the appeal. A hearing shall be scheduled
24 according to the following procedures:

25 * * *

26 (5) The department or county agency shall bear the
27 burden of proving by substantial evidence that the report
28 should remain categorized as an indicated report at the
29 designated child protection tier level under section 6335(h)
30 (relating to access to information in Statewide database).

1 * * *

2 § 6344. Employees having contact with children; adoptive and
3 foster parents.

4 * * *

5 (b) Information to be submitted.--An individual identified
6 in subsection (a)(7) or (8) at the time the individual meets the
7 description set forth in subsection (a)(7) or (8) and an
8 individual identified in subsection (a)(1), (2), (3), (4), (5)
9 (i) or (6), (a.1), (a.2) or (a.3) prior to the commencement of
10 employment or service or in accordance with section 6344.4 shall
11 be required to submit the following information to an employer,
12 administrator, supervisor or other person responsible for
13 employment decisions or involved in the selection of volunteers:

14 * * *

15 (2) A certification from the department as to whether
16 the applicant is named in the Statewide database as the
17 alleged perpetrator in a pending child abuse investigation or
18 as the perpetrator of a founded report or an indicated
19 report[.] at the clearance level required for the position to
20 which the applicant has applied pursuant to the procedures
21 provided under section 6335(e), (f), (g) and (h) (relating to
22 access to information in Statewide database). An applicant
23 may not be asked to submit a certification under this
24 subsection if the individual does not meet the definition of
25 an individual identified in subsection (a)(1), (2), (3), (4),
26 (5)(i), (6), (7) or (8), (a.1), (a.2) or (a.3). An applicant
27 may not be required to obtain, as a condition of employment
28 or volunteering under this subsection, a certification for a
29 clearance level that exceeds the required clearance level for
30 the position as provided under section 6335(g).

1 * * *

2 (c) Grounds for denying employment or participation in
3 program, activity or service.--

4 (1) In no case shall an employer, administrator,
5 supervisor or other person responsible for employment
6 decisions or involved in the selection of volunteers hire or
7 approve an applicant where the department has verified that
8 the applicant is named in the Statewide database as the
9 perpetrator of a founded report committed within the five-
10 year period immediately preceding verification pursuant to
11 this section. However, an indicated report shall not
12 constitute a bar to employment or participation in a program,
13 activity or service, except as provided under paragraph (4)
14 (iii).

15 * * *

16 (4) In addition to paragraphs (1), (2) and (3), in no
17 case shall an employer, administrator, supervisor or other
18 person responsible for employment decisions or involved in
19 the selection of volunteers at a child day-care center, group
20 day-care home or family child-care home hire or approve an
21 applicant under any of the following circumstances:

22 * * *

23 (iii) The applicant's name appears on a Statewide
24 database or its equivalent as a perpetrator of child
25 abuse at the clearance level required for the position
26 for which the applicant has applied under the procedures
27 in section 6335(e), (f), (g) and (h).

28 * * *

29 (d) Prospective adoptive or foster parents.--With regard to
30 prospective adoptive or prospective foster parents, the

1 following shall apply:

2 (1) In the course of causing an investigation to be made
3 pursuant to section 2535(a) (relating to investigation), an
4 agency or person designated by the court to conduct the
5 investigation shall require prospective adoptive parents and
6 any individual over the age of 18 years residing in the home
7 to submit the information set forth in subsection (b) for
8 review in accordance with this section. If a prospective
9 adoptive parent, or any individual over 18 years of age
10 residing in the home, has resided outside this Commonwealth
11 at any time within the previous five-year period, the agency
12 or person designated by the court shall require that person
13 to submit a certification obtained within the previous one-
14 year period from the Statewide central registry, or its
15 equivalent in each state in which the person has resided
16 within the previous five-year period, as to whether the
17 person is named as a perpetrator of child abuse. If the
18 certification shows that the person is named as a perpetrator
19 of child abuse within the previous five-year period, the
20 agency or person designated by the court shall forward the
21 certification to the department for review. The agency or
22 person designated by the court shall not approve the
23 prospective adoptive parent if the department determines that
24 the person is named as the equivalent of a perpetrator of a
25 founded report of child abuse within the previous five-year
26 period. However, an indicated report shall not constitute a
27 bar to approval as an adoptive parent under this section.

28 (2) In the course of approving a prospective foster
29 parent, a foster family care agency shall require prospective
30 foster parents and any individual over the age of 18 years

1 residing in the home to submit the information set forth in
2 subsection (b) for review by the foster family care agency in
3 accordance with this section. If a prospective foster parent,
4 or any individual over 18 years of age residing in the home,
5 has resided outside this Commonwealth at any time within the
6 previous five-year period, the foster family care agency
7 shall require that person to submit a certification obtained
8 within the previous one-year period from the Statewide
9 central registry, or its equivalent in each state in which
10 the person has resided within the previous five-year period,
11 as to whether the person is named as a perpetrator of child
12 abuse. If the certification shows that the person is named as
13 a perpetrator of child abuse within the previous five-year
14 period, the foster family care agency shall forward the
15 certification to the department for review. The foster family
16 care agency shall not approve the prospective foster parent
17 if the department determines that the person is named as the
18 equivalent of a perpetrator of a founded report of child
19 abuse within the previous five-year period. However, an
20 indicated report shall not constitute a bar to approval as a
21 foster parent under this section. In addition, the foster
22 family care agency shall consider the following when
23 assessing the ability of applicants for approval as foster
24 parents:

25 * * *

26 § 6344.1. Information relating to certified or licensed child-
27 care home residents.

28 * * *

29 (b) Required information.--Child abuse record information
30 required under subsection (a) shall include certification by the

1 department as to whether the applicant is named in the Statewide
2 database as the perpetrator of a founded report or an indicated
3 report[.] at clearance level 1 under the procedures in section
4 6335(e), (f), (g) and (h) (relating to access to information in
5 Statewide database). An applicant shall not be required to
6 obtain a certification under this subsection for a clearance
7 level that exceeds the required clearance level for the position
8 as provided in section 6335(g).

9 * * *

10 § 6344.3. Continued employment or participation in program,
11 activity or service.

12 * * *

13 (e) Noninterference with decisions.--Nothing in this chapter
14 shall be construed to otherwise interfere with the ability of an
15 employer or person responsible for a program, activity or
16 service to make employment, discipline or termination decisions
17 or from establishing additional standards as part of the hiring
18 or selection process for employees or volunteers[.], provided
19 that employees or volunteers shall not be required to provide a
20 certification for a clearance level that exceeds the
21 requirements of the position for which they have applied, as
22 provided in section 6335(g) (relating to access to information
23 in Statewide database).

24 * * *

25 § 6368. Investigation of reports.

26 * * *

27 (e) Review of indicated reports.--A final determination that
28 a report of suspected child abuse is indicated, and the child
29 protection tier level determination under section 6335(h)
30 (relating to access to information in Statewide database), shall

1 be approved by:

2 * * *

3 (f) Final determination.--Immediately upon conclusion of the
4 child abuse investigation, the county agency shall provide the
5 results of its investigation to the department in a manner
6 prescribed by the department. Within three business days of
7 receipt of the results of the investigation from the county
8 agency, the department shall send notice of the final
9 determination to the subjects of the report, other than the
10 abused child. The determination shall include the following
11 information:

12 (1) The status of the report, including the child
13 protection tier level of the report under section 6335(h).

14 * * *

15 (4) The effect of the report upon future employment
16 opportunities involving children, including an explanation of
17 the effects of the clearance level and child protection tiers
18 as provided in section 6335(g) and (h).

19 * * *

20 (n) Completion of investigation.--Investigations shall be
21 completed in accordance with the following:

22 * * *

23 (3) Where a petition has been filed under 42 Pa.C.S. Ch.
24 63 (relating to juvenile matters) alleging that a child is a
25 dependent child, the county agency shall make all reasonable
26 efforts to complete the investigation to enable the hearing
27 on the petition to be held as required by 42 Pa.C.S. § 6335
28 [(relating to release or holding of hearing)].

29 Section 4. This act shall take effect in 60 days.