



pennsylvania

DEPARTMENT OF HUMAN SERVICES

BUREAU OF HEARINGS AND APPEALS

UNIFIED PRE-HEARING FILING - CHILD ABUSE EXPUNCTION

REMINDER: 23 Pa.C.S.A. § 6341(c.2)(4) requires the department or county agency to provide a person making an appeal with evidence gathered during the child abuse investigation within its possession that is relevant to the child abuse determination, subject to sections 6339 (relating to confidentiality of reports) and 6340 (relating to release of information in confidential reports).

- | | |
|----------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Notice of Appearance (attorneys only) | <input type="checkbox"/> Subpoena request submitted |
| <input type="checkbox"/> Copies of exhibits attached | <input type="checkbox"/> Additional Exhibits List attached |
| <input type="checkbox"/> Additional Witness List attached | <input type="checkbox"/> Telephonic testimony motion submitted |
| <input type="checkbox"/> Continuance motion submitted | <input type="checkbox"/> Motion for Stay of Hearing |

A. CAPTION - IN THE APPEAL OF:

_____ In re: Child Abuse Expunction Docket No. _____ CL No. _____

Additional appeals:

_____ In re: _____ Docket No. _____ CL No. _____

_____ In re: _____ Docket No. _____ CL No. _____

_____ In re: _____ Docket No. _____ CL No. _____

_____ In re: _____ Docket No. _____ CL No. _____

_____ In re: _____ Docket No. _____ CL No. _____

_____ In re: _____ Docket No. _____ CL No. _____

B. SUBMITTED FOR (check box)

Appellant _____

Appellant _____

Appellant _____

Appellant _____

Appellant _____

Child Protective Service agency

Guardian ad Litem/CASA

C. LEGAL ISSUES TO BE CONSIDERED AT HEARING (check boxes):

- The incidents described in the report of child abuse did not happen.
- The incidents described in the report of child abuse do not correctly state what happened. What did happen was:

- The incidents described in the report of child abuse happened but I/we did not cause or know about the incidents.
- The incidents described in the report of child abuse are not child abuse under the Child Protective Services Law.
- I/we was/were not a paramour(s), household member(s), caretaker(s) or teacher(s) subject to the provisions of the Child Protective Services Law.
- The CY-48 Report of Child Abuse was not timely submitted to ChildLine within 60 days of the oral report.
- For reports submitted to ChildLine before July 1, 1995, the abused child(ren) is/are age 23.
- The Department of Human Services is not maintaining the report of child abuse in accordance with law or regulation because:

- Other (explain):

D. WITNESSES (Do not list the appellant. If more than two persons, check this box and attach additional pages titled "Witness List" with this information for each witness):

1. Name: _____

I request a subpoena for this person's attendance.

Address: _____

What will this person say at the hearing?

Identify what documents you want this person to bring to the hearing and explain what these documents will show and prove. (Answer only if you are requesting a subpoena.)

2. Name: _____

I request a subpoena for this person's attendance.

Address: _____

What will this person say at the hearing?

Identify what documents you want this person to bring to the hearing and explain what these documents will show and prove. (Answer only if you are requesting a subpoena.)

E. EXHIBITS (If more than four, check this box and attach additional pages titled "Exhibits List" with this information for each exhibit):

1. Item: _____

This item is attached.

Description: _____

Explain what this item will show and prove:

2. Item: _____

This item is attached.

Description: _____

Explain what this item will show and prove:

3. Item: _____

This item is attached.

Description: _____

Explain what this item will show and prove:

4. Item: _____

This item is attached.

Description: _____

Explain what this item will show and prove:

F. TELEPHONIC TESTIMONY MOTION

1. I am requesting that the following persons (must be listed in Section D above or on attached Witness List) be permitted to testify by telephone:

Witness A (name): _____

Witness B (name): _____

Witness C (name): _____

2. The reason why each witness cannot personally appear at the hearing is:

Witness A: _____

Witness B: _____

Witness C: _____

3. I have / have not contacted all parties of record in this appeal and informed them that I am requesting telephonic testimony. The other parties agree / do not agree to my request or have not informed me whether they will or will not oppose my request.

G. CONTINUANCE MOTION

1. I am requesting a hearing on a date later than that assigned by the hearing scheduling order because:

2. I am attaching the following documents with this request for continuance to support the reason given in paragraph G1:

3. I am requesting that the hearing be moved to any of the following ten dates:

The other parties agree / disagree with these dates.

4. I have / have not contacted all parties of record in this appeal and informed them that I am requesting this continuance. The other parties agree / do not agree to my request or have not informed me whether they will or will not oppose my request.

H. MOTION FOR STAY : 23 Pa. C.S. § 6341(d) provides “[a]ny administrative appeal proceeding pursuant to subsection (b) shall be automatically stayed upon notice to the department by either of the parties when there is a pending criminal proceeding or a dependency or delinquency proceeding pursuant to 42 Pa. C.S. 63 relating to juvenile matters), including any appeal thereof, involving the same factual circumstances as the administrative appeal.” In order to comply with 23 Pa. C.S. § 6341(c.2) which requires a hearing to be conducted within ninety days from the entering of the scheduling order, the Bureau of Hearings and Appeals will stay the administrative appeal proceedings only with tangible confirmation that criminal and/or dependency matters involving the same factual circumstances as the administrative proceedings appeal are pending and warrant a stay.

1. I am requesting a stay of the assigned hearing pending the outcome of related criminal proceedings or dependency proceedings.
2. I am attaching the following documents with the request for stay of the hearing:

I. CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document and attachments upon all parties of record in this proceeding in accordance with the requirements of 1 Pa. Code § 33.32 (relating to service by a participant).

Dated this _____ day of _____ 20_____

J. SIGNATURE

HANDWRITTEN SIGNATURE IN INK	TYPE OR PRINT NAME
MAILING ADDRESS	
TELEPHONE NUMBER	TELEPHONE NUMBER
FACSIMILE (FAX) NUMBER	EMAIL ADDRESS

- Signed by (check box)
- | | |
|--------------------------|---------------------------------------|
| <input type="checkbox"/> | Appellant (representing myself) |
| <input type="checkbox"/> | Appellant’s attorney |
| <input type="checkbox"/> | Solicitor - Child Protective Services |
| <input type="checkbox"/> | Guardian ad Litem |