

SUPREME COURT OF PENNSYLVANIA

G.V. v. Department of Public Welfare

625 Pa. 280 (2014) (Pa.) · Decided April 29, 2014

SUMMARY

The Pennsylvania Supreme Court considered the evidentiary standard applicable in proceedings seeking expungement of an indicated child-abuse report from the ChildLine Registry. The Court held that the legislatively established substantial-evidence standard, rather than a clear-and-convincing-evidence standard, governs whether the report should be maintained. It reversed the Commonwealth Court and remanded for review under the substantial-evidence standard.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice McCaffery; Chief Justice Castille; Justice Eakin; Justice Baer; Justice Saylor; Justice Stevens; Justice Todd
JURISDICTION	Pennsylvania
DECIDED	April 29, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Department of Public Welfare appealed the Commonwealth Court's order vacating and remanding the denial of G.V.'s request to expunge an indicated child-abuse report from the ChildLine Registry.
STANDARD OF REVIEW	The issue was a question of law reviewed de novo under a plenary scope of review. The court also addressed whether the agency's determination was supported by the substantial-evidence standard.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania.
PARTIES	Department of Public Welfare v. G.V.

TOPICS

administrative law agency adjudication judicial review of agency action due process
statutory interpretation

PRACTICE AREAS

Administrative law Child protective services Constitutional due process Appellate procedure

QUESTIONS PRESENTED

1. Whether the Child Protective Services Law requires clear and convincing evidence, rather than substantial evidence, to maintain an indicated child-abuse report in the ChildLine Registry after an expungement hearing.
2. Whether applying the legislatively established substantial-evidence standard violates the accused person's constitutional reputation and due-process interests.

HOLDINGS

1. The proper evidentiary standard in a Child Protective Services Law expungement proceeding is the legislatively established substantial-evidence standard, not clear and convincing evidence.
2. Use of the substantial-evidence standard to maintain an indicated child-abuse report in the Registry does not, on the record and statutory scheme presented, violate due process.

KEY QUOTATIONS

“Accordingly, we hold that the Commonwealth Court erred in requiring a “clear and convincing” evidentiary standard of proof in child abuse expunction cases under the Child Protective Services Law, 23 Pa.C.S. §§ 6301-6386, and that the proper standard of proof is the legislatively established substantial evidence standard.” (91 A.3d at 674)

“The government’s interest in addressing the urgent need of abused children for protection from further injury and impairment encompasses both the child or children who were actually abused by the perpetrator, as well as any children who may potentially be abused by the perpetrator.” (91 A.3d at 674)

FACTUAL BACKGROUND

Lancaster County Children and Youth Services investigated allegations that G.V. sexually abused C.S., his sixteen-year-old great-niece, who was in G.V. and his wife's custody. CYS filed an indicated report after finding substantial evidence of abuse, and DPW maintained a summary of the report in the ChildLine Registry. After an administrative hearing at which C.S. testified credibly and G.V. was found not credible, the administrative law judge concluded that the report was supported by substantial evidence and denied expungement.

PROCEDURAL HISTORY

Lancaster County Children and Youth Services filed an indicated report after determining that substantial evidence supported allegations that G.V. sexually abused his sixteen-year-old great-niece. DPW denied G.V.'s expungement request after an administrative hearing, and the Bureau of Hearings and Appeals adopted the administrative law judge's recommendation. The Commonwealth Court vacated and remanded, holding that clear and convincing evidence was required to maintain the report in the Registry. The Supreme Court of Pennsylvania reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Commonwealth Court was directed to review the case under the substantial-evidence standard.

CASES CITED

- G.V. v. Department of Public Welfare, 52 A.3d 434 (Pa. Commw. Ct. 2012) (en banc)
- R. v. Department of Public Welfare, 535 Pa. 440, 636 A.2d 142 (1994)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- P.R. v. Department of Public Welfare, 569 Pa. 123, 801 A.2d 478 (2002)
- Santosky v. Kramer, 455 U.S. 745 (1982)
- Commonwealth v. Lee, 594 Pa. 266, 935 A.2d 865 (2007)
- Commonwealth v. Maldonado, 576 Pa. 101, 838 A.2d 710 (2003)
- R.A. v. Department of Public Welfare, 82 A.3d 370 (Pa. 2013)
- Glatfelter Pulpwood Co. v. Commonwealth, 619 Pa. 243, 61 A.3d 993 (2013)
- J.S. v. Department of Public Welfare, 528 Pa. 243, 596 A.2d 1114 (1991)
- F.R. v. Department of Public Welfare, 4 A.3d 779 (Pa. Commw. Ct. 2010)
- D.T. v. Department of Public Welfare, 873 A.2d 850 (Pa. Commw. Ct. 2005)
- A.O. v. Department of Public Welfare, 838 A.2d 35 (Pa. Commw. Ct. 2003)
- Cinram Manufacturing, Inc. v. Workers' Compensation Appeal Board (Hill), 601 Pa. 524, 975 A.2d 577 (2009)
- Zinermon v. Burch, 494 U.S. 113 (1990)

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