



FINAL DETERMINATION

IN THE MATTER OF	:
	:
SHYLO GRIM,	:
Requester	:
	:
v.	: Docket No: AP 2026-3339
	:
PENNSYLVANIA DEPARTMENT OF	:
HUMAN SERVICES,	:
Respondent	:

On July 22, 2026, Shylo Grim (“Requester”) submitted a request (“Request”) to the Pennsylvania Department of Human Services (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking child abuse records from January 2025 – July 2026, for named individuals. On August 13, 2026, following a thirty-day extension, 65 P.S. § 67.902(b), the Department denied the Request, asserting that the requested records are confidential under the Child Protective Services Law (“CPSL”), 23 Pa. C.S. § 6339, and exempt as records relating to a noncriminal investigation, 65 P.S. § 67.703(b)(17), and as records identifying a child 17 years of age or younger, 65 P.S. § 67.703(b)(30).

On August 13, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The OOR invited both parties

to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On August 28, 2026, the Department submitted a position statement reiterating its grounds for denial. In support of its position, the Department submitted the attestation of Amanda Dorris (“Dorris Attestation”), Director for the Department’s Office of Children, Youth, and Families’ Bureau of Policy, Programs and Operations, made subject to penalties under 18 Pa. C.S. § 4904. The Department also submitted the attestation of Andrea Bankes, (“Bankes Attestation”) Administrative Officer, Office of Administration, of the Department, subject to penalties under 18 Pa. C.S. § 4904

The Department is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a Commonwealth agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Department is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). The preponderance of the evidence standard has been defined as “such proof as leads the fact-finder . . . to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The RTKL provides that any record that is “exempt from being disclosed under any Federal or State law or regulation or judicial order or decree” is not a public record under the RTKL. 65 P.S. § 67.102. Section 3101.1 of the RTKL indicates that “[i]f the provisions of this act regarding access to records conflict with any other Federal or State law, the provisions of this act shall not

apply.” 65 P.S. § 67.3101.1. Accordingly, to the extent that the CPSL applies, it supersedes the application of the RTKL to the responsive records. *See, e.g., Kody Leibowitz and WJAC 6 News v. Pa. Dep’t of Human Services*, OOR Dkt. AP 2017-0279, 2017 PA O.O.R.D. LEXIS 348, *12 4 (holding that information relating to child abuse investigations is exempt under the [CPSL]).

Section 6339 of the CPSL provides:

Except as otherwise provided in this subchapter or by the Pennsylvania Rules of Juvenile Court Procedure, reports made pursuant to this chapter, including, but not limited to, report summaries of child abuse and reports made pursuant to section 6313 (relating to reporting procedure) as well as any other information obtained, reports written or photographs or X-rays taken concerning alleged instances of child abuse in the possession of the department or a county agency shall be confidential.

23 Pa. C.S. § 6339; *see also Sheils v. Pa. Dep’t of Educ.*, 964 C.D. 2014, 2015 Pa. Commw. Unpub. LEXIS 251 (April 10, 2015), *petition for allowance of appeal denied*, 125 A.3d 779 (Pa. 2015) (noting that Section 6339, the broadest of the CPSL’s confidentiality provisions, strictly limits access to and disclosure of the information contained in the statewide database and reports of child abuse).

The Dorris Attestation states that reports of alleged child abuse are reported to ChildLine. Dorris Attestation, ¶5. Under the CPSL, the Department is required to provide a single Statewide toll-free telephone number where reports of suspected child abused can be made, which is ChildLine. *Id.* at ¶¶3-5. The Requester clarified to the Department that he is sought “any reports made between the dates I have given for any child abuse or anything of that sort.” Bankes Attestation, ¶8. The Department thereafter denied the Request because reports and information concerning alleged child abuse are confidential under the CPSL. 23 Pa. C.S. § 6339; Bankes

Attestation, ¶11.^{1 2} As the reports of child abuse are confidential and the CPSL supersedes the RTKL, the Department has met its burden of proving that the records are not subject to public disclosure. 65 P.S. § 67.3101.1.

For the foregoing reasons, the appeal is **denied**, and the Department is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.³ All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 4, 2026

/s/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Shylo Grim
Marisa L. Cohan, Esq.

¹ The Department advised the Requester that the records may be sought directly from ChildLine as opposed to being disclosed under the RTKL.

² The Department also argues that the records are exempt under Section 708(b)(17) and (b)(30) of the RTKL. 65 P.S. § 67.703(b)(17), (b)(30). However, as the RTKL is superseded by the CPSL, we will not address those arguments. 65 P.S. § 67.3101.1.

³ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).