

Dependency Case Law Update

January 2023 – November 2023

Topic	Citation	Snapshot
Abuse Founded Adjudication	<i>Int. of: S.A.S., --- A.3d ----(2023); 2023 PA Super 235</i>	Trial court declined to make abuse findings and declined to adjudicate dependent. Superior Court reversed.
Abuse Indicated/Founded Due Process	<i>S.F. v. Pennsylvania Department of Human Services, 298 A.3d 495 (Pa. Commw. Ct. 2023)</i>	“Petitioner and other teachers must be afforded a pre-deprivation hearing before an impartial ALJ before being listed as a perpetrator in an indicated report on the ChildLine Registry and in a founded report, based on ARD.” S.F at 532–33.
Abuse Founded Right to an Interpreter	<i>In re R.C.-G., 292 A3d, 582 (2023)</i>	Right to accurate interpreter services is well established and applies to all judicial proceedings. In this case, lack of effective interpreter left Parent unable to rebut presumption identifying him as the perpetrator of abuse.
Abuse Founded Standing in Dependency	<i>Interest of M.M., 302 A.3d 189 (2023)</i>	Alleged perpetrator must be a party in dependency for the dependency court to have the authority to make findings relevant to abuse for Childline. No amount of process or culpability can overcome the lack of party status.
Child’s Representation Termination of Parental Rights	<i>Interest of H.H.N., 296 A.3d 1258 (2023)</i>	Representation of a child requires zealous client-directed advocacy. Before making the decision to appoint one attorney to serve as both best interests and legal counsel, the court must make and document on the record a determination of whether there is a conflict between the roles.
Court Directed Medical Decisions	<i>Interest of M.A.P., 291 A.3d 418 (2023)</i>	Unique circumstance where hospital sought order of dependency court to direct end of life decisions for child. Father had to be given the opportunity to be heard on each step of the decision making.
ICWA	<i>Haaland v. Brackeen, 599 U.S. 255 (2023)</i>	The United States Supreme Court upheld the majority of the challenges brought against ICWA and determined that no petitioning party had standing to raise the remaining claims.
Goal Change to Adoption	<i>Interest of J.B., 296 A.3d 1234 (2023)</i>	Superior Court found the trial court abused its discretion in denying Agency’s request for goal change to adoption.
Goal Change to PLC	<i>Interest of K.C., 2023 PA Super 245 (2023)</i>	After denying the Agency’s request for termination of parental rights, the trial court changed the goal to adoption. Affirmed.

Reasonable Efforts Prevent Removal	<i>Interest of K.M.</i> , --- A.3d ---- (2023); 2023 PA Super 217	Trial court made a finding of no reasonable efforts to prevent removal, meticulously reviewing what it found to be systemic shortcomings. Superior Court upheld.
Special Immigrant Juvenile Status	<i>Velasquez v. Miranda</i> , 297 A.3d 837 (2023)	The Superior Court determined that with the matter addressed in custody court, the children had not been adjudicated dependent or placed in the legal custody of someone appointed by a state or juvenile court and therefore did not qualify for SIJ status. Allowance of appeal granted 11/27/2023.
Special Immigrant Juvenile Status	<i>Rivas v. Villegas</i> , 300 A.3d 1036 (2023)	The Superior Court vacated the custody court's opinion and remanded for a new hearing to address the predicate factual findings with respect to the SIJ status determination.
Standing Post-KNL Child's Representation in Adoption	<i>In re Adoption of A.M.W.</i> , 289 A. 3d 109 (2023)	Threshold question of standing must be addressed before substantive assessment of petition to adopt, even when biological parent's rights will remain intact, and they will not consent to an adoption.
Termination of Parental Rights Bonds	<i>Interest of K.T.</i> , 296 A.3d 1085 (Pa. 2023)	The burden remains on the moving party to prove by clear and convincing evidence that termination serves the needs and welfare of the child, and therefore, that any existing bond with the parent is not necessary and beneficial.
Termination of Parental Rights Intellectual Disability	<i>Interest of A.R.</i> , 2023 PA Super 243 (2023)	Mother alleged discrimination based on intellectual disability. Superior Court upheld the trial court's decision to terminate parental rights finding it was not solely based in Mother's disability and properly considered the child's needs and welfare.