

In the Interest of: L.B., A Minor, 2017 PA Super 411

Although a concurring opinion, Justice Strassburger confronts a case of first impression regarding the definition of child abuse under the Child Protective Services Law (CPSL). Strassburger joined the majority in its decision to adjudicate a child as dependent due to the mother's prenatal drug use, but questioned whether the definition of child abuse was too broad and should apply to every decision a mother makes while pregnant (i.e. exercising, eating sushi, choosing to remain in an abusive relationship). Strassburger also discussed that most women who use drugs during pregnancy do so due to addiction issues and that the law "may even drive [the mother] away from the hospital if she knows she is going to face [being treated as a child abuser]."

In the Interest of: J.P., A Minor, 2018 PA Super 11

The Superior Court affirmed the trial court's order removing two children from their foster parent's home. The children were initially placed in the care of OT, the foster parent, after they were adjudicated to be dependent. They resided with OT for approximately five years. The permanency goal for each child was changed from reunification to adoption. At a permanency review hearing, it became clear that OT had substance abuse issues and the master ordered OT to submit to random drug screening. DHS requested that the case be listed for a removal hearing. OT did not appear at the scheduled hearing and OT's drug screen indicated the presence of several controlled substances, at which time the children were removed from OT's home due to the "serious safety concerns concerning [OT's] ability to properly care for the children". OT appealed, but the court held that OT lacked standing for the dependency proceeding pursuant to case law and 42 Pa.C.S.A Sec. 6336.1.

In re: Adoption of J.N.M., A Minor, 2018 PA Super 3

The Superior Court affirmed the trial court's order terminating Mother's parental rights to two children. Two children had been removed from Mother's care and were adjudicated dependent based on the "deplorable conditions of Mother's home, outstanding warrants for Mother's arrest on three separate criminal charges, a history of domestic violence in Mother's home and in Children's presence, and Mother's drug abuse." While the children were in foster care, Mother was arrested several more times, overdosed on drugs and failed to maintain a residence of her own. Mother had the opportunity to visit the children on limited occasions, but missed more than half of the visits. Due to the lack of progress on Mother's part, the Westmoreland County Children's Bureau (WCCB) filed a petition to terminate involuntarily Mother's parental rights to the children. The orphans' court determined that WCCB met its burden as set forth in 23 Pa.C.S. 2511 regarding the termination of Mother's parental rights of the children and found that severing the children's bond with Mother was outweighed by their safety and security needs.