

CHILDREN'S FAST TRACK APPEAL

IN THE SUPREME COURT OF PENNSYLVANIA

Nos. 37 WAP 2022 & No. 38 WAP 2022

Consolidated Cases

IN RE: ADOPTION OF K.T. A Minor

BRIEF FOR *AMICI CURIAE*, MONTGOMERY CHILD ADVOCACY PROJECT, THE DEFENDER ASSOCIATION OF PHILADELPHIA, SUPPORT CENTER FOR CHILD ADVOCATES, CHILD ADVOCACY UNIT OF MONTGOMERY COUNTY PUBLIC DEFENDER'S OFFICE, MONROE COUNTY CHILDREN AND YOUTH SERVICES, McKEAN COUNTY CHILDREN AND YOUTH SERVICES, WARREN COUNTY CHILDREN AND YOUTH, WASHINGTON COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCY, LACKAWANNA COUNTY OFFICE OF YOUTH AND FAMILY SERVICES SOLICITORS' OFFICE, CUMBERLAND COUNTY CHILDREN AND YOUTH SERVICES SOLICITORS' OFFICE, WASHINGTON COUNTY CHILDREN AND YOUTH SOCIAL SERVICE SOLICITORS' OFFICE, SEVENTEEN ADDITIONAL CHILDREN'S COUNSEL, TWO PARENTS' COUNSEL AND FOUR INDIVIDUAL PSYCHOLOGISTS
IN SUPPORT OF APPELLANT, K.T.

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I. IDENTIFICATION AND INTEREST OF *AMICUS CURIAE*¹

Montgomery Child Advocacy Project

The Montgomery Child Advocacy Project (“MCAP”) is a non-profit organization providing free legal representation to the children of Montgomery County, Pennsylvania who are victims of abuse, neglect, and child trafficking. Our mission is to end and prevent child abuse and neglect through legal services, advocacy, and education.

We are a unique children victim’s agency, in that we provide free legal representation and comprehensive support to navigate social services and other systems, so these children can find greater safety, security, and stability in their lives. We have 70 trained and dedicated attorneys who volunteer their time and talents to represent these children and make sure their voices are heard in the courts and social service agencies. Since our inception in 2004, we have helped over 8,600 children. Our MCAP staff attorneys and advocates serve as guardians ad litem and legal counsel for minors. We are involved in all legal arenas, including Orphans’ Court (specifically for termination of parental rights cases), Family Court, Dependency Court, and Criminal Court.

¹ Pursuant to Pa. R. A. P. 531 (b)(2), the undersigned certifies that no entity other than the identified *Amici*, their members or the undersigned counsel paid in whole or in part of the preparation of this brief or authored this brief in whole or in part.

MCAP has a compelling interest in ensuring that children whom we represent live in safe, nurturing, stable, and permanent homes. All children deserve to live in loving, safe, and permanent homes of their parents. However, this is not always feasible when there are threats of abuse and neglect in the home by the parental caretakers. When children must be removed from the home of their parents, we as advocates must ensure that they are placed with someone they know and trust. When the goal of permanency with a parent is impossible, the goal remains permanency but with a known and trusted caregiver for the child. The goal is always permanency for children, and it cannot be compromised while parents try to overcome the obstacles preventing them from being a safe resource for the children.

With the help of nurturing caregivers, the period of childhood is essential for children to learn, develop, and mature. However, this critical period of growth is fleeting and irrevocable making the need for a permanent safe home paramount for the child to overcome the trauma from the reasons for the removal from their homes and the transition to out-of-home placements.

The Defender Association of Philadelphia

The Defender Association of Philadelphia (“Defender Association”), was founded in 1934 by a group of attorneys who were dedicated to the belief that everyone, regardless of income, deserves the highest quality legal representation. Firmly rooted in Philadelphia for more than 80 years, the Defender Association

stands as the City's vanguard for all types of indigent defense and has continually expanded its services to provide high-quality, client-centered legal representation not only to adults but also to juveniles and children in Philadelphia. As such, in 1974, the Defender Association created the Child Advocacy Unit to act as a voice for children who are involved in the dependency court system. The Child Advocacy Unit provides an integrated, team-based approach of attorneys and social workers who work together throughout the life of a case to protect the client's legal rights; advocate for their best interests; promote their permanency, stability, and well-being; and secure positive outcomes for them. The resolution of this case is of substantial importance to our role in representing our clients.

As the primary appointment source for Philadelphia Family Court, the Child Advocacy unit as an entity represents the largest collective group of children who are the subject of dependency petitions before the court. In 2020, the Child Advocacy Unit represented approximately 2,000 clients in 13,100 dependency and adoption hearings. Our representation model includes a team consisting of an attorney and social worker assigned to each child with the team representing the child throughout the life of the proceedings. As attorneys, we utilize our social work teammate as a facet of our legal representation to provide us with direction and guidance in a variety of areas including best interest determinations, child development and child trauma. Our social workers inform our practice and provide us insight on how to best

interact with and interview our clients around extremely sensitive topics including assessments around parent-child bond in preparation for court proceedings.

The Child Advocacy Unit has litigated countless petitions for Involuntary Termination of Parental Rights while relying on the Supreme Court decision in *In re T.S.M.*, 71 A.3d 251 (Pa. 2013). The Superior Court majority memorandum decision directly conflicts with this Court's decision in *In re T.S.M.* where the Court acknowledged that, while the "utmost attention" should be paid to discerning the effect on the child" of severing the bond between parent and child, it does not follow that the "mere existence" of the bond is reason enough to deny a petition for termination of parental rights. The majority memorandum affirms the trial court's denial of termination in this case, which was based entirely on its evaluation of the parent-child bond, without reference to the child's need for permanency or her relationship with her foster family. As the dissenting memorandum recognizes, the majority misreads the holding in *T.S.M.*, which requires that the trial court weigh the effect of severing the child's bond with her parent against the child's need for permanency.

The majority memorandum's reading of the statute and this Court's standard as stated in *T.S.M.* would have a devastating impact on our clients, who might be denied permanency any time that a positive bond exists between parent and child, no matter what the other circumstances would dictate. Therefore, we join with

amicus Montgomery Child Advocacy Project in supporting the Joint Petition for Allowance of Appeal.

Child Advocacy Unit of the Montgomery County Public Defender's Office

The Child Advocacy Unit of the Public Defender's Office serve as guardians ad litem for dependent children in Montgomery County. The Child Advocacy Unit shares the position set forth in the Amicus and joins Montgomery Child Advocacy Project and Kids' Voice in the attached Amicus Brief.

Support Center for Child Advocates

The Support Center for Child Advocates (*Child Advocates*) provides legal assistance and social service advocacy to abused and neglected children in Philadelphia, representing more than 1000 dependent children each year. For all the children committed to *Child Advocates'* care, lawyers and social workers advocate to ensure safety, health, education, family permanency and access to justice.

McKean County Children and Youth Services

McKean County Children and Youth Services is the child welfare agency in McKean County and works with children and families involved in child abuse and neglect investigations, dependency proceedings and adoptions.

Monroe County Children and Youth Services

Monroe County Children and Youth Services is the child welfare agency in Monroe County and works with children and families involved in child abuse and neglect investigations, dependency proceedings, and adoptions.

Washington County Children and Youth Social Service Agency

Washington County Children and Youth Social Service Agency (“Washington County CYS”) is a public agency committed to the wellbeing of children and families. Washington County CYS utilizes a teaming model to build on the strengths of families, engage families, and empower families to achieve their highest potential. Washington County CYS is involved with approximately 389 dependency proceedings each year, including many cases involving termination and adoption.

Lackawanna County Office of Youth and Family Services Solicitors Office

Lackawanna County Office of Youth and Family Services Solicitors Office represents Lackawanna County children in dependency proceedings each year, including many cases involving termination and adoption.

Warren County Children and Youth

Warren County Children and Youth is a public agency serving Warren County, Pennsylvania and committed to the well-being of children and families. Warren County CYS uses a teaming model to build on the strengths of families, to

engage families, and to empower families to achieve their highest potential. Warren County CYC offers substantial in-home services to obviate the need to place children outside of their homes. Warren County CYC files between 12 to 25 dependency cases annually. Many of these cases conclude with termination of parental rights and adoption.

Washington County Children and Youth Social Service Solicitors Office

Washington County Children and Youth Social Service Solicitors Office represents Washington County Children and Youth Social Service Agency (“Washington County CYC”) in approximately 389 dependency proceedings each year, including many cases involving termination and adoption.

Michele Alfieri-Causser is the **Solicitor for McKean County Children and Youth** Services and represents the agency in dependency, termination of parental rights and adoption cases.

Sarah E. Hoffman is an attorney appointed by the court to represent children in dependency, termination of parental rights and adoption cases in **Dauphin County**.

Joy Fleming is an attorney court-appointed to represent children as guardian ad litem in dependency cases in **Dauphin County**.

Jay H. Ginsburg is an attorney who for the past 30 years has represented prospective adoptive parents in over 10,000 terminations of parental rights and adoption cases in 15 counties.

Kevin R. Helm is an attorney court-appointed to represent children as guardian ad litem in dependency cases in **Dauphin County**.

Leatrice Anderson is an attorney court-appointed to represent children as guardian ad litem in dependency cases in **Wayne, Pike and Lackawanna Counties**.

Parviz Ansari is an Assistant Public Defender in **Centre County** who acts as guardian ad litem for 86 dependent children.

Lindsay D. Baird, Kristopher G. Accardi, and Charles F. Chenot as solicitors represent **Cumberland County** Children and Youth Services in approximately 830 dependency court proceedings each year, including many cases involving termination of parental rights and adoptions.

MariAnn Hathaway is an individual attorney appointed to represent children as guardian ad litem in dependency proceedings in approximately 60 cases each year many of which involve terminations and adoptions.

Heather L. Paterno is an attorney court-appointed to represent children as guardian ad litem in dependency cases in **Dauphin County**.

Bobbie L. Rabuck, Esq. is an individual attorney who is a contracted solicitor in dependency cases for **Centre County** Children and Youth Services in approximately 50 cases each year.

Lucy Johnston-Walsh is an attorney who is court-appointed to represent children in dependency, termination of parental rights and adoption cases in **Cumberland County**.

Beau M. Grove, Esquire, is the guardian ad litem for **Elk County** and is appointed to represent the interests of children in dependency, termination of parental rights and adoption cases in Elk County.

Mark Hollenbeck is an attorney court-appointed to represent children in dependency, termination of parental rights and adoption cases in **McKean County**.

Scott McIntosh is an attorney appointed by the court to represent children and parents in dependency, termination of parental rights and adoption cases in **Montgomery County**.

Carol Ann Rose is an attorney who acts as guardian ad litem for 69 dependent children in **Bedford County**.

Sharon M. Scullin is an individual attorney appointed as a contract attorney to represent children as guardian ad litem in dependency and related cases in **Berks County**. From 2009 to 2016, she worked full-time for the County of Berks as guardian ad litem. Since 2016, she has worked as a contract attorney.

Samuel C. Totaro, Jr., Esq. is an attorney who has practiced in the field of adoption law in the Commonwealth of Pennsylvania for 45 years and is a past president (1996-1997) of the Academy of Adoption and Assisted Reproductive Technology Attorneys, a national organization of attorneys, judges and law professors in the United States and foreign countries, and represented children and parents in dependency, termination of parental rights and adoption cases in many counties, but especially **Bucks and Montgomery County, PA.**

Dr. Susan G. Berman Kress holds a doctorate in Clinical Psychology. She has been a PA-licensed Clinical Psychologist since 1993. Her private practice with Allegheny Mental Health Associates, PC was singularly focused on the treatment of children and adolescents and their parents until 2007, when she transitioned to focus on life coaching specific to parenting issues and most often centered on helping families cope with the impacts of divorce and custody arrangements. For more than a decade she also participated in the Children's Issues Roundtable of the Allegheny County Bar Association's Family Law Section. This group included family law practitioners, Family Court judges, psychologists, mediators and conciliators involved in issues relevant to family court matters such as divorce proceedings, custody arrangements, impacts of mental health and addiction, parental termination, the foster care system, etc. She also served as an instructor for the Generations

Program, a mandatory educational seminar for divorcing families involved in custody disputes.

Gillian Blair, PhD, LLM holds a doctorate in clinical and developmental psychology and a master of laws degree. She has held a PA license since 1997. She is in private practice and has provided services as a practitioner, evaluator, and expert witness in family court, particularly related to child attachment in adoption cases, the impact of parental mental health in termination of parental rights cases, and more generally the best interest of the child in custody and termination of parental rights cases.

Rachel H. Farr, Ph.D. is an Associate Professor in the Department of Psychology at the University of Kentucky. Dr. Farr's research in developmental psychology focuses on diverse families, particularly those formed through adoption and headed by LGBTQ+ parents. Her findings have been published in top-tier developmental psychology journals, such as *Child Development* and *Developmental Psychology*. Her work has garnered national media attention and has been cited in numerous *amicus* briefs for U.S. Supreme Court cases.

David M. Brodzinsky, Ph.D. is Professor Emeritus of Clinical and Developmental Psychology at Rutgers University. For more than three decades, his research and scholarly writings have focused primarily on developmental and clinical issues in adopted and foster children and their families. Among the many

topics studied are: children's understanding of adoption; coping with adoption related loss; parent-child attachment; psychological and academic adjustment; open adoption; adoption by sexual-minority families; preparation and training needs of adoptive parents; and training mental health professionals to be adoption clinically competent. He has over 100 publications, including numerous peer reviewed journal articles, book chapters, and six books on adoption and another on lifespan human development.

Dr. Brodzinsky is a licensed psychologist, who has maintained a private clinical and consultation practice focusing primarily on mental health issues in adoptive kinship members. He has also been a forensic consultant and expert witness in a number of high-profile legal cases involving adoption-related issues. Dr. Brodzinsky was one of the founding directors of the Donaldson Adoption Institute (DAI), an internationally-known adoption and foster care think tank in New York City. He served on the Board of Directors of the Institute for ten years and was its Research Director for another eight years. After leaving DAI in 2014, he joined the National Center on Adoption and Permanency as its Research Director. Dr. Brodzinsky has been a consultant to countless public and private adoption agencies and has conducted training workshops for mental health professionals, child welfare professionals, legal professionals, and policymakers on a wide range of topics related to adoption and foster care throughout North America, Europe, and parts of South

America. He is a frequent keynote speaker at conferences and has testified before state and U.S. Congressional committees on policy issues related to adoption. For his widely known and well respected work in adoption, Dr. Brodzinsky has received three national awards: U.S. Congressional Coalition in Adoption, Angel in Adoption Award in 2002; Marshall Schechter Memorial Lecture Award from the American Academy of Child and Adolescent Psychiatry in 2010; and the Adoption Excellence Award from the U.S. Department of Health and Human Services and the Children's Bureau in 2015.

II. SUMMARY OF THE ARGUMENT

The Superior Court's decision² dramatically departing from the long-standing needs and welfare analysis of Section 23 Pa. C. S. §2511(b) of the Adoption Act causes serious, harmful, and life-threatening consequences for children living in foster care.³ It also creates a new and competing standard regarding the needs and welfare of children in placement that will confuse parties, trial courts, and appellate courts.

The effect of the Superior Court's dramatic deviation from the long-standing unambiguous law is harmful to both children out of their homes and families by setting forth a chaotic and unpredictable legal needs and welfare standard. Besides being unpredictable, the Superior Court's decision robs children in placement the chance for permanency. Without permanent stable placements, children will likely suffer from additional serious adverse experiences causing negative life-threatening medical, emotional, behavioral problems. Furthermore, permanent placement opportunities like adoptions promote positive experiences which mitigate the damaging effects of early childhood adversity. Finally, children who age out of care without permanent placements are likely to suffer hardships from lack of familial

² In a Memorandum Opinion by Judge Colins with Judge McCafferty joining, the Superior Court panel affirmed the Orphans' Court decision and Judge Murray filing a Dissenting Opinion.

³ In the Brief, *Amici* refers to foster care which includes all types of out-of-home nonpermanent placements including residential treatment facilities, group homes, etc.

and community resources necessary for the successful healthy transition to adulthood.

III. ARGUMENT

A. Introduction

Amici are 35 child welfare agencies, solicitors, children attorneys, parents' attorneys, and psychologists from 17 counties statewide who advocate for permanent stable placements for children and collectively represent thousands of children each year in dependency cases including termination of parental rights cases. Recognizing the significance of the impact of the Superior Court's decision, *Amici* join this brief to support adhering to the current caselaw and statutes ensuring permanency and stability for children in care. In representing the needs and welfare for these children, *Amici* advocate for permanency for children who are displaced from their homes and live in alternate placements. Living in stable, nurturing, permanent environments promotes healthy and dependable bonds for children in care. When children live in stable and permanent family settings, they are more likely to overcome the adverse childhood experiences that led to placements out of their homes.

While the simple act of leaving the home is a traumatic experience, it is just the beginning for children entering the child welfare system. Many children must then adapt to different homes, schools, caregivers, other children in the placement, and service providers. Adverse childhood experiences (ACEs) are potentially traumatic events that occur during childhood. The Centers for Disease Control and

Prevention (CDC) and Kaiser Permanente conducted the first ACE study to assess the long-term impact of abuse and household dysfunction during childhood on the following outcomes: disease risk factors and incidence, quality of life, health care, and mortality. The study revealed that exposure of abuse and dysfunction in childhood were leading causes of deaths and diseases in adulthood.⁴ Subsequent studies show that childhood adversity can result in devastating social ills including incarceration, addiction, domestic violence, suicide, and chronic diseases.⁵

Fortunately, the story does not end with the devastating effects of ACEs. Recent research shows that positive childhood experiences combat the effects of childhood adversity. Positive childhood experiences include experiences that build a sense of belonging including residential stability, parental support, and resilience.⁶ There is hope because parental well-being, child resilience, and safe, stable, and nurturing environments in home, school, and the community can mitigate the devastating

⁴ Felitti VJ, Anda RF, Nordenberg D, Williamson DF, Spitz AM, Edwards V, Koss MP, Marks JS. Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. The Adverse Childhood Experiences (ACE) Study. *Am J Prev Med.* 1998 May;14(4):245-58. doi: 10.1016/s0749-3797(98)00017-8. PMID: 9635069.

⁵ Palacios, J., Adroher, S., Brodzinsky, D. M., Grotevant, H. D., Johnson, D. E., Juffer, F., Martínez-Mora, L., Muhamedrahimov, R. J., Selwyn, J., Simmonds, J., & Tarren-Sweeney, M. (2019). Adoption in the service of child protection: An international interdisciplinary perspective. *Psychology, Public Policy, and Law*, 25(2), 57–72. <https://doi.org/10.1037/law0000192>.

⁶ Crandall A, Miller JR, Cheung A, Novilla LK, Glade R, Novilla MLB, Magnusson BM, Leavitt BL, Barnes MD, Hanson CL. ACEs and counter-ACEs: How positive and negative childhood experiences influence adult health. *Child Abuse Negl.* 2019 Oct;96:104089. doi: 10.1016/j.chiabu.2019.104089. Epub 2019 Jul 27. PMID: 31362100.

impacts of adverse childhood experiences, thereby offering impacted children a brighter future.⁷

B. In departing from the long-standing needs and welfare analysis of Section 23 Pa. C. S. §2511(b) of the Adoption Act, the impact of the Superior Court's decision deprives children of permanency causing them harm.

Permanency is the cornerstone of the U.S. child welfare system, aiming to reduce the number of children growing up in nonrelative foster care homes. Permanency planning is the process by which child welfare agencies work within specified time frames to move a child into a secure and permanent family situation through reunification with the family of origin, adoption, or guardianship. The preference for these outcomes is predicated on the belief and the empirical evidence that vulnerable children are best raised within a permanent family, where they feel a sense of security, belonging, and bonding to caring adults, rather than in the insecure and temporary environment that foster care provides.⁸

Affirming the commitment to permanency, the Legislature enacted The Fostering Connections to Success and Increasing Adoptions Act of 2008 promoting

⁷Bethell, Christina D., Newacheck, Paul, Hawes, Eva, and Halfon, Neal (2014), Adverse Childhood Experiences: Assessing The Impact On Health And School Engagement And The Mitigating Role Of Resilience, Health Affairs 2014 33:12, 2106-2115.

⁸ Perez, Alfred G.(2017), Classifying Relational Permanence Among Young Adults who Exited Foster Care Through Legal Permanence as Adolescents, Families in Society, Vol. 98. Issue 3, 179 – 189.

legal permanency for children in foster care. The Act recognizes that permanent, emotionally sustaining relationships are important for older youth to reach self-sufficiency and thrive during young adulthood.⁹ While the goal of foster care is to provide children with a safe and nurturing temporary home until they can be reunited with their biological family or given a permanent placement, the reality is that in 2020 more than 20,000 foster care children aged out of the system nationwide. *U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. Adoption and Foster Care Analysis and Reporting System (AFCARS) FY2020 data. October 4, 2021.*

Children in foster care experience placement instability unrelated to their baseline problems, and this instability has a significant impact on their behavioral well-being. Due to the nature of why children are placed in care, children in foster care often are at greater risk for many adverse outcomes compared to their peers. Some of these outcomes include incarceration, homelessness, teenage pregnancy, addiction, and unemployment. Since children in foster care are at greater risk for adverse outcomes and these risks increase with the age of the child and the amount

⁹ *Id.*

of time they spend in care, it is important to ensure children have a permanent placement like adoption in a timely manner.¹⁰

Adoption as a permanent out of home placement facilitates a lifelong experience of belonging and a sense of stability that promotes recovery from past difficulties. Research of post-adoption outcomes reveals that adopted children show a substantial catch-up from developmental delays, development of attachment security, and medical and mental health improvement. Ultimately, the high-quality nurturing environment usually found in adoptive families may reduce the risk of negative outcomes.¹¹ Stable and nurturing adoptive families promote positive changes in a child's health, cognitive development, and attachment ability.

Furthermore, removal from home due to neglectful caregivers causes the child to develop an insecure style of attachment. Attachment is defined as the relationship between two people and forms the basis for long term relationships or bonds with other persons. Insecure attachment style correlates with the increased risk of psychological, social, and medical problems throughout the individual's life. Stable, nurturing placements can minimize attachment injuries. Developing healthy

¹⁰ Bruskas, D. (2008). Children in foster care: A vulnerable population at risk. *Journal of Child and Adolescent Psychiatric Nursing*, 21(2), 70-77. doi:10.1111/j.1744-6171.2008.00134.x.

¹¹ Palacios, J., Adroher, S., Brodzinsky, D. M., Grotevant, H. D., Johnson, D. E., Juffer, F., Martínez-Mora, L., Muhamedrahimov, R. J., Selwyn, J., Simmonds, J., & Tarren-Sweeney, M. (2019). Adoption in the service of child protection: An international interdisciplinary perspective. *Psychology, Public Policy, and Law*, 25(2), 57–72. <https://doi.org/10.1037/law0000192>.

attachments to stable and appropriate caretakers promotes the healthy long-term psychological well-being of the youth.¹²

By departing from the long-standing needs and welfare analysis of Section 23 Pa. C. S. §2511(b) of the Adoption Act, the Superior Court robs children of permanent adoptive placements and the possibility of recovery from childhood adversity. Dangerously, the impact of this decision leaves a child in limbo, living in a non-permanent, unstable home without legal certainty. This decision and its direct consequences conflict with Pennsylvania and federal laws and the caselaw which prioritize permanency for children in placement.¹³

Permanent placements like adoptions offer children in care a way to mitigate ACEs and heal from childhood trauma by offering positive childhood experiences. Such hopeful outcomes of permanency for children vanish when there is no permanency but only a future of instability and uncertainty in long-term placements.

C. In departing from the long-standing needs and welfare analysis of Section 23 Pa. C. S. §2511(b) of the Adoption Act, the Superior Court’s decision sets the stage for children aging out of the system without permanent placements causing devastating consequences.

¹² Miranda, Megan, Molla, Elizabeth, Tadros, Eman, (2019), Implications of Foster Care on Attachment: A Literature Review, *The Family Journal: Counseling and Therapy for Couples and Families*, Vol. 25, 4, 1-10, <https://doi.org/10.1177/1066480719833407>.

¹³ This Court emphasizes the need to expedite children’s placement to permanent, safe, stable and loving homes *In re T.S.M.*, 71 A.3d 251, 269 (Pa. 2013).

Data proves that permanent placements promote healthy lives. The legislature, courts, medical community, and behavioral scientists agree that permanent placements for children promotes longevity, healthy connections, happy lives, and resilience.

In 2020 more than 20,000 foster care children aged out of the system nationwide. *U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. Adoption and Foster Care Analysis and Reporting System (AFCARS) FY2020 data. October 4, 2021.* These older youth, ages 14 through 18 years-old, report a lack of resources as they transition to successful adulthood. Unfortunately, they exit care without a support system to assist them through life's biggest milestones. When children transition from care unconnected to a permanent family or positive support, they face poorer outcomes compared to the general population.¹⁴

Youth aging out of placement without permanent placements experience higher rates of homelessness than those who age out and reunify with family members.¹⁵ Additionally, young people transitioning from foster care to adulthood

¹⁴ Report: 2020 State of Child Welfare: Protecting Children and Promoting Stable Families in PA - PA Partnerships for Children, Pennsylvania Partnerships for Children-A Voice for Kids Since 1992. <https://www.papartnerships.org/report/report-2020-state-of-child-welfare/#>.

¹⁵ Fowler PJ, Marcal KE, Zhang J, Day O, Landsverk J. Homelessness and Aging Out of Foster Care: A National Comparison of Child Welfare-Involved Adolescents. *Child Youth Serv Rev.* 2017 Jun;77:27-33. doi: 10.1016/j.childyouth.2017.03.017. Epub 2017 Mar 30. PMID: 29056803; PMCID: PMC5644395.

need essential resources to navigate the challenges along the path to adulthood. However, on their journeys, these young people face more obstacles than the young person living with permanent caregivers. The consequence of the Superior Court's decision is more children will linger in foster care indefinitely, so there will be an increase in the number of children aging out without any permanent safety nets to help them navigate the complex transition to adulthood. This alarming consequence is preventable and contrary to the law.

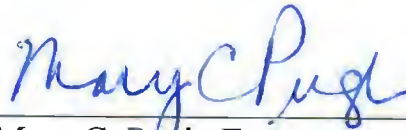
The Superior Court's decision lets children linger in foster care for years without permanency or stability despite the availability of pre-adoptive familial resources. The consequence of this decision deprives children, like the child here, from having permanency and stability with bonded family members when their biological parents cannot or will not perform the necessary parental duties to care for them. Moreover, the lack of permanency will negatively affect that child's mental and physical health, educational success, and likelihood of a happy life.

IV. CONCLUSION

Children who have the misfortune of losing their homes due to abuse and neglect deserve permanency and stability by being adopted when their parents are no longer capable of serving as their caregivers. Without a permanent family, these vulnerable children are at a greater risk for mental, physical, emotional, and behavior problems in life. *Amici* respectfully request this Court to reverse the Superior Court decision.

Date: September 21, 2022

Respectfully submitted,



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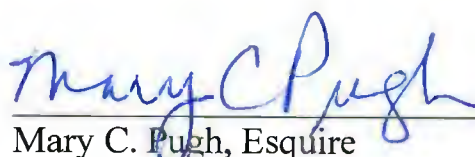
Pa.R.A.P. 531 (b)(3) CERTIFICATION

I, Mary C. Pugh, Esq., certify that the foregoing Brief of the *amici curiae* complies with the word count limitation of Pa. R. A.P. 531 (b)(3) as it does not exceed the word limit.

Pa.R.A.P. 127 CERTIFICATION

I hereby certify that the foregoing Brief complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*, pursuant to Pa. R. A.P. 127 that require filing confidential information and documents differently than non-confidential information and documents.

Date: September 21, 2022



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CERTIFICATION OF SERVICE

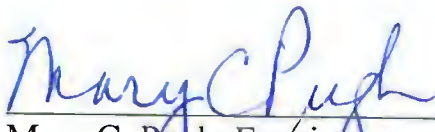
I, Mary C. Pugh, Esq., hereby certify that I served a true and correct copy of the within Brief for *amici curiae* was served in accordance with the requirements of Pennsylvania Rules of Appellate Procedure 121 on the following persons:

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