

NOVEMBER 2019

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THURSDAY
AUGUST 1

PA SUPREME COURT AGREES WITH BRIEF SUBMITTED BY CLINIC

August 1, 2013



The Pennsylvania Supreme Court recently agreed with an amicus curiae brief submitted by the Children's Advocacy Clinic arguing that an unhealthy emotional bond between a parent and child should not prevent a court from terminating a parent's rights when it's in the best interest of the children.

Even though her five children had been in foster care for the past ten years, the trial court refused to terminate the mother's rights reasoning that a bond existed between her and the children and severing that bond would not benefit the welfare of the children. [KidsVoice](#), Guardian ad Litem

for the children, appealed the lower court's decision on the grounds that while a bond may have existed it was pathological in nature and was not worth preserving.

Reversing the Superior Court's decision, the Court concluded that the children's needs and welfare would be best served by severing the bond with their mother permanently, in order to permit them to be placed into healthy, permanent homes.

"Penn State Children's Advocacy Clinic highlighted the statewide importance of this issue by bringing together six Pennsylvania organizations to highlight the critical impact of pathological parent-child bonding in termination hearings across Pennsylvania. The clinic further bolstered the case by reaching out to the psychiatrists at the Penn State Hershey Medical Center to provide convincing studies and research on the importance of the child and parent bonding at issue," said Scott Hollander, executive director of KidsVoice. "That combined effort by Penn State helped KidsVoice prevail in a case which sets a powerful precedent that should positively affect many children across Pennsylvania for years to come. This is true not only because of the holding regarding pathological bonding, but because the case provides strong language and significant guidance from the Supreme Court about how Pennsylvania trial courts and the Superior Court should and should not address cases involving Pennsylvania's abused and neglected children."

When contacted by KidsVoice to see if the Children's Advocacy Clinic would be interested in writing a brief in support of their position, Clinical Fellow Tim Smith '12 said that they didn't hesitate. "This issue has arisen in cases that we have handled at the Clinic in the past, and, unfortunately will continue so we also had an interest in getting clarification from the court."

"In dependency matters finding permanency for children through reunification, adoption, or long-term placement with a family member is a top priority," Smith said. "This case will help clarify how courts in Pennsylvania should address termination of parental rights in the future. If an unhealthy family bond exists, a court can now terminate parental rights if the benefits of breaking that bond outweigh the harm it may cause, like it did in this case where a permanent home for the children was a stake."

While doing research for the brief, the clinic reached out to their partners at the child psychiatry unit at Hershey Medical Center. The psychiatrists were able to provide medical research articles on the topic of parent child bonding, which were cited in the amicus brief.

Five other organizations joined the Clinic on the brief: the Support Center for Child Advocates, Pennsylvania CASA Association, CASA of Allegheny County, National Association of Social Workers, and the Dependency Division of the Allegheny County Office of Conflict Counsel.

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STAY CONNECTED

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