

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE: : No. 00-30,416  
:   
A. H. : CHILDREN & YOUTH  
A MINOR CHILD :   
: 1925(a) Opinion

**OPINION IN SUPPORT OF ORDER IN  
COMPLIANCE WITH RULE 1925(a) OF  
THE RULES OF APPELLATE PROCEDURE**

This opinion is written in support of this Court's Order entered March 20, 2007. A hearing was held before the Court on March 15, 2007 concerning a petition filed by Lycoming County Children and Youth, (hereinafter referred to as the "Agency"), seeking to have the Court declare A.H. a dependent child.

After hearing testimony, including testimony from two medical doctors, the Court found A.H. to be a dependent child.

A.H. was born on October 7, 2006. A.H.'s parents, W.H. and S.H., attended the dependency hearing and were represented by counsel. A.H. suffered a significant injury to his head and brain on January 25, 2007, while he was in the care of his parents. Unfortunately, the child has suffered probable permanent brain damage. The Court hereby incorporates its Order finding dependency entered on March 19, 2007, which order makes factual findings based on the evidence presented.

The Court concluded, based on the medical testimony of Dr. Thomas Martin, a pediatrician at the Williamsport Hospital, and Dr. Mark Steven Diaz, the Director of Pediatric Neurosurgical care at the Hershey Medical Center where the child was life-flighted, that the injury was caused by non-accidental trauma. The mechanism of injury was

acceleration or rotation of the child's head.

Both Appellant and Father W.H., have refused to cooperate or speak with the Agency to provide any explanation as to how the child could have suffered this life threatening injury while in their care. The parents offered no explanation to doctors as to how the injury occurred.

The Court believes its Order of March 19, 2007, which chronicles the basic facts presented at the dependency hearing on March 15, 2007, established that A.H. is a dependent child. See also N.T., March 15, 2007 (afternoon session), pp. 38-40, where the Court finds A.H. to be dependent.

In reviewing S.H.'s concise statement of matters complained of on appeal, the Court notes that S.H. complains that there was not clear and convincing evidence for the Court to find that S.H. was in fact the perpetrator of the non-accidental trauma to A.H.

The Court notes that the injury to the child occurred during a short time span on January 25, 2007. Caseworker Melissa Young, who had been working with S.H. since 2005,<sup>1</sup> left S.H.'s home around 9:30 – 9:45 a.m. and the child was fine. Shortly before 2:00 p.m., the father, W.H. took A.H. to the Williamsport Hospital emergency room. As discussed, the child had a significant injury to his brain. Dr. Martin opined that the child was injured on January 25 and that the child also had head injuries from an earlier time. While the Court cannot say whether S.H. or W.H. caused the injuries, at best S.H. would have had awareness of W.H. mishandling the child and despite this, she would not cooperate with the doctors or the Agency in explaining what happened to the child. Even in the best case scenario for S.H., she is more willing to protect her spouse than her child.

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<sup>1</sup> The Agency had been involved with S. H. and W. H. since 1999.

In matters complained of on appeal, S.H. complains that the Court would not permit her visitation with the child. It would not make sense to give S.H. visitation while the authorities are still trying to determine how this child was severely injured. This is especially so where S.H. will not talk with or cooperate with the Agency in regard to this investigation.

The Court is also mindful of the significant adverse history S.H. has had with the Agency. The Court notes other judges have terminated S.H.'s parental rights to three (3) prior children. See the Court's Order dated March 19, 2007 pp. 3-4; Judge Gray's Opinion and Decree of February 11, 2005, terminating S.H.'s parental rights to E.D., born July 9, 1999; Judge Gray's Opinion dated April 29, 2005; and Judge Gray's Opinion and Decree dated February 7, 2007, terminating S.H.'s parental rights of E.H., born October 30, 2002, and J.H., born February 14, 2004.

S.H. has exhibited significant anger problems and has a history of non-cooperation with the Agency. See this Court's Order dated March 19, 2007 and Judge Gray's Termination Opinion dated February 7, 2007, discussing S.H.'s anger management problems; See also the testimony of the CASA, Child Advocate worker, Judy Jones, N.T., March 15, 2007 (afternoon session), pp. 25-40. The Court also notes the position of the guardian ad litem was firmly against visitation of S.H. with A.H

In conclusion, the Court sees no basis for the issues raised by S.H. in her appeal of the Court's Order dated March 19, 2007.

DATE: \_\_\_\_\_

By The Court,

\_\_\_\_\_  
Kenneth D. Brown, P. J.

cc: Melody L. Hanisek, Esquire (APD)  
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