

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

**IN THE INTEREST OF** : **No. 00-304166**  
:  
**A. H.** :  
:  
**MINOR CHILDREN** : **Dependency Petition**  
**ORDER**

**AND NOW**, this day of March 19, 2007, after completion of the dependency hearing held March 15, 2007, the Court finds that A. H., born October 7, 2006, is a dependent child as defined by the Juvenile Act, 42 Pa. C.S.A. §6302.

The Court finds that on January 25, 2007, while in the custody care and control of his parents, W. H. and S. H., A. H. suffered significant injuries to his head. Children & Youth case worker Melissa Young, who has worked with the parents since 2005,<sup>1</sup> was at the parents' residence on the morning of January 25, 2007. She noted A. H. was fine at that time. She left the home around 9:30-9:45 a.m. Shortly before 2:00 p.m. that same date, W. H. took A. H. to the emergency room at the Williamsport Hospital. A. H. was having trouble breathing and he was convulsing. The emergency room called in Dr. Thomas Martin, a pediatrician to examine the child. Dr. Martin observed hemorrhaging in the retina of the child's left eye.. The child was given phenobarbital for the seizures.

Dr. Martin felt the child's condition was extremely serious and he wanted him to be seen by a pediatric neurologist. Dr. Martin had a CAT scan performed, which showed subdural bleeding near the brain. The bleeding showed up on the scan in two different colors - one white, one gray. Dr. Martin opined that the bleeding to the brain occurred two different times. One occurred that day and the other occurred at an earlier time frame. The parents

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<sup>1</sup> The Agency has been working with the parents since 1999.

gave no history of seizures.

Dr. Martin also noted that the child had bruising and swelling around the entire left arm. Dr. Martin concluded based on the subdural bleeding, including indications the bleeding occurred two separate times, the retinal hemorrhaging, and bruising, that the child's injuries were not accidental and occurred through physical abuse of the child. Dr. Martin testified that a back and forth motion, such as shaking a baby, would cause such injuries. Dr. Martin testified the parents provided no explanation regarding how the injury occurred.

Children & Youth was called to the hospital to investigate the injury. Caseworker Janice Fink attempted to interview the parents, but they refused to speak with her. Dr. Martin had Adam life flighted to the Hershey Medical Center. The Agency obtained an emergency custody order from the Honorable William Kieser.

Dr. Mark Steven Diaz, the Director of Pediatric Neurosurgical Care at the Hershey Medical Center, was involved in the care of A. H. Dr. Diaz saw A.H. around 6:20 p.m. in the Hershey emergency room. The child was lethargic and grimacing in pain. His first medical chart notes on the child were January 29, 2007. Dr. Diaz reviewed the prior medical records for A. H. A CAT scan of the brain was performed. Dr. Diaz noted bleeding around the outside of the brain. He found retinal hemorrhages of both eyes. There was bruising on the left arm. The child suffered seizures for four days. The child showed significant neurological impairment. Dr. Diaz firmly concluded that the child suffered an injury sometime on the day of admission to the Williamsport Hospital and that the injury was caused by non-accidental trauma. Dr. Diaz also found that there was global shrinkage of the child's brain, indicating a loss of some of the child's brain tissue from the injury.

The child was released from the Hershey Medical Center on February 1, 2007. The child's short term prognosis is that he is improving, but the long term prognosis is troubling as a result of left brain injury, which will pose a significant long term risk of motor difficulties, mental retardation and seizures.

Dr. Diaz testified the mechanism of injury was angular rotational acceleration or rotation of the head. Dr. Diaz clearly concluded that this injury was a non accidental injury.

The Agency placed A. H. in home of R. B. and D. B., paternal uncle and aunt. The child is doing extremely well in their home. Another CAT scan is scheduled in May 2007. R. B. and D. B. also have A. H.'s brother in their home, J. H. J. H. turned age 3 in February 2007. R. B. and D. B. are willing to provide a home for A. H. and J. H.

The parents, W.H. and S. H. are refusing to cooperate with the Agency's investigation of the injuries to A. H. The parent's rights to their three other children prior to A. H. have been terminated by the courts. Lycoming County Common Pleas Judge Richard Gray terminated the parents' rights to E. D., born July 9, 1999, after a full hearing on the Petition for Involuntary Termination of Parental Rights filed by the Agency. The Opinion and Decree of the Honorable Richard Gray dated February 11, 2005 and Judge Gray's further Opinion dated April 29, 2005 are incorporated into the record. The Court notes Judge Gray's decision has been upheld by the Memorandum Opinion issued by the Pennsylvania Superior Court filed September 20, 2005. This matter is now final and E. D. has been adopted by a new family.

The parents' rights to their children E. H., born October 30, 2002, and J. H., born February 14, 2004, were terminated by the Honorable Richard Gray in an Opinion and

Decree dated February 7, 2007. The parents have appealed this decision and the case is currently before the Pennsylvania Superior Court.

The long history of the Agency's efforts with the parents are well documented by Judge Gray and are incorporated into this Court's findings in this matter. The Court notes the parents' lack of cooperation with the Agency and significant anger problem shown by the parents over the years are documented by Judge Gray.

On March 15, 2007, this Court also heard testimony about Mother, S. H.'s anger in testimony from the CASA worker, Judy Jones. Ms. Jones reported that after a permanency hearing before Judge Richard Gray, Mother crashed a baby seat in which A. H. was sitting into a table because she was angered by Judge Gray's decision. This event is also referenced in Judge Gray's Termination Opinion dated February 7, 2007, concerning E. H. and J. H., in a Section titled Anger Management, at page 20.

In light of these findings, this Court finds A. H. is a dependant child.

The Court finds aggravating circumstances are present in that the parents' rights to three other children, E. D., E. H and J. H. have been terminated.

A. H. is placed in custody of the Agency for placement in an approved resource home.

Under all the circumstances, the Court finds that reasonable efforts need not be made to reunify the parents with A. H. Visitation between the parents and A. H. is discontinued.

The Court believes the eventual adoption of A.H. and J.H. by the R. B. and D. B. would be in the best interest of A. H. and J. H.

To allow the minor child to remain in the home of the parents is contrary to

the welfare of the child.

Reasonable efforts were made to prevent the removal of the child from the home.

The Agency may file a Termination of Parental Rights Petition.

By The Court,

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Kenneth D. Brown  
President Judge

cc: Charles Greevy, III, Esquire  
Children & Youth Services  
Patricia Bowman, Esquire  
Melody Hanisek, Esquire (APD)  
John Gummo, Esquire  
Work File  
Gary Weber, Esquire (Lycoming Reporter)