

# In the Interest of R.F. and C.F.

Superior Court of Pennsylvania  
April 17, 1990

On May 1, 1987, a dependency petition was filed regarding R.F. and C.F. due to truancy and lack of appropriate supervision. At the June 24<sup>th</sup> hearing the agency advocated that the children remain with the parents subject to court conditions. Following a stipulation agreement, R.F. and C.F. were adjudicated as dependent with legal and physical custody to their parents subject to supervision by CYF. Two years later, on June 6, 1989 a disposition hearing was held at CYF's request alleging a lack of parental supervision of the children and requesting a transfer of legal and physical custody to the agency. The court ordered legal and physical custody to remain with the parents subject to these conditions:

1. Family, including the parents and children, participate in drug and alcohol abuse evaluation and treatment at the Center.
2. Family cooperates with the C.A.S.S.P. program and any possible referral to the Center
3. C.F. be subject to a 9:00 p.m. curfew and R.F. be subject to a 10:00 p.m. curfew.
4. C.F. and R.F. be prohibited from associating with M.Y. or going to her residence.

On July 26, 1989, at the request of CYF, a hearing was held to determine whether there had been violations of the court's order. The trial court made the following findings:

The parents were in violation for failing to attend two scheduled meetings, which CYS determined was a prerequisite condition to attending the Center. The failure to attend the first appointment was excused as Mrs. F was ill. The appointment was rescheduled and no explanation was given for that missed appointment.

The F family attended the first meeting at C.A.S.S.P. When Mr. F learned that R.F.'s probation officer was attending the meeting he refused to participate. The meeting was held with Mrs. F. and the two boys in attendance. CYF knew of Mr. F's conflict with the probation officer but determined that she be part of the C.A.S.S.P. team as she was R.F.'s probation officer and the only probation officer in the county. Another meeting was scheduled without the probation officer in attendance. The purpose of this meeting was to explain the program to the F. family. A provision of the Family-based program includes home visits into the F. home. Following the June 23<sup>rd</sup> meeting with the C.A.S.S.P. person, the referral to that program was dropped by the agency because Mr. F. refused to allow anyone to come into his home.

C.F. did not break his 9:00 p.m. curfew. However, R.F. did break his curfew twice. Both R.F. and C.F. attended and participated in all appointments that the agency scheduled for him.

The children violated the condition of associating with M.Y. or frequenting her residence. C.F. was spotted on M.Y.'s porch on one occasion and R.F. was spotted on the property twice.

## In the Interest of R.F. and C.F., continued

The trial court found that the testimony provided clear and convincing evidence that the parents and children (appellants) had violated the previous court order, and that a directive to the agency to provide further services would be of no avail. On July 27, 1989, the trial court transferred legal and physical custody of the children to CYF for placement in foster care for C.F., and a forty-five day evaluation at Children's Home for R.F..

The parents and children appealed.

1. Were reasonable efforts made to prevent or eliminate the need for removal of the child from his or her home? If so what were those services?
2. If preventive services were not offered, did an emergency exist which made the lack of such services reasonable?
3. Would continuation of the child in the home be contrary to the welfare, safety, or health of the child?
4. If reasonable efforts were not made, what preventive services could have been provided to prevent the child's removal from his/her home?