

SUPREME COURT OF PENNSYLVANIA

In the Interest of Y.W.-B., a Minor; In the Interest of N.W.-B., a Minor

No. 1 EAP 2021, 2 EAP 2021, Supreme Court of Pennsylvania (December 23, 2021)

SUMMARY

The Pennsylvania Supreme Court held that child protective services must establish traditional probable cause under the Fourth Amendment and Article I, Section 8 of the Pennsylvania Constitution before a court can compel a home inspection, rejecting a "social worker exception." The Court found DHS failed to establish probable cause where an anonymous report of homelessness was refuted by the agency's own investigation and a single allegation of failing to feed a child during an eight-hour period lacked a nexus to the home or evidence of ongoing neglect. The Court reversed the order compelling the home visit, emphasizing that the sanctity of the home requires a firm probable cause showing before a state agency can compel entry.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Christine Donohue; Baer, C.J.; Saylor, J.; Todd, J.; Donohue, J.; Dougherty, J.; Wecht, J.; Mundy, J.
JURISDICTION	Pennsylvania
DECIDED	December 23, 2021
DOCKET	1 EAP 2021, 2 EAP 2021
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from the Superior Court's order affirming in part and reversing in part the trial court's order granting DHS's petition to compel cooperation with a home inspection.
STANDARD OF REVIEW	Plenary review of questions of law; for factual findings, accept if supported by the record but not required to accept inferences or conclusions of law.
PRECEDENTIAL VALUE	published
PARTIES	J.B., Mother v. Philadelphia Department of Human Services (DHS)

TOPICS

constitutional law

fourth amendment

search and seizure

probable cause

family law

parental rights

due process

civil procedure

PRACTICE AREAS

Family Law

Constitutional Law

QUESTIONS PRESENTED

1. Whether the Superior Court erred in creating a rule of law that violates Article I, Section 8 of the Pennsylvania Constitution and the Fourth Amendment of the United States Constitution by allowing a home inspection based on an anonymous GPS report without a showing of a link between the allegations and the home, and without a showing of particularity.

HOLDINGS

1. DHS did not establish probable cause. The evidence was insufficient: the anonymous report was uncorroborated, the homelessness allegation was rebutted, the failure to feed allegation had no nexus to the home, and the prior dependency history was stale.
2. The prior dependency history was stale and irrelevant because it was four years old and the conditions had been resolved. Mother's demeanor alone cannot support probable cause.

KEY QUOTATIONS

“Before the Court is the question of whether DHS established sufficient probable cause for the trial court to issue the order permitting entry into the home without consent. We conclude that DHS did not establish probable cause and thus reverse the order of the Superior Court.” (at 1)

“We expressly hold that there is no 'social worker exception' to compliance with constitutional limitations on an entry into a home without consent or exigent circumstances.” (at 30)

“Nothing short of probable cause, guided by the traditional principles that govern its federal and state constitutional limitations, will suffice when a trial court makes a determination as to whether or not to authorize a home visit.” (at 38)

“To establish probable cause, there must be a specific nexus between the items to be searched and the suspected crime committed.” (at 43)

“The Superior Court's probable cause analysis fails in several respects. First, while the court indicated that there was a 'link' between the allegations and DHS's petition to enter the home, it did not explain what that link was between the home inspection and the allegation that Mother may have failed to feed one of the children for eight hours.” (at 46)

FACTUAL BACKGROUND

DHS received an anonymous GPS report alleging that three weeks earlier, Mother's family was observed sleeping outside a Philadelphia Housing Authority office, and that on May 21, 2019, Mother was observed

protesting outside the office from noon to 8:00 PM with one child, and it was unknown whether she fed the child during that time. Mother denied homelessness and stated she was protesting. DHS verified the family's address and attempted a home visit, but Mother refused entry without a court order. DHS filed petitions to compel cooperation, and the trial court granted the petition after a hearing. The home inspection occurred on June 14, 2019, and the home was found safe and suitable.

PROCEDURAL HISTORY

DHS filed petitions to compel cooperation with a home visit based on an anonymous GPS report. The trial court granted the petition after a hearing. Mother appealed. The Superior Court affirmed the probable cause finding but reversed the no-recording provision. The Pennsylvania Supreme Court granted allocatur to review the probable cause standard.

DISPOSITION

reversed

CASES CITED

- Good v. Dauphin County Social Services for Children and Youth, 891 F.2d 1087 (3d Cir. 1989)
- Camara v. Municipal Court, 387 U.S. 523 (1967)
- Wyman v. James, 400 U.S. 309 (1971)
- Mincey v. Arizona, 437 U.S. 385 (1978)
- Commonwealth v. Torres, 764 A.2d 532 (Pa. 2001)
- Commonwealth v. Jacoby, 170 A.3d 1065 (Pa. 2017)
- In re Petition to Compel Cooperation with Child Abuse Investigation, 875 A.2d 365 (Pa. Super. 2005)
- In Interest of D.R., 216 A.3d 286 (Pa. Super. 2019)
- Commonwealth v. Johnson, 240 A.3d 575 (Pa. 2020)
- Croft v. Westmoreland County Children and Youth Servs., 103 F.3d 1123 (3d Cir. 1997)
- In re Smith Children, 891 N.Y.S.2d 628 (N.Y. Fam. Ct. 2009)
- Santosky v. Kramer, 455 U.S. 745 (1982)
- Hiller v. Fausey, 904 A.2d 875 (Pa. 2006)
- Lange v. California, 141 S. Ct. 2011 (2021)
- Commonwealth v. Waltson, 724 A.2d 289 (Pa. 1998)
- Commonwealth v. Clark, 28 A.3d 1284 (Pa. 2011)
- Florida v. J.L., 529 U.S. 266 (2000)