

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Kiessler, DePasqua, and Murphy

2025 Pa. Super. 162 · No. 886 MDA 2024; 887 MDA 2024; 888 MDA 2024 · Decided July 28, 2025

SUMMARY

The Pennsylvania Superior Court affirmed orders dismissing with prejudice criminal informations charging county child-welfare employees with endangering the welfare of children. The court held that the record was sufficient for appellate review without supplementing it with all grand-jury evidence and concluded that immunity under the Child Protective Services Law applied to the alleged conduct. The court rejected the Commonwealth's arguments that the statutory immunity provision did not cover the employees' conduct or that their alleged actions rebutted the presumption of good faith.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Bowes, J.; Olson, J.; Stabile, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	July 28, 2025
DOCKET	886 MDA 2024; 887 MDA 2024; 888 MDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed orders of the Adams County Court of Common Pleas quashing and dismissing with prejudice criminal informations charging each appellee with two counts of endangering the welfare of children. The Commonwealth also challenged the denial of its motion to supplement the certified record with evidence presented to the investigating grand jury.
STANDARD OF REVIEW	A decision granting or denying a motion to quash a criminal information is reviewed for a clear abuse of discretion. In reviewing dismissal of a criminal information, the appellate court accepts the Commonwealth's averments as true and examines the evidence and reasonable inferences in the light most favorable to the Commonwealth. Statutory interpretation presents a legal question reviewed de novo under a plenary scope of review. An appellate court does not engage in fact-finding.
PRECEDENTIAL VALUE	published and precedential

PARTIES

Commonwealth of Pennsylvania v. Clarissa Marie Kiessling, Sherri Renee DePasqua, Steven Leroy Murphy

TOPICS

criminal procedure

statutory interpretation

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

statutory interpretation

child protective services

appellate procedure

QUESTIONS PRESENTED

1. Whether the appellees were immune from criminal prosecution under 23 Pa.C.S. § 6318 for conduct arising from their provision of child-protective services.
2. Whether the trial court erred by denying the Commonwealth's motion to supplement the certified record with the evidence presented to the investigating grand jury.

HOLDINGS

1. The trial court properly denied the Commonwealth's motion to supplement the certified record because the presentment, which was incorporated into the affidavits of probable cause and adopted as an accurate summary of the grand-jury testimony, supplied a sufficient factual record, and appellate courts do not engage in fact-finding.
2. To the extent the prosecution was premised on the appellees' testimony or failure to provide information in a proceeding arising from suspected child abuse or general protective services, § 6318(a)(3) protected the appellees from criminal liability, and the Commonwealth's allegations did not overcome the statutory good-faith presumption.
3. Section 6318(b) immunizes county-agency employees from civil and criminal liability arising from their provision of services authorized by the Child Protective Services Law, including the alleged conduct concerning the investigation, risk assessment, protective services, and communication with the dependency court. The immunity is functional rather than merely employment-based and is not subject under the statute's plain language to the good-faith requirement in § 6318(a).

KEY QUOTATIONS

“CPSL immunity does not attach as a feature of their employment but as a characteristic of the functional nature of their performance.” (at 19-20)

“Pursuant to the clear and unambiguous language of § 6318(b), Appellees are immune from prosecution for alleged crimes arising from the provision of those services.” (at 24)

FACTUAL BACKGROUND

The appellees were employees of Adams County Child and Youth Services who provided protective services to two children placed in agency custody after one child was born prematurely with drugs in her system and the

children's mother failed to comply with a safety plan. Foster parent Courtney McCann repeatedly reported concerns about the mother's parenting abilities and alleged substance abuse, but the Commonwealth alleged that the appellees failed to adequately communicate those concerns to the dependency court. After a later anonymous report that the mother became intoxicated while with the children, an agency caseworker conducted an unannounced visit, found no alcohol, and observed that the children appeared safe; the appellees did not request immediate drug testing or inform the dependency court of the report at the next day's hearing. Approximately one week later, the mother fatally injured one child and admitted using multiple substances.

PROCEDURAL HISTORY

Following a statewide investigating grand jury presentment, the Commonwealth charged Kiessling, DePasqua, and Murphy with two counts each of endangering the welfare of children. Each appellee moved to quash and dismiss the information under the immunity provision of the Child Protective Services Law, 23 Pa.C.S. § 6318. The trial court granted the motions and dismissed the informations with prejudice, and separately denied the Commonwealth's request to supplement the appellate record with grand-jury evidence beyond the presentment. The Superior Court affirmed.

DISPOSITION

affirmed

CASES CITED

- BouSamra v. Excelsa Health, 210 A.3d 967, 980 (Pa. 2019)
- Commonwealth v. Renninger, 269 A.3d 548, 556 (Pa.Super. 2022)
- Commonwealth v. Renninger, 269 A.3d 548, 562 (Pa.Super. 2022)
- Commonwealth v. Lambert, 244 A.3d 38, 41 (Pa.Super. 2020)
- Ayers v. Morgan, 397 Pa. 282, 154 A.2d 788, 789 (1959)
- B.S. v. Somerset County, 704 F.3d 250, 261 (3d Cir. 2013)
- Commonwealth v. Coyne, 23-MD-268 (Lackawanna County)