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Legal Report

SWAN Legal Services Initiative

A monthly publication from the SWAN Legal Training Team

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SUPREME COURT OF PENNSYLVANIA

In the Interest of: Y.W.-B., A Minor

Date of Decision: December 23, 2021

Citation: 1 EAP 2021

Holding: The Pennsylvania Supreme Court reversed the order of the Pennsylvania Superior Court because DHS did not establish probable cause to enter and inspect the family's residence without consent, thus resulting in a violation of Mother's constitutional rights.

Facts and Procedural Posture: Mother, who is politically active, lives with her two young children ("Y.W.-B" and "N.W.-B") and the children's father ("Father") in Philadelphia. In May of 2019, DHS received a report from an unidentified source alleging that Mother was homeless and sleeping with her children outside the Philadelphia Housing Authority. This unknown source also reported that Mother, on a separate occasion, had failed to feed one of her children during a single eight-hour period while Mother was protesting. Based on these allegations, a worker from Project Home spoke with Mother who indicated that she was not homeless but that her previous home had been involved in a fire. A DHS worker arrived at Mother's home to enter and inspect the family residence. The worker was denied entry. The worker returned with the police but was again denied entry to the home. DHS filed two petitions to compel, one for each child, for the parents' cooperation with an in-home visit citing prior dealings with the family and the two allegations from the unknown source. No other investigation was conducted. After a hearing by the trial court, the petitions to compel were granted. Mother appealed the decision.

On appeal, the Superior Court pointed to the testimony of the DHS caseworker, who testified that DHS received a GPS report alleging "homelessness and inadequate basic care," and that the home visit was intended to make sure the home was appropriate, the utilities were working, and that there was food in the house. The Superior Court found no error in the trial court's probable cause determination, as the averments in DHS's petition, supported by evidence at the hearing, corroborated the initial report and established a "link" between the initial allegations of homelessness and inadequate care and DHS's motion seeking to enter the home. The Superior Court affirmed the trial court's decision. Mother filed an appeal to the Pennsylvania Supreme Court.

Issues: Did the Superior Court err when it ruled that when a Pennsylvania Child Protective Services agency receives a report that alleges that a child is in need of services and there is a fair probability that there is evidence that would substantiate that allegation in a private home, but the record does not display a link between the allegations in the report and anything in that private home, then that government agency shall have sweeping authority to enter and search a private home?

Did you know?

Probable Cause exists where the facts and circumstances within the affiant's knowledge and of which he has reasonably trustworthy information are sufficient in and of themselves to warrant a person of reasonable caution in the belief that a search should be conducted."

[Commonwealth v. Jacoby, 642 Pa. 623, 170 A.3d 1065, 1081-82 \(2017\).](#)

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Rationale: On the two prior occasions in which the Superior Court has addressed this issue, it has held that trial courts may grant an order requiring parents to cooperate with a home visit only when it is entered in accordance with the requirement of probable cause pursuant to the Fourth Amendment¹ to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution.

The Court began its analysis of this particular case by discussing two types of reports received by county agencies. A general protective service report (a GPS report), as in this case, which is a verbal or written statement to the county agency from someone alleging that a child is in need of general protective services, and a child protective report (“CPS”), which is made by someone who has reasonable cause to suspect that a child has been abused.

The Court then continued with a review of probable cause. While the parties agree that an order permitting a home visit must be supported by probable cause, they did not agree on what constitutes probable cause in a civil proceeding initiated by the filing of a GPS report. DHS argued that probable cause with respect to home visits by social workers should not be assessed based upon the fundamental principles developed primarily in the criminal law context, including that there be a nexus between the areas to be searched and the suspected crime committed, an assessment of the veracity and reliability of anonymous sources of evidence, and facts. DHS contends that the protection of children is an essential societal value, and thus, the interests it serves through home visits are more worthy of the public's concern than are Mother's interests in the protection of the sanctity of her home. Finally, DHS further insists that unlike an entry into a home to search for evidence of a crime, a child protective home assessment is nothing more than a “minimally invasive spot-check” for evidence of neglect (e.g., confirmation that the home had basic utilities, food and beds).

The Court disagreed with DHS's analysis, finding that DHS's entry into Mother's home could not be characterized as a “minimally intrusive” spot check; the trial court imposed **no** limitations and provided only that the search would “assess the home to verify if mother's home is safe and appropriate.” The compel order issued by the trial court placed no limitations on the scope of the search, leaving it entirely in DHS's discretion as to the thoroughness of the search, including, if it so chose, a general rummaging of all of the home's rooms and the family's belongings.

The Court agreed that the evidence necessary to establish probable cause in the child neglect context will sometimes be different than is typically presented in a criminal case. However, the evidence necessary to establish probable cause in both settings must be evaluated pursuant to certain basic principles developed primarily in search and seizure jurisprudence, including the existence of a nexus between the areas to be searched and the suspected wrongdoing at issue, an

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¹ The Fourth Amendment establishes the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,” and that “no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” [U.S. CONST. amend. IV](#). “physical entry of the home is the chief evil against which the ... Fourth Amendment is directed[.]” *United States v. United States Dist. Court*, 407 U.S. 297, 313, 92 S.Ct. 2125, 32 L.Ed.2d 752 (1972)

assessment of the veracity and reliability of anonymous sources of evidence, and consideration of the age of the facts in relation to the facts presented to establish probable cause. DHS's involvement in this case began with an anonymous GPS report based on allegations of "homelessness and inadequate basic care" of Mother's children. The Petitions to Compel did not state that Mother was homeless, but rather only that on one occasion three weeks prior to the filing of the GPS report Mother and her family had been seen sleeping outside of the Philadelphia Housing Authority and on a more recent occasion Mother had been observed protesting outside of the Philadelphia Housing Authority from noon until eight in the evening. The Petitions to Compel likewise did not describe any generalized "inadequate basic care," but rather allege only that during the eight hours she was protesting at the Philadelphia Housing Authority it was unknown whether she had fed her children.

DHS disproved that Mother was homeless during its limited investigation when the caseworker located Mother and Father at the address provided numerous times. Thus, any allegation of homelessness was rendered moot at the trial court hearing. The only remaining allegation in the Petitions to Compel was that the anonymous reporter had not observed Mother feed one of the children on a single day for approximately eight hours. The DHS caseworker's characterization of this allegation as "inadequate basic care" was hyperbole. At the hearing, DHS did not offer any evidence to corroborate this specific allegation or of any other instance of current neglect of the children of any kind.

The Pennsylvania Supreme Court indicated that 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.

The Court's review of the record found that no nexus existed between the allegations in the Petitions to Compel and Mother's home. The Petitions to Compel state that during an eight-hour period, while protesting before the Philadelphia Housing Authority, it was unknown whether Mother fed her child who was with her. This allegation has no connection whatsoever to the family's home. There was no evidence, or even an allegation, that the children exhibited signs of malnourishment or even that DHS uncovered other days in which the children appeared to go without food.

Next, the Superior Court also erred in considering Mother's prior experiences with DHS in its probable cause analysis because the trial court placed no express reliance on it. The Child's dependency ended years ago when DHS ceased its protective supervision and discharged the dependency matter. The GPS report contained no allegations that any of the prior deficiencies in the home had reoccurred or was currently occurring. The current child protective services investigation is not a continuation of the prior proceeding, but rather is wholly unrelated to the prior proceeding that DHS itself terminated after concluding that the then-existing issues with the family home had been satisfactorily rectified. The fact that Mother earned the discharge of the dependency petition four years prior to this proceeding, with no proof of any intervening

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episodes, made the prior experience totally irrelevant.

Finally, the Superior Court failed to address the reliability of the information contained in the Petitions to Compel, which was provided exclusively by the unidentified source that filed the GPS report. DHS offered no evidence at the evidentiary hearing to establish the credibility and reliability of the source or to corroborate any of the information provided by the source. The identity of the individual who provided the allegations of neglect summarized in the Petitions to Compel was never identified and did not testify at the evidentiary hearing. The failure to testify was significant in at least four respects. First, there was no evidence to corroborate the anonymous report. In fact, the conjecture as to homelessness was specifically rebutted by Mother to the Project Home representative and by DHS's own investigation. Second, the trial court lacked any opportunity to observe the individual's testimony to assess his or her credibility. Third, Mother had contended that the GPS report had been filed in retaliation for her protests of the policies of the Philadelphia Housing Authority. She had no opportunity to provide support for this claim which she could have done if, for example, the source of the GPS report had any affiliation with that governmental body. Fourth, the lack of testimony left unclear the foundation for the statement in the Petitions to Compel that it was "unknown" whether Mother fed her children during the time she was protesting. Finally, and significantly, DHS had no obligation to keep the identity of the source of the GPS report confidential or to shield him or her from testifying at the evidentiary hearing. The trial court mistakenly believed that DHS was legally required to keep the name of the anonymous source confidential and, accordingly, sustained DHS's objections when Mother's counsel asked the caseworker to identify the anonymous source of the GPS report. While DHS could have called the source of the GPS report in this case to provide testimony to corroborate the claims against Mother, it chose not to do so and, accordingly, the allegations set forth in the Petitions to Compel, based solely on this single uncorroborated anonymous source, were insufficient to establish probable cause to justify entry into Mother's home.

Concurring and Dissenting Opinions

Justice Dougherty and Justice Todd concurred with the outcome of the Supreme Court's decision that DHS did not have probable cause to enter Mother's home but dissented with the rationale for reaching that decision. The majority determined that there was not sufficient evidence to establish probable cause for entry into the home without consent based upon an anonymous GPS report without further evidence. The Majority took issue with the fact that DHS did not offer any evidence to corroborate information from the GPS report, nor did they offer any testimony from the source of the report even though DHS has no obligation to keep the source of GPS reports confidential.

In Re: Adoption of: L.A.K., A Minor

Date of Decision: December 23, 2021

Citation: 14 WAP 2021

Holding: The Pennsylvania Supreme Court reversed the Superior Court's decision and remanded the case with instructions to reinstate the order of the trial court, which denied the termination of Father's parental rights based on Section 2511(a)(1).

Facts and Procedural Posture: Father and Mother share two children. The parties divorced in 2017, largely due to Father's substance abuse. Mother remarried after the divorce. A custody order was entered, providing Father with supervised visitation with the children in the presence of a therapist, for which he had to bear the cost. Father never exercised his rights under this order, citing both financial difficulties his struggle with his addiction. After Father obtained a full year of sobriety, Father filed a petition seeking to modify the custody order. A hearing regarding the custody petition was scheduled. As a result of this filing, Mother and Stepfather then filed petitions seeking to terminate Father's parental rights alleging both parental abandonment and parental incapacity on Father's part. The trial court denied the petitions, concluding that Appellees failed to establish that termination of Father's parental rights was warranted by clear and convincing evidence under any of the relevant statutory provisions. The trial court recognized that while termination is appropriate under Section 2511(a)(1) when a parent has not maintained contact with a child for a period of six months prior to the filing of the termination petition, the court also has to consider any barriers to contact that the parent faced and the parent's efforts to overcome any such barriers. While the trial court found that Appellees presented evidence sufficient to establish that Father had not seen the children in years, his act of distancing himself was done in the best interests of the children. The trial court found that Father continued to work on improving himself to the point where he had a handle on his sobriety before reaching out to the children. Appellees appealed to the Pennsylvania Superior Court. The Superior Court found that Father's failure to maintain contact with the children precluded a finding that he acted with the "good faith interest and effort" required to preserve the parent-child relationship. The Superior Court considered the history of the case and concluded that Father's singular effort - the filing of a petition seeking to modify custody - could not overcome the "three-and-a-half years of doing nothing" to preserve his relationship with the children. The Superior Court rejected the trial court's findings that Father's alcoholism and efforts to obtain sobriety presented barriers to his ability to maintain contact with the children and that Father acted with reasonable firmness to overcome these barriers. The Superior Court found that Appellees had met their burden of proof under Section 2511(a)(1) and that the trial court abused its discretion in concluding otherwise. Father appealed the decision to the Pennsylvania Supreme Court.

Issues:

1. Whether the Superior Court improperly substituted its judgment for that of the trial court in contravention of the well-settled standard of review applicable to termination of parental rights cases.
2. Whether the Superior Court erred in concluding that successful efforts to enter into recovery for chronic alcoholism cannot be viewed as overcoming a barrier for purposes of exercising one's parental rights.

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Rationale: The PA Supreme Court reversed the Superior Court's decision; finding no abuse of discretion in the trial court's ruling that Appellees failed to prove their case under Section 2511(a)(1) by clear and convincing evidence. The PA Supreme Court began its analysis of Section 2511(a)(1), and explained that a finding of abandonment will not be predicated upon parental conduct that is reasonably explained or which resulted from circumstances beyond the parent's control. It may only result when a parent has failed to utilize all available resources to preserve the parental relationship. The trial court accepted Father's assessment that based on knowledge he attained by participating in Alcoholics Anonymous, until he reached a year of sobriety, he could not be confident of his commitment to it. And so he waited for that anniversary to file his custody petition. The Superior Court instead concluded that at some point earlier in the year of sobriety, he should have made contact with the children and the filing of the custody petition was too little, too late. The Superior Court erred in reviewing this case *de novo*, by making its own credibility determinations and not providing deference to the trial court. The credibility determination formed the basis of the trial court's decision; Father's testimony that he overcame the barrier of alcoholism to perform his parental duties. The Superior Court erred when it searched the record, instead of reviewing the record, to find a contrary conclusion than that of the trial court. The Superior Court erred in focusing on Father's failure to contact the children instead of reviewing the trial court's record which confirmed that Father's conduct, (his failure to maintain his parent-child relationship) was reasonably explained, and in such circumstances, his parental rights should not be terminated.

The PA Supreme Court next conducted its analysis under Section 2511(a)(2) and ruled on this issue, to further delay permanency for the children, instead of remanding it to the Superior Court. The trial court record confirmed that the children have not at any time, while in the care of Mother and Stepfather, been without essential parental care, control or subsistence. Appellees argued that Father, as a result of his alcoholism, abandoned the children and thus, he failed to provide any essential parental care, control or subsistence. Appellees do not argue that because of Father's incapacity, the children were in fact without essential parental care, control and subsistence. Lastly, while Appellees speculate that Father may not be able to maintain his sobriety over time, pointing to his decision not to seek continued follow up care or treatment for his addiction, the record confirmed that as of the date of the evidentiary hearing before the trial court, Father had no relapses. For these reasons, sufficient evidence of record supports the trial court's determination that Mother and Stepfather failed to satisfy the statutory requirements under Section 2511(a)(1) or Section 2511(a)(2). The order of the Superior Court is reversed and the case is remanded to the Superior Court.

Dissenting Opinion

Chief Justice Baer issued a dissenting opinion with Justice Mundy joining the dissent. The Justices determined that Father's parental rights should have been terminated based upon Father's absolute and deliberate decision to withhold all contact with Children for nearly four years, well in excess of the six-month period for demonstrating parental abandonment under Section 2511(a)(1) of the Adoption Act.

SUPERIOR COURT OF PENNSYLVANIA

In the Interest of: L.W., A Minor**Date of Decision:** December 15, 2021**Citation:** 2021 PA Super 247

Holding: The trial court did not abuse its discretion in concluding that termination of Mother's parental rights pursuant to section 2511(b) would best serve the needs and welfare of the Children where the Children have thrived under maternal grandmother's care.

Facts and Procedural Posture: In 2012 Allegheny County Office of Children, Youth and Families (CYF) became involved with the family providing general protective services (GPS). In March of 2018, CYF received a referral that Mother injured one of the children. Maternal grandmother filed a private dependency petition for the children. After Mother was incarcerated for violating probation, approximately a month later, CYF filed a dependency petition and the court placed the Children in kinship care with Maternal grandmother. The Children were adjudicated dependent and remained with Maternal grandmother. Mother gave birth to another child in May of 2019. CYF took custody of the child due to Mother's dual diagnosis issues, Mother's positive results for THC throughout pregnancy, and the baby's positive testing for THC at birth. The child was placed with maternal grandmother and was subsequently deemed dependent by the court. Mother was provided supervised visits with all three Children. In July of 2020, CYF filed a termination petition on behalf of the children. After the TPR hearing, Mother's parental rights were terminated in April of 2021. Mother appealed.

Issue: Did the trial court abuse its discretion and/or err as a matter of law in concluding that termination of Natural Mother's parental rights would serve the needs and welfare of the Children pursuant to 23 Pa.C.S. §2511(b)?

Rationale: The Superior Court first noted that Mother conceded that CYF met its burden of proof under 23 Pa.C.S. §2511(a)(2). Hence the Court only needed to make its analysis under Section 2511(b).

The Court determined based on the record that Mother's involvement in the Children's lives has been inconsistent and unreliable. Mother failed to attend scheduled visits, continued to struggle with mental health and drug and alcohol issues and simply lacked progress on all court-ordered goals. In noting this, the court disagreed that evidence of a parent's conduct is always inapplicable to the needs and welfare analysis. Further, the Children's bond with Mother is neither necessary nor beneficial if it exists at all. Two of the children had lived with Maternal grandmother for over three years and the youngest child for over two years, nearly his whole life. The record supported that the Children feel safe and believe Maternal grandmother takes good care of them. The Children have made progress and done well in her care. They have a primary bond with her and she meets all of their needs, providing stability. As such, the Court found the trial court's findings were supported by the evidence and deferred to the court's credibility determinations and discern no abuse of discretion in its findings.

In the Interest of: I.M.S., A Minor

Date of Decision: December 15, 2021

Citation: 2021 PA Super 248

Holding:

The Superior Court found that the trial court committed an abuse of discretion in failing to grant Mother the warranted relief requested. Hence, the Court reversed trial court orders denying Mother's petitions for *nunc pro tunc* relief and remanded for the court to reinstate Mother's appellate rights *nunc pro tunc* and appoint new counsel.

Facts and Procedural Posture:

I.M.S. was adjudicated dependent at approximately one month of age, due to Mother's ongoing drug abuse and inability to care for the newborn. The initial placement goal was reunification and supervised visitation. The Philadelphia Department of Health and Human Services ("DHS") placed I.M.S. in kinship foster care with the nurse who cared for the baby in the intensive care unit at the hospital. In February of 2021, DHS filed a petition to terminate Mother's parental rights. In April of 2021, the court entered an order changing the Child's placement goal from reunification to adoption, and a decree terminating Mother's parental rights was entered as well. Mother requested for her counsel to file an appeal to both the order and the decree, but she failed to do so. A day after the expiration of the thirty-day appeal period, Mother's counsel filed identical petitions to the adoption docket and the dependency docket requesting to file an appeal *nunc pro tunc*. The petition neglected to explain why counsel failed to file the petitions in a timely manner and the trial court denied the petition. Mother refiled corrected petitions with the correct docket numbers and complied with Pa.R.C.P. 1925.x

Did you know?



Nunc pro tunc Latin for "now for then" this refers to changing back to an earlier date of an order, judgment, or filing of a document. Such a retroactive redating requires a court order which can be obtained by a showing that the earlier date would have been legal, and there was error, accidental omission, or neglect which has caused a problem or inconvenience which can be cured.

Issue: Whether the trial court erred and/or abused its discretion by denying Mother's notice of appeal *nunc pro tunc*.

Rationale: The Superior Court reasoned that a notice of appeal must be filed within thirty days of the date that the order is entered on the record. See Pa.R.A.P. 903(a). However, in the context of a civil case, *nunc pro tunc* relief may be granted when a litigant demonstrates that the late filing was due to non-negligent circumstances, the document was filed shortly after the date it was due, and the other party was not prejudiced by the delay. The trial court erred in rejecting Mother's request for *nunc pro tunc* relief by finding that Mother failed to establish a non-negligent reason for failing to file a timely appeal because her counsel's justification for the misstep (i.e., a shortage of time due to two unrelated cases being in "crisis mode") was untenable in light of the circumstances surrounding counsel's continued appointment. The Superior Court made it clear that Mother was entitled to effective counsel in her appeals and the trial court's refusal to grant relief in the face of per se ineffectiveness is equivalent to an abuse of discretion.

SPOTLIGHT CASE

Ryan v. Ruize**Date of Decision:** December 14, 2021**Citation:** 2021 PA Super 246

The Superior Court affirmed the protection from abuse (PFA) order that prohibits Ruiz from contact with Ryan, his ex-wife, and harassment of Ryan's children for three years. At a counseling session with Ruize, he told his therapist that if he killed Ryan in their home with a firearm, it could look like an accident. The therapist then phoned Ryan and she immediately filed for an emergency PFA. Ruize argued that his licensed clinical social worker should not be allowed to testify over counsel's objection. The Superior Court's review focused on the psychiatrist-patient privilege, which is codified at 42 Pa.C.S. §5944.

The Superior Court determined that the trial court's record indicated that the therapist didn't provide care to him as part of a treatment team that included a psychiatrist or licensed psychologist. She was self-employed and provided divorce and marriage counseling to the former couple. Hence, section 5944 did not apply and her testimony was properly allowed.

Ruiz further argued that section 5948 conflicts with section 5944. Section 5948 applies to confidential client communications made by a spouse to a broader category of qualified professionals in specific divorce and child custody matters. The Court agreed with the trial court and found no such conflict between the two sections; although section 5948 protects confidential communications made by Ruize, it does not apply in PFA proceedings.

Did you know?

Section 5944 the privilege is designed to protect confidential communications made and information given by the client to the psychotherapist in the course of treatment but does not protect the psychotherapist's own opinion, observations, diagnosis, or treatment alternatives.

Commonwealth v. Simmons,
719 A.2d 336, 341
(Pa.Super.1998).

LEGISLATION SPOTLIGHT

NOTICE OF PA'S IMPLEMENTATION OF TITLE IV-E PREVENTION PROGRAM UNDER THE FAMILY FIRST PREVENTION SERVICE ACT BY THE DEPARTMENT OF HUMAN SERVICES

On December 2, 2021, the Department of Human Services issued a memorandum to provide continued guidance related to the Pennsylvania's implementation of the Title IV-E Prevention Program as outlined in the Office of Children, Youth and Families (OCYF) Bulletin 3130-21-03, titled "Policies and Procedures for Implementation of the Titles IV-E Prevention Program under the Family First Prevention Services Act." The purpose of the memorandum is to complement the bulletin in order to help clarify and reinforce some select concepts and requirements related to candidates for the foster care and prevention planning. This memorandum can be viewed [here](#).

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UPDATED PA DEPARTMENT OF HUMAN SERVICES BULLETIN
“CHANGES TO THE CHILD PROTECTIVE SERVICES LAW, CLEARANCES”

On December 21, 2021, the Department of Human Services, Office of Children, Youth and Families (OCYF) collaborated with the Pennsylvania State Police to make revisions to the Commonwealth Law Enforcement Assistance Network (CLEAN) process, specifically to (CPSL) 23 Pa.C.S. Chapter 63 as it pertains to clearances and verification requirements. This update becomes effective immediately. This Bulletin can be viewed here.

<https://pccyfs.org/tag/ocyf-bulletin/>

AMENDMENT OF RULES OF APPELLATE PROCEDURE

On December 7, 2021, the Supreme Court of Pennsylvania issued an order amending Rules 1115 and 1116 of the Pennsylvania Rules of Appellate Procedure regarding the content of and answer to petitions for allowance of appeal. These amendments will become effective on April 1, 2022. These amendments can be viewed at the link provided below.

<https://www.pabulletin.com/secure/data/vol51/51-51/2105.html>

AMENDMENT TO ORPHANS' COURT PROCEDURAL RULE 1.99

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Orphans' Court Procedure 1.99 to conform with recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* ("Policy"). The amendments require the statewide use of Confidential Information Form to safeguard confidential information and eliminate the ability of a court to adopt a rule or order permitting the filing of any document in two versions, redacted and unredacted. This amendment removes the exception to the Rule requiring the attachment of the Confidential Information Form, if necessary. This amendment becomes effective January 1, 2022. This amendment to the Rules of Orphans' Court can be viewed at the link provided below.

<https://www.pabulletin.com/secure/data/vol51/51-50/2049.html>

AMENDMENT TO PA RULES OF APPELLATE COURT PROCEDURE

On December 1, 2021, the Supreme Court amended Pennsylvania Rules of Appellate Procedure 127 and 1931 to conform the rules to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. Conforming amendments have been made to delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information. This amendment becomes effective January 1, 2022. This amendment to the Pennsylvania Rules of Appellate Court can be viewed at the link provided below.

<https://www.pabulletin.com/secure/data/vol51/51-50/2046.html>

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AMENDMENT TO PA RULE OF CIVIL PROCEDURE

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure 205.6 to conform the rule to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. Conforming amendments have been made to delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information. This amendment becomes effective January 1, 2022. This amendment to the Pennsylvania Rules of Appellate Court can be viewed at the link provided below.

<https://www.pabulletin.com/secure/data/vol51/51-50/2047.html>

AMENDMENT TO PA RULE OF CIVIL PROCEDURE

On December 1, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure 1930.1 to conform the rule to recent amendments to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* adopted on October 6, 2021. In Domestic Relations matters, Pa.R.Civ. 1930.1 governs confidential information and confidential documents, including certification that a filing is compliant with the *Policy*. The conforming amendments delete references within the rule and comment relating to the option for a court to require redacted and unredacted versions of a document when safeguarding confidential information. This amendment becomes effective January 1, 2022. This amendment to the Pennsylvania Rules of Appellate Court can be viewed at the link provided below.

<https://www.pabulletin.com/secure/data/vol51/51-50/2048.html>

NOTICE OF DEPARTMENT OF HEALTH

On December 25, 2021, the Department of Health issued a notice regarding the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program) and the Competitive Prices and Peer Group Criteria. For stores to remain WIC authorized, the store must maintain the listed inventory at or below the competitive prices listed for the store's peer group. This notice becomes effective January 1, 2022. This notice and more information can be viewed at the link provided below.

<https://www.pabulletin.com/secure/data/vol51/51-52/2155.html>