2026 PA Super 253

IN THE INTEREST OF: K.B., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: M.B., MOTHER	:	
	:	No. 850 EDA 2026

Appeal from the Order Entered March 2, 2026
In the Court of Common Pleas of Philadelphia County Juvenile Division at No(s): CP-51-DP-0000043-2026

BEFORE: LAZARUS, P.J., BECK, J., and NEUMAN, J.

OPINION BY BECK, J.: **FILED NOVEMBER 9, 2026**

M.B. ("Mother") appeals from the order entered in the Philadelphia County Court of Common Pleas ("juvenile court") finding that she perpetrated child abuse by serious physical neglect against her son K.B. (born in November 2023) as defined by section 6303(b.1)(7) of the Child Protective Services Law ("CPSL").[1] After careful review, we conclude that the juvenile court's finding of abuse was based upon facts that are unsupported by the record and constituted legal error. We therefore reverse the juvenile court's finding of child abuse and affirm the remaining portions of the order.[2]

---

[1] 23 Pa.C.S. §§ 6301-6387.

[2] Mother raises no challenge on appeal to the juvenile court's determination that K.B. is a dependent child as defined by section 6302(1) of the Juvenile Act (42 Pa.C.S. §§ 6301-6375), its continuation of K.B.'s placement in kinship
(Footnote Continued Next Page)

Facts and Procedural History

Twice in seventeen days, police officers found two-year-old K.B. wandering on a street near his home in Philadelphia without an adult. Both times, CPSL reports alerted DHS. On January 15, 2026, the day after the second incident, DHS obtained an order of protective custody, removed K.B. and his one-year-old twin siblings, Sa'n.B. and Saa.B., from Mother's care, and placed the children in kinship care with their maternal grandmother.[3] The children remained in kinship care after the shelter hearing. DHS filed petitions to adjudicate all three children dependent based upon the two incidents and further alleged that Mother committed child abuse as to K.B.

As to K.B., at the adjudicatory hearing on March 2, 2026, Mother, who was represented by counsel, stipulated that she was presently unable to care for him and agreed that he should remain in kinship care with her mother. K.B.'s guardian ad litem, a lawyer appointed by the juvenile court to represent K.B., agreed.

At the same hearing, the juvenile court heard testimony to determine whether Mother subjected K.B. to child abuse within the meaning of the CPSL. Mother contested this portion of the hearing. DHS presented the testimony of Dwayne Jones, a DHS caseworker who investigated the reports of child

---

care, or the services to which Philadelphia Department of Human Services ("DHS") was ordered to refer her for participation.

[3] Sa'n.B. and Saa.B. are not subjects of this appeal.

abuse ("Investigator Jones"); Mother, whom DHS called as an adverse witness; and Ibria Grant, a case manager with a Community Umbrella Agency ("CUA").

Investigator Jones testified that on December 28, 2025, through the child abuse hotline, DHS received child protective services ("CPS") reports pertaining to K.B. and Saa.B, and a general protective services report pertaining to Sa'n.B. N.T., 3/2/2026, at 10-11, 16-17, 47. On January 14, 2026, DHS received a second report concerning K.B. ***Id.*** at 26. Each report alleged that Mother failed to supervise the children. ***See*** DHS Ex. 2-5. Investigator Jones testified that DHS investigated and indicated the reports for "repeated, prolonged, or egregious failure to supervise." N.T., 3/2/2026, at 49-50.

Mother repeatedly objected to admission of the contents of the reports, both as to the documents themselves and Jones' testimony, contending that even if the court admitted the reports pursuant to the business record exception to the rule prohibiting hearsay, there was an additional layer of hearsay DHS could not overcome. ***Id.*** at 10-11, 16-17, 19, 48. The solicitor representing DHS responded to Mother's objections that DHS was admitting the contents of the reports "for the fact that they were said" and not for their truth. ***Id.*** at 15-16; ***see also id.*** at 11, 13. On this basis, the juvenile court admitted the CPS reports, but limited its consideration of the content to the

fact that allegations were made, not for the truth of the matters asserted therein. ***Id.*** at 16, 18-20, 22-25, 49.

The juvenile court provided a summary of the relevant portions of Investigator Jones' testimony as follows:

> Investigator Jones testified he became involved with the family after DHS received a CPS report on December 28, 2025, alleging that K.B. and sibling S[aa].B. were found alone in the street. N.T. 3/02/2026, at 10-11. The report alleged the children were outside of a corner store in the snow without adult supervision. ***Id.*** at 20. K.B. was allegedly wearing only one shoe. ***Id.*** The police were called to the scene, and they attempted to find anyone looking for the children. ***Id.*** at 21. They then found Mother appearing irritated on her porch. ***Id.*** She then allegedly asked an officer if he had seen two children. ***Id.***
>
> Investigator Jones then testified as to a second CPS report received on January 14, 2026, regarding K.B. only. ***Id.*** at 26-27. This second report arose under the category of repeated, prolonged or egregious failure to supervise. ***Id.*** at 28. The report alleged K.B. again was found alone at night on the corner of 57th and Arch without supervision. ***Id.*** at 29. Investigator Jones was unable to contact Mother to discuss the first report until after the second report came in regarding K.B. ***Id.***
>
> As to the first CPS report, Investigator Jones testified Mother admitted to leaving the three children home alone for approximately 20 minutes to use a neighbor's Wi-Fi connection. ***Id.*** at 32. K.B. is two years old and his siblings are one-year-old twins. ***Id.*** Mother allegedly admitted that she is aware K.B. can unlock the front door. ***Id.*** at 33. Investigator Jones testified that during his home visit he witnessed K.B. attempt to unlock and open the front door. ***Id.*** at 33. The door had no childproof locks. ***Id.*** at 34.
>
> When questioned about the door locks, Mother allegedly stated the home was [Philadelphia Housing Authority] housing and she would need their permission before installing any additions to the home. ***Id.*** at 35. Mother explained to Investigator Jones she did not contact the police after the first incident because she had arranged to have the children left with a friend while she left the

> premises. ***Id.*** at 35. Investigator Jones was never able to confirm the identity of the individual meant to be watching the children during the first incident. ***Id.*** at 37-38.
>
> When questioned about the second incident, Mother told Investigator Jones that she and the family were asleep in the evening when K.B. left the house again. ***Id.*** at 38-39. This occurred two weeks after the first incident. ***Id.*** at 40.

Juvenile Court Opinion, 5/28/2026, at 3 (cleaned up).

Mother testified next, and the Juvenile Court summarized her testimony as follows:

> As to the first incident, Mother testified that her friend watched the children in her home while she went to her neighbor's house around the corner to get Wi-Fi. N.T., 3/02/2026, at 83-85. However, she stated her friend was not there upon her return; only her daughter and the police were at the home. ***Id.*** at 85. Mother testified that the first incident was the first time K.B. left the home, but she had seen him messing with the door locks on various occasions. ***Id.*** at 85-86.
>
> Regarding the second incident, Mother testified that K.B. was missing from bed when she woke up during the night to use the bathroom. ***Id.*** at 86. Mother stated she went downstairs and the front door was cracked open. ***Id.*** Mother testified she alerted a police officer outside the home, and K.B. was returned about 10 minutes later. ***Id.*** at 87. While Mother admitted she knew K.B. could get out of the house, she claimed she did not know anything about safety locks until DHS told her about them. ***Id.*** at 93. Mother additionally testified that she had previously noticed K.B. getting up from bed and wandering off to play with toys while everyone else sleeps. ***Id.*** at 102.

Juvenile Court Opinion, 5/28/2026, at 4.

After hearing closing arguments, the juvenile court announced that DHS met its burden by clear and convincing evidence pursuant section 6303(b.1)(7), which pertains to serious physical neglect. N.T., 3/2/2026, at

123-25. It specified that it found child abuse only as to the second incident on January 14, 2026. ***Id.*** at 125. It entered a written order to this effect on the same day. In that order, the juvenile court adjudicated K.B. dependent, committed him to DHS's custody in the kinship care of his maternal grandmother, and ordered DHS to refer Mother to services for housing, parenting, employment, and mental health.

Mother filed a timely notice of appeal. Both Mother and the juvenile court complied with Pa.R.A.P. 1925. On appeal, Mother asks this Court to decide two issues:

> 1. Did the [juvenile] court err as a matter of law and abuse its discretion by finding that Mother perpetrated serious physical neglect through a repeated, prolonged or egregious failure to supervise the child in a manner that is appropriate considering the child's developmental age and abilities?
>
> 2. Did the [juvenile] court err as a matter of law and abuse its discretion by finding Mother to be a perpetrator of child abuse in the absence of clear and convincing evidence that Mother acted with at least reckless intent?

Mother's Brief at 5.

Legal Standards

We review a finding of child abuse made in a dependency case for an abuse of discretion. ***In re L.Z.***, 111 A.3d 1164, 1174 (Pa. 2015). As in all dependency cases, we must "accept the findings of fact and credibility determinations of the trial court if they are supported by the record," but we do not have "to accept the lower court's inferences or conclusions of law." ***Id.*** (citation omitted).

Although dependency proceedings are governed by the Juvenile Act, the CPSL governs a court's finding of child abuse. ***In the Interest of X.P.***, 248 A.3d 1274, 1276 (Pa. Super. 2021). A finding of child abuse must be supported by clear and convincing evidence. ***Interest of N.B.-A.***, 224 A.3d 661, 668 (Pa. 2020). "Clear and convincing evidence is evidence that is so clear, direct, weighty, and convincing as to enable the trier of fact to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue." ***Id.*** (citation and quotation marks omitted).

The CPSL defines child abuse, in relevant part, as "intentionally, knowingly, or recklessly ... causing serious physical neglect of a child." 23 Pa.C.S. § 6303(b.1)(7). "Serious physical neglect," in turn, is a "repeated, prolonged, or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities," that "endangers a child's life or health, threatens the child's well-being, causes bodily injury, or impairs a child's health, development, or functioning." ***Id.*** § 6303(a)(1). To constitute child abuse, the perpetrator must act with the requisite state of mind: "[c]onduct that ... creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when ... creating a risk of injury or harm to the child." ***Id.*** § 6303(c). The CPSL borrows the Crimes Code's definitions of culpability, including "recklessly." ***Id.*** § 6303(a).

> A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and

> unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.

18 Pa.C.S. § 302(a).

To the extent our appellate review requires interpretation of statutory language, this question is one of law, which we review under a de novo standard, with a plenary scope, and with the Statutory Construction Act as our guide. ***Commonwealth v. Gamby***, 283 A.3d 298, 306 (Pa. 2022). We recognize that "[t]he object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly," the plain language provides the best indication of legislative intent, and, "[w]hen the words of a statute are clear and free from all ambiguity," we do not disregard the letter of the statute to pursue its spirit. 1 Pa.C.S. § 1921(a)-(b). We must ascribe the "common and approved meaning" to the General Assembly's chosen words and phrases, unless the word or phrase is technical, has acquired a peculiar and appropriate meaning, or is expressly defined in the statute. 1 Pa.C.S. § 1903(a). We may use dictionary definitions as an aid to illuminate the common and approved meaning. ***Gamby***, 283 A.3d at 307 n.11. We consider the statutory language not in isolation, but in the context within which it appears, and we give effect to all its provisions if possible. 1 Pa.C.S. § 1921(a); ***Commonwealth v. Rosario***, 294 A.3d 338, 346 (Pa. 2023).

Mother's Arguments

In her first issue, Mother argues DHS presented insufficient evidence that her conduct met the statutory definition of "serious physical neglect," because her conduct did not constitute a failure to supervise nor was it repeated, prolonged, or egregious. Mother's Brief at 11. Despite others finding K.B. outside her home without an adult twice, she argues that DHS failed to establish her failure to supervise K.B. repeatedly because she arranged for K.B. to have appropriate adult supervision each time and the two circumstances were quite distinct. ***Id.*** at 11-13. The first time, Mother left K.B. in the care of a trusted friend, Dajia, and returned to find both the friend and K.B. absent. ***Id.*** at 11-12. Because Mother was not present, she contends she does not know how K.B. left the home. ***Id.*** at 12. The second time, Mother and K.B. were sleeping next to each other when he woke up and left the home on his own. ***Id.*** at 11-13. She further argues that DHS failed to establish a prolonged failure to supervise because it offered no evidence to prove how long either incident lasted. ***Id.*** at 13.

Finally, Mother contends that the evidence failed to establish an "egregious" lack of supervision. Because the CPSL does not define the term egregious, she gleans its meaning from dictionary definitions. ***Id.*** at 13-14 (citing "Egregious." Merriam-Webster.com Dictionary, https://www.merriam-webster.com/dictionary/egregious; "Egregious." Dictionary.com, https://dictionary.com/browse/egregious). She argues that her level of

supervision—going to sleep next to K.B. at night on the second floor with a front door on the level below lacking a childproofing mechanism—was not "glaringly bad" or "flagrant." ***Id.***

In her second issue, Mother argues that even if DHS established that the second incident constituted serious physical neglect, it failed to prove that she acted intentionally, knowingly, or recklessly. ***Id.*** at 14-23. She draws upon cases from this Court and the Commonwealth Court establishing that recklessness requires perception of a substantial and unjustifiable risk and conscious action or inaction. ***Id.*** at 15. That is, the alleged perpetrator perceives the risk but ignores it or deems it unworthy of regard. ***Id.*** She argues that DHS did not prove she was aware she was exposing K.B. to a risk of substantial harm and acted in disregard of the risk. ***Id.***

Although she acknowledges she knew K.B. sometimes woke up on his own and wandered into his room nearby to play with toys, he had never awoken on his own, walked down a flight of stairs, unlocked the locked front door, and left the home in the middle of the night alone. ***Id.*** at 18-19. She was not present during the December 28, 2025 incident and had no knowledge of how he left the house; thus, she asserts this did not put her on notice of any reason for concern. ***Id.***

She further admits she knew that K.B. had some interest in trying to open the locks but states she had never seen him demonstrate the ability to open the door or reach the top deadbolt lock until the day after the second

incident. ***Id.*** at 18 (citing N.T., 3/2/2026, at 99 (testifying that she thought he was only able to mess with the bottom lock until she saw him touch the top lock when DHS was present after the incident)). Thus, she again asserts she had no actual knowledge that he had the ability to unlock the door or any reason to believe there was a substantial risk of him leaving their shared bed and exiting the house alone in the middle of the night. ***Id.*** at 19.

She distinguishes the trio of non-precedential decisions cited by the juvenile court because each involved a caregiver who was aware of a specific, concrete hazard and disregarded it anyway: leaving a two-year-old sleeping alone in a bed in a rooming house shared with strangers to work an overnight shift after a babysitter cancelled; failing to prevent older siblings from picking up and accidentally dropping an infant, causing a second skull fracture three weeks after hospital staff specifically warned the parents after a first skull fracture that the siblings should not handle the baby; and leaving a three-year-old unsupervised in small bedroom where the parent knew there was at least one unsecured firearm. ***Id.*** at 19-23 (citing ***Int. of L.R.M.***, 358 A.3d 694 (Pa. Super. 2026) (non-precedential decision); ***Int. of R.S.-S.***, 283 A.3d 371 (Pa. Super. 2022) (non-precedential decision); ***Int. of D.R.***, 296 A.3d 612 (Pa. Super. 2023) (non-precedential decision)). Unlike these cases, Mother argues that she was by K.B.'s side and did not leave him unattended, she did not continue to allow Dajia to watch K.B. after having reason to know she did not appropriately supervise him, and she did not consciously disregard

previous childproofing education or directives. ***Id.*** at 19-23. She emphasizes that DHS did not warn or educate her about childproofing until after the second incident, and the DHS investigator acknowledged she seemed "naïve" about what she could do in the home to childproof it but was open to suggestions. ***Id.*** at 22 (citing N.T., 3/2/2026, at 85, 88).

Juvenile Court's Rationale

In its Rule 1925(a) opinion, the juvenile court urges this Court to affirm its determination. Juvenile Court Opinion, 5/28/2026, at 10. Citing ***L.R.M.***, ***R.S.-S.***, and ***D.R.***, the non-precedential cases discussed by Mother, the juvenile court asserts that this Court has recognized that "a parent's conscious decision to leave their young children unattended" or to continuously place a child in similar circumstances where the parent knew or should have known of a risk of reoccurrence of injury is child abuse under section 6303(b.1)(7). ***Id.*** Applying these principles to the instant case, the juvenile court found DHS clearly and convincingly proved that "K.B. was egregiously unsupervised not once, but twice while in Mother's primary care." ***Id.*** at 7-8.

As for Mother's intent, the juvenile court determined that DHS established Mother acted recklessly. ***Id.*** at 9. Finding that "Mother admitted that she was aware that K.B. could open the front door," the juvenile court determined that Mother "did nothing to ensure the safety of her children" in the weeks following "the first reported occasion of her young children being found outside on a cold winter's night and being brought back to her by the

police," which "resulted in a second incident." ***Id.*** The juvenile court likened Mother's recklessness to the state of mind of a parent who chose to co-sleep with her two-month-old infant while the parent was under influence despite prior warnings from hospital staff and the CUA assisting DHS about the risks of co-sleeping. ***Id.*** at 9 (citing ***Int. of K.P.-I***, 290 A.3d 667, at *3 (Pa. Super. 2022) (non-precedential decision)). Here, despite her awareness "of her two-year-old child's ability to unlock the door of her home," the juvenile court found that "Mother took no steps to childproof her home to ensure the safety of her children." ***Id.*** It discounted Mother's concerns about her inability to alter the door of the unit rented by the Philadelphia Housing Authority, stating she "could have made other non-structural changes to childproof her home (i.e.[,] baby gates, play pens for sleeping, a parent grip doorknob)," but instead she "did nothing to change the situation within the home to make it so K.B. could not get out despite this first incident." ***Id.*** Based upon Mother's failure to "make any corrective measures to ensure the two-year-old could not get out of the home," the juvenile court concluded that DHS proved Mother's "reckless disregard for the safety precautions that are needed for children of this age." ***Id.*** at 10; ***see also*** N.T., 3/2/2026, at 123-24 (on-the-record comments finding Mother's failure to take corrective measures to childproof the door prior to the second incident reckless because she was "on clear notice ... that a child of this age was able to get out of the house and open a lock" and was aware of "her child's interest and ability to get out of the home").

Analysis

To begin, we observe that the CPSL does not include all physical neglect as child abuse. To qualify, the neglect must be serious, endangering the child's life or health, threatening a child's well-being, causing bodily injury, or impairing the child's health, development, or functioning. ***See*** 23 Pa.C.S. § 6303(a), (b.1)(7). The statute takes environmental factors into consideration, "such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or person responsible for the child's welfare with whom the child resides," prohibiting injuries resulting from such factors as forming the sole basis for physical (or mental) abuse. ***Id.*** § 6304(a).

The statute defines two forms of serious physical neglect. ***Id.*** § 6303(a). One relates to a "failure to provide a child with adequate essentials of life, including food, shelter or medical care." ***Id.*** The second—at issue here—relates to supervision. ***Id.*** To qualify, it must be repeated, prolonged, or egregious and inappropriate based upon the child's developmental age and abilities. ***Id.*** Because the CPSL does not define supervision, we presume that the General Assembly intended to use the term as it is commonly understood in relation to children: a parent's responsibility to watch over and protect a child. The General Assembly's use of qualifying adjectives—"repeated, prolonged, or egregious"—indicates that the General Assembly gave parents some grace before physical neglect rises to abuse; a concept that makes

logical sense, as no parent is perfect or omnipresent (despite the age-old adage that parents have eyes on the back of their heads). ***Accord Int. of N.B.-A***, 224 A.3d at 675 (recognizing that harm may befall children despite a parent's best efforts to care for and supervise a child because "parents cannot be with their children every minute of every day").

Here, DHS alleged that Mother failed to supervise K.B. on two occasions: (1) on December 28, 2025, by not being physically present and failing to prevent K.B. and his sibling from leaving the home unattended; and (2) on January 14, 2026, by failing to install childproofing to prevent K.B. from leaving the home unattended again. The juvenile court stated in its Rule 1925(a) opinion that K.B. was a victim of serious physical neglect because he "was egregiously unsupervised not once, but twice while in Mother's primary care." Juvenile Court Opinion, 5/28/2025, at 8. Upon careful review of the record and the law, we conclude the juvenile court abused its discretion in arriving at this determination.

First, the record lacks clear and convincing evidence to support the juvenile court's conclusion that an egregious lack of supervision happened twice. Regarding the first incident, the record reflects only that DHS proved through Mother's statements to DHS that two-year-old K.B. and one year-old Saa.B exited the home in an unknown fashion while Mother was not present and police officers found them at a corner store on the same block and returned them to Mother's care. ***See*** N.T., 3/2/2026, at 32-38, 53-57, 64-

67, 74-75, 78-79, 83-85, 89-93. Although DHS alleges that Mother left the children home alone and K.B. opened a non-childproofed lock in her absence, it introduced insufficient evidence to support this allegation. The juvenile court states in its summary of Investigator Jones' testimony that he "testified that Mother admitted to leaving the three children home alone for approximately 20 minutes to use a neighbor's Wi-Fi connection," Juvenile Court Opinion, 5/28/2026, at 3 (citing N.T., 3/6/2026, at 32); this testimony, however, appears nowhere in the record. Neither on the cited page nor elsewhere in Investigator Jones' testimony did he say that Mother admitted to leaving the children alone. Investigator Jones testified that when he discussed the December 28, 2025 incident with Mother on January 15, 2026, she "stated that she went out of the home to look for a Wi-Fi connection" and that she was gone "approximately 20 minutes." N.T., 3/2/2026, at 32. When asked if she left the children with anyone, he responded, "[s]he said that she did," and he began describing Mother's phone call to the person she said was watching the children before his testimony was interrupted by a hearsay objection. ***Id.*** at 35. Mother never provided Investigator Jones with her friend's contact information, and he therefore never could confirm the veracity of her claim. ***See id.*** at 37-38, 64-65, 67, 79.

The juvenile court, however, never expressly determined whether it credited or discredited Mother's testimony that she left her children under the supervision of her friend. Instead, it left this issue unresolved, simply finding

that the first incident put Mother "on clear notice at that time a child of this age was able to get out of the house and open a lock," **"[r]egardless of whether Dajia was in the house or not[.]"** N.T., 3/2/2026, at 123-25 (emphasis added). These findings are contradictory: if Mother left the children alone in a locked house and they were subsequently found outside of the home, she would have returned to an open/unlocked door and have known they left the residence on their own; if, however, she left the children in Dajia's care, Mother would not know whether this adult took the children out of the house, left the door open when she left them unsupervised, or something else happened altogether. Considering the evidence of record, the trial court's factual findings that are supported thereby, and its credibility determinations, it is unclear whether the first incident put Mother on notice of any concern regarding K.B.'s ability to open the locked front door to leave the house.

Second, the juvenile court's announcement in its Rule 1925(a) opinion that it found two incidents of an egregious failure to supervise is incongruent with its declarations on the record at the end of the hearing. After concluding that the second incident constituted an egregious failure to supervise K.B., it explained that it "would not be reaching this conclusion if we were just here for the incident of December 28[, 2025.]" ***Id.*** at 125. Even more to the point, when asked by the DHS solicitor to which child it was making a finding of abuse, the juvenile court expressly clarified that it was making a finding of child abuse only as to K.B. and only in connection with the second incident.

N.T., 3/2/2026, at 125; ***see also*** Juvenile Court Order of Adjudication and Disposition, 3/2/2026, at 2 (finding that K.B. "is a victim of child abuse ... in that child abuse found as to Mother ... regarding CWIS # 20686655").

Third, the juvenile court's child abuse determination rested heavily upon its finding that "Mother admitted that she was aware that K.B. could open the front door." ***See*** Juvenile Court Opinion, 5/28/2026, at 9. Once again, we cannot locate support for this finding in the record. This determination appears in the juvenile court's analysis without a record citation. ***Id.*** In its summary of the testimony earlier in the opinion, it stated that "Mother **allegedly** admitted that she is aware K.B. can unlock the front door." ***Id.*** at 3 (citing N.T., 3/2/2026, at 33) (emphasis added). Even if we disregard the equivocal nature and assume that the juvenile court was adopting this as its own finding, the cited portion of the transcript does not directly support it. On the cited page, the solicitor was questioning Investigator Jones about his January 15, 2026 interview with Mother regarding the two CPS reports. Amid questioning Investigator Jones about what she told him about the first incident, the following exchange occurred between the solicitor and Investigator Jones:

> [DHS Solicitor:] Okay. Did she say what happened while she was out getting Wi-Fi for the kids?
>
> [Investigator Jones:] No—not really. She just went into that she knew why I was there because—
>
> [DHS Solicitor:] What did she say as to why you were there?

> [Investigator Jones:] Because [K.B.] had gotten out of the house prior.
>
> [DHS Solicitor:] Okay. Did she say how [K.B.] got out of the house?
>
> [Investigator Jones:] Through the front door. He's able to unlock the front door.
>
> [DHS Solicitor:] Okay. So she said he has been able to unlock the front door.
>
> [Investigator Jones:] Yes. And while we were talking [K.B.] did go over to the front door and try to open it, try to unlock it.

N.T., 3/2/2026, at 33.

Investigator Jones was interviewing Mother about multiple incidents, one that occurred the day before and the other that occurred a little over two weeks prior. As such, this exchange does not clearly and convincingly establish that Mother admitted she was aware that K.B. was able to unlock the door on his own **before** he left home on January 14, 2026. The specifics of the admission are crucial because the juvenile court premised its conclusion that Mother's conduct on January 14, 2026, was reckless upon her knowledge of K.B.'s ability to leave the home on his own before that. ***See*** Juvenile Court Opinion, 5/28/2026, at 9-10; N.T., 3/2/2026, at 123-24. By the time of DHS' interview on January 15, Mother certainly was aware that K.B. could operate the door lock, having found the front door cracked and K.B. gone just the night before.

In its brief, DHS argues that Mother knew, at the time of the January 14, 2026 incident, that K.B. could unlock the front door on his own, and claims

the record belies her contrary contention in her brief. DHS's Brief at 16 (quoting Mother's Brief at 18 and citing N.T., 3/2/2026, at 33, 68, 93). We do not find the record to be as clear as DHS portrays it to be. The other places DHS cites are still rather indirect and ambiguous as to the timeframe to which Mother was referring or the exact admission made by Mother. During his questioning of Investigator Jones, K.B.'s GAL asked if Mother had told him that the doors were locked when she fell asleep with the children on January 14, 2026. ***Id.*** at 68. Investigator Jones responded, "No, she just said that she knows that [K.B.] can get out of the door." ***Id.*** During the GAL's questioning of Mother, he asked if she thought about fixing the door after the December 28, 2025 incident so K.B. could not get out again. ***Id.*** at 93. She responded, "So not going to lie to y'all, I didn't know about how to do safety locks and everything until DHS came in and told me about all of that. So I was not aware about any of that or how to do any of that until—" ***Id.*** The GAL interrupted, asserting, "But you kind of knew that he could get out on his own?" and then, "And you told Mr. Jones that, right?" ***Id.*** Mother responded affirmatively both times. At no time did any attorney ask, nor did Mother testify, whether she was aware that K.B. could unlock the door to the home and leave the house before he did this on January 14, 2026.

In fact, Mother testified she was aware that K.B. had interest in the locks, but "thought that he was only able to mess with the bottom lock." ***Id.*** According to Mother, it was not until Investigator Jones was at her house that

she observed K.B. "touching the top lock," which she recognized was unsafe. ***Id.*** at 99. The juvenile court does not acknowledge this testimony, let alone credit or discredit it, so we are unsure whether it found Mother testified credibly in this regard.

With deference to the juvenile court's factfinding role, we cannot say the evidence that exists in the record "is so clear, direct, weighty, and convincing as to enable the trier of fact to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue." ***See Interest of N.B.-A.***, 224 A.3d at 668. At most, the record provides a basis to infer that Mother had **some** knowledge that K.B. was able to operate the door locks and that she was aware of this prior to him leaving the house the second time. This does not equate to Mother admitting that she was aware K.B. could unlock the top lock and open the front door prior to January 14, 2026, such that, despite this knowledge, she consciously disregarded the risk of K.B. leaving the home by not childproofing the exterior door.

Fourth, even with awareness of K.B.'s ability to operate the lock, we conclude that the facts of this case—going to sleep next to one's child without childproofing the lock to the front door on a different floor—simply do not rise to the level of an **egregious** failure to supervise a child constituting serious physical neglect that is tantamount to child abuse within the meaning of section 6303(b.1)(7). The CPSL does not define the word egregious, but the common understanding of the word indicates that it is used to refer to

something very noticeable because it is glaringly or extremely bad.[4] As applied in the failure to supervise cases cited to, and relied upon, by the juvenile court, the kind and degree of conduct in this case is noticeably and appreciably different and far less severe. In ***L.R.M.***, the parent left a two-year-old alone without adult supervision overnight in a rooming house they shared with strangers after a babysitter cancelled. ***See L.R.M.***, 358 A.3d 694, at *2. In ***D.R.***, the egregious conduct constituting severe physical neglect was the parent leaving a three-year-old child without adult supervision in a room with two unsecured and loaded firearms who then shot himself in the abdomen. ***See D.R.***, 296 A.3d 612, at *5. The failure to childproof a door by a parent sleeping next to a toddler, who at times would get up in the night to go play with toys but had never before gone down the stairs and left the house on his own in the middle of the night, is a far cry from either scenario.

The juvenile court further relies upon ***R.S.-S.*** for the proposition that "a parent's failure to supervise a young child after being on notice that the risk of reoccurrence of an injury exists amounts to child abuse under 23 Pa.C.S. § 6303(b.1)(7)." ***See*** Juvenile Court Opinion, 5/28/2026, at 7. We respectfully disagree that this is an apt comparison or conclusion here. ***R.S.-***

---

[4] "Egregious." Merriam-Webster.com Dictionary, https://www.merriam-webster.com/dictionary/egregious (last accessed on 9/29/2026); "Egregious." Cambridge Advanced Learner's Dictionary, https://dictionary.cambridge.org/us/dictionary/english/egregious (last accessed on 9/29/2026).

S. involved an eleven-month-old who suffered separate fractures on each side of her skull in incidents three weeks apart relating to the parent's failure to prevent the older children from handling the infant. ***R.S.-S.***, 283 A.3d 371, at *3 n.7. On appeal, this Court affirmed, but did so based upon the finding of child abuse under (b.1)(1), not (b.1)(7). ***Id.*** Under subsection (1), a finding of abuse is premised on a reckless failure to act that causes bodily injury to a child. 23 Pa.C.S. § 6303(b.1)(1). Further, ***R.S.-S.*** involved application of the burden-shifting evidentiary presumption in section 6381(d) of the CPSL, which DHS did not invoke here.

We have no quarrel with the notion that the failure to childproof the locks on the front door while a two-year-old is unconfined on an air mattress next to a sleeping parent creates a risk of injury or harm to the child; this absolutely could constitute parental neglect and a failure to supervise the child. We respectfully disagree, however, with the juvenile court's application of our decisions in ***L.R.M.***, ***D.R.***, and ***R.S.-S.*** to reach its conclusion that Mother's conduct here rose to the level of an egregious lack of supervision that constitutes serious physical neglect tantamount to child abuse.

For the same reason, we agree with Mother that DHS did not satisfy its burden of proof as to her mens rea. As stated above, under the CPSL, DHS was required to show, by clear and convincing evidence, that Mother acted intentionally, knowingly, or recklessly to constitute child abuse under subsection (b.1)(7). 23 Pa.C.S. § 6303(c). The juvenile court concludes that

Mother's conduct was reckless, relying on ***D.R.*** as support. According to the juvenile court, ***D.R.*** stands for the proposition that "[r]egardless of knowledge, an individual may still recklessly endanger a child's welfare by egregiously failing to supervise them." Juvenile Court Opinion, 5/28/2026, at 8 (citing ***D.R.***, 296 A.3d 612, at *5).

This interpretation of ***D.R.*** and the recklessness standard is incorrect and taken out of context. Although reckless is not synonymous with knowing (they are, in fact, two distinct mens rea), knowledge is not irrelevant to a finding of recklessness:

> Recklessness implicates knowledge in two ways: (1) the actor must consciously (i.e., with knowledge) disregard a substantial and unjustifiable risk; and (2) the risk that the actor disregards is measured by the circumstances known to the actor. Conscious disregard of a risk, in turn, involves first becoming aware of the risk and then choosing to proceed in spite of the risk.

Commonwealth v. Sanders, 259 A.3d 524, 532 (Pa. Super. 2021) (en banc) (cleaned up). Consistent with the law, the ***D.R.*** Court found that although the mother may not have been aware the gun the toddler fired (a ghost gun) was in the room, she was aware that a gun registered to her was there. Thus, in context, this Court stated in ***D.R.*** that regardless of her knowledge of the presence of the ghost gun, she "recklessly endangered [her c]hild's welfare by egregiously failing to supervise him" in a room where she **knew** "her own unsecured, loaded firearm" was present. ***D.R.***, 296 A.3d 612, at *5. Thus, her knowledge of the circumstances in which she left the three-year-old and

the risk the circumstances presented were highly relevant to this Court's affirmance of the juvenile court's finding of abuse in that case.

This was also true in ***K.P.-I.***, another case cited by the juvenile court in support of its decision. ***See*** Juvenile Court Opinion, 5/28/2026, at 9. Two months after the mother and baby tested positive for PCP at birth, the infant died as a result of the mother's decision to co-sleep with the infant while under the influence of substances despite specific warnings from DHS, hospital staff, and CUA workers regarding the dangers of co-sleeping. ***K.P.-I.***, 290 A.3d 667, at *3-4. Given the dire risk directly connected to the parent's conduct, the parent's decision to do the exact thing against which she had been warned demonstrated that she recklessly caused the death of her infant by co-sleeping under the influence, thereby warranting a child abuse finding pursuant to section 6303(b.1)(9). ***Id.***

Lacking in the case at bar is the chain of causation connecting the risk to Mother's failure to childproof the exterior door and the risk facing K.B. when he left the house in January 2026. Further, unlike in ***K.P.-I.***, DHS produced no evidence that external authorities specifically warned Mother prior to the January incident to childproof the locks on her door to avoid a specific acute risk. To the contrary, the evidence showed that Mother lacked knowledge about childproofing before DHS provided her with the information the day after K.B. left the house.

It is not enough that a parent is aware of potential harm. To be reckless, the parent must consciously disregard "a substantial and unjustifiable risk of injury or harm." 18 Pa.C.S. § 302(b)(3). This is illustrated by ***S.H. v. Dep't of Hum. Servs***., 228 A.3d 22 (Pa. Cmwlth. 2020), a Commonwealth Court case cited by Mother. ***See*** Mother's Brief at 17-18. There, an eighteen month old was fatally strangled by a key lanyard the child had pulled out of an accessible laundry basket while roaming around her father's room after he inadvertently fell asleep. ***S.H.***, 228 A.3d at 24. DHS indicated a report of child abuse against the father, finding he recklessly caused serious physical neglect through an egregious lack of supervision. ***Id.*** at 24-26.

The father appealed from the denial of his request to expunge the indicated child abuse finding, claiming that he acted only negligently. ***Id.*** at 26-27. The Commonwealth Court agreed with the father. Even though he knew the lanyard was accessible to the child and the child had an interest in playing with it, his actions of failing to remove the lanyard and falling asleep while child had access around his room were negligent, not reckless, because there was no evidence that he perceived, and then purposely ignored, the real possibility that the child would sustain a bodily injury from the hazards in the bedroom or from his conduct. ***Id.*** at 27-28.

While this case is not binding upon us, we are persuaded that our sister court correctly interpreted the CPSL as requiring the parent to have perceived, but purposely ignored, the substantial and unjustifiable risk that injury or

harm would result from the parent's action or inaction in order to recklessly cause serious physical neglect by egregiously failing to supervise a child. ***See id.*** at 28; ***see also Int. of E.L.W***., 273 A.3d 1202, 1207 (Pa. Super. 2022) (noting that Commonwealth Court decisions are not binding upon the Superior Court but finding ***S.H.***'s interpretation of recklessness pursuant to section 302(a)(3) to be persuasive in a criminal case).

The record evidence simply does not support a finding that Mother knew, and nonetheless purposely ignored, that there was a substantial risk K.B. would wake up, walk downstairs by himself in the dark, unlock the door, and leave the house at night. Although childproofing the front door would have absolutely been a smart and responsible thing for Mother to do, particularly as she knew K.B. liked to play with the locks, her failure to do so prior to the January 14, 2026 incident was not a gross deviation from the standard of care that a reasonable person would observe in Mother's situation based on the information she had at her disposal. As discussed above, DHS did not clearly and convincingly show that Mother knew K.B. had unlocked the door when he was found outside the home seventeen days before; there was no evidence that he unlocked the front door between the two incidents or that he ever attempted to leave the house after he went to sleep with Mother; and prior to DHS informing her on January 15, 2026, she had no knowledge about childproofing efforts that she could undertake to better ensure that K.B. could not leave the house without her knowledge.

The undisputed evidence of Mother's naivety about childproofing methods belies the juvenile court's finding that she consciously disregarded safety precautions. That a reasonable person would have deemed it prudent to install childproofing under these circumstances does not mean Mother's failure to do recklessly caused serious physical neglect pursuant to section 6303(b.1)(7). ***See S.H.***, 228 A.3d at 28.

Conclusion

With due regard to the juvenile court's ability to exercise its discretion, make findings of fact, and determine witness credibility, we conclude, based upon our review of the record, the statutory language, and applicable law, that the juvenile court abused its discretion by determining that DHS proved that Mother recklessly perpetrated serious physical neglect upon K.B. on January 14, 2026, through her egregious failure to supervise the child. Accordingly, we reverse this portion of the adjudication order.

Finding of child abuse reversed. Remainder of order affirmed. Jurisdiction relinquished.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/9/2026