

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN THE INTEREST OF: D.K., A MINOR	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
APPEAL OF: L.R.K., FATHER	:	
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	:	No. 368 WDA 2026

Appeal from the Order Dated February 25, 2026
In the Court of Common Pleas of Cambria County Children and Youth
Services at No(s): CP-11-DP-0000006-2026

BEFORE: BOWES, J., OLSON, J., and MURRAY, J.

MEMORANDUM BY MURRAY, J.:

FILED: October 2, 2026

L.R.K. (Father), the biological father of D.K. (a son born in January 2026) (Child), appeals from the order granting the petition filed by Cambria County Children and Youth Services (CYS), which adjudicated Child dependent and ordered that legal and physical custody of Child remain with CYS.¹ After careful review, we affirm.

The juvenile court summarized CYS's involvement with the family:

This family has an extensive history with CYS[, beginning in] April of 2020. Most recently, CYS initiated services [for] this family in January of 2026. On January 21, 2026, two of [Child's] older siblings, P.K. and M.K.[(Children)], were found to be dependent,

¹ Child's biological mother, K.E. (Mother), is not a party to the instant appeal.

[] removed from Mother's care, and placed in the care of Father under the supervision of CYS.^{2, 3}

... [O]n January 9, 2026, [CYS] received a report that Mother was hospitalized and tested positive for amphetamines. In addition, Mother [admitted to] recently using controlled substances. [The report further expressed] concerns regarding [Mother's] hygiene, as she was unkempt and appeared dirty and covered in soot. At [that] time, Mother was 33 weeks pregnant, and claimed that she was unaware she was pregnant until January 9[, 2026]. As a result, she had received no prenatal care[. Mother] left the hospital against medical advice.

On January 10[, 2026, Ms.] Snedden met with Mother and Father [(Parents)] to address th[e] report [concerning Mother's hospitalization and drug use.] Mother admitted to a history of drug use; claimed to have been clean for two years; appeared to be nodding off; had slurred speech; and fell asleep in the family's car while [Ms.] Snedden and Father were talking outside of the vehicle. Father denied seeing any signs of drug use by Mother[,] and expressed that he had no concerns in that regard. [Parents] agreed to implement a safety plan for [Children] that included Mother not being left unsupervised with [C]hildren[.] Father indicat[ed] that he would remove Mother from the family residence if she was found to be abusing drugs or alcohol.

² Children are Mother's and Father's biological daughters. Children's birth dates do not appear in the certified record. However, CYS's Exhibit 1 (comprised of numerous documents that were admitted without objection) included CYS caseworker Jade Snedden's (Ms. Snedden) written case summary, which represented that P.K. was born in 2023. **See** Exhibit 1 (Case Summary, 2/3/26, at 3 (stating that in "October of 2023, [CYS] received a report regarding [Mother] testing positive for Subutex after delivering [P.K.]")). We note that Children's respective dependency files were not incorporated, or otherwise admitted as evidence, in any proceeding pertinent to Child. Consequently, we rely on the juvenile court's account of what transpired in Children's respective dependency cases.

³ At Child's January 28, 2026, shelter care hearing, Father testified that he has nine minor children, in addition to Child and Children, none of whom resided with Father at the time of the hearing. N.T. (Shelter Care Hearing), 1/28/26, at 20.

Juvenile Court Opinion, 4/22/26, at 2-3 (footnotes added).

Shortly after Ms. Snedden's January 10, 2026, meeting with Parents, Mother gave birth to Child at the family's residence. **Id.** at 3. Emergency responders transported Mother and Child to Conemaugh Valley Memorial Hospital, where Child was admitted to the neonatal intensive care unit (NICU) to treat Child's respiratory issues and drug withdrawal symptoms. **Id.**; **see also** N.T., 1/28/26, at 5-6 (Ms. Snedden testifying that Mother admitted to using methamphetamine on the date of Child's birth); N.T. (Dependency Hearing), 2/4/26, at 36 (Ms. Snedden testifying that Child's doctor advised her that the "reported soot ... and uncleanness of the [family's] home" may have caused Child's respiratory issues at birth). Laboratory testing of Child's umbilical cord blood revealed positive results for amphetamine, methamphetamine, cocaine, oxycodone, and hydrocodone. Juvenile Court Opinion, 4/22/26, at 3; **see also** CYS Exhibit 1 (Laboratory Report, 1/23/26).

The juvenile court detailed the ensuing procedural history:

An emergency shelter care hearing was held on January 21[, 2026,] concerning [Children] and [Child]. At the conclusion of the hearing[, the juvenile court issued an order setting forth the following]: [(1) Children] were found to be dependent; [(2) Children were ordered to] remain[] in the care of Father; [(3)] Mother was to have no unsupervised contact with [C]hildren; [(4)] Mother was to undergo drug screening; [(5)] Mother was to begin drug treatment; and [(6)] a decision relative to [Child] was

deferred until [Child] was ready to be discharged from the NICU.^{4, 5}

A shelter care hearing for [Child] was held [on] January 2[8, 2026]. At this hearing[,] Mother had an unkempt appearance and appeared to be covered in soot. [Ms.] Snedden testified that on January 2[7, 2026,] she received a report that Mother was seen driving [Children] without anyone else in the vehicle[, in violation of the January 21, 2026, shelter care order] Further, [Ms.] Snedden testified to ongoing concerns regarding [Father's] parenting skills, as [A.K. and M.K.] were reported to be frequently at school dirty, in soiled and ill-fitting clothing, showed poor hygiene, and [M.K. had previously reported to school officials that she] was often hungry. [Ms.] Snedden expressed concerns [regarding] whether Father would be able to meet the needs of a newborn[,] given the [school] reports concerning [A.K. and M.K.]

... At the conclusion of the hearing[, Child] was directed to remain in [CYS's] care pending an adjudication hearing

⁴ The January 21, 2026, shelter care order was not entered on Child's dependency docket, and the order is not included in the certified record. The record does not disclose whether the January 21, 2026, shelter care hearing was recorded or transcribed, nor does it reveal the circumstances under which the juvenile court ostensibly made dependency findings at a shelter care hearing.

⁵ Several vague references appear in the dependency hearing transcript to Father's biological daughter, A.K. **See** N.T., 2/4/26, at 20-21, 50, 53-54. A.K.'s age and birth date do not appear in the certified record. In her written case summary, Ms. Snedden indicated that A.K.'s welfare was also the subject of the January 21, 2026, shelter care hearing. **See** Exhibit 1 (Case Summary, 2/3/26, at 3). Ms. Snedden represented that at the January 21, 2026, hearing, A.K. "was deemed not to be [d]ependent, and was placed within the custody of her biological mother, [R.K.,]" with Father to have supervised visitation with A.K. **Id.** Prior to the January 21, 2026, hearing, A.K. resided with Parents and Children. **See** Juvenile Court Opinion, 4/22/26, at 6 n.4 (stating that "A.K. was removed from Father's care and placed in the care" of R.K. following the January 21, 2026, hearing).

Juvenile Court Opinion, 4/22/26, at 3-4 (footnotes added).

In the interim, on January 23, 2026, CYS filed a dependency petition related to Child. Therein, CYS alleged that Father's "anger management issues," refusal to cooperate with CYS's investigation, and denial of Mother's substance abuse "raise concerns for the health, welfare, and immediate safety of [C]hild" Dependency Petition, 1/23/26, at 4.

The matter proceeded to a dependency hearing on February 4, 2026. Parents appeared, separately represented by their respective counsel. Child, who was less than one month old at the time of the hearing, did not attend, but was represented by a court-appointed guardian *ad litem* (GAL).⁶ CYS presented the testimony of Father's neighbor, Shelley Bookheimer (Ms. Bookheimer), and Ms. Snedden. Father testified on his own behalf.

Ms. Bookheimer testified that Father is her friend, neighbor, and mechanic, whom she has known for approximately one year. N.T., 2/4/26, at 3-4, 6-7; **see also id.** at 67 (Father testifying that he owns an automotive repair shop (hereinafter, the garage)). Ms. Bookheimer testified that she babysat Children at her residence, at Father's request, on one occasion, which

⁶ At the dependency hearing, Ms. Snedden testified that Child had recently been discharged from the NICU, and was residing with foster parents through Somerset Children's Aid Home. N.T., 2/4/26, at 18. Ms. Snedden testified that Child was doing well, did not appear to "have any health issues from [his] drug exposure," and was not receiving any services. **Id.**

occurred within the two weeks preceding the dependency hearing. **Id.** at 5, 7.

On that date, Mother unexpectedly arrived at Ms. Bookheimer's residence some time before Father came to pick up Children. **Id.** at 6. According to Ms. Bookheimer, when Father arrived at her residence, she, Mother, and Children were in her driveway. **Id.** at 9. Ms. Bookheimer testified that Father told Mother, "Don't go anywhere," and then left to "get[] gasoline." **Id.** at 4. Ms. Bookheimer explained that she then assisted Mother with getting Children into Mother's vehicle, as she was unaware that Mother was not to be left with Children unsupervised. **Id.** at 9. **But see id.** at 57 (Father testifying that he advised Ms. Bookheimer "that [Ms. Bookheimer] was not allowed to let [Children] go [with anyone] other than with me."). Ms. Bookheimer testified that Mother left with Children prior to Father returning to her residence. **Id.; see also id.** at 17 (Ms. Snedden testifying that Mother did not have a valid driver's license).

Ms. Bookheimer testified she was aware that Father was angry with CYS regarding its involvement with the family. **Id.** at 5-6. Ms. Bookheimer confirmed that Father "threaten[ed] to kill anyone that would take his children[,] " and that Father indicated he knew how to do so based upon his military training. **Id.** at 6; **see also id.** at 5 (Ms. Bookheimer agreeing that she knew Father to have a "volatile temper"), 11 (Ms. Bookheimer testifying

that she believed Father was “venting,” but did not “know how ... true” Father’s threats were).

Regarding Children’s safety in the garage, Ms. Bookheimer testified that she observed one of Father’s children run under a lifted vehicle in the garage. **Id.** at 13-14. Ms. Bookheimer additionally expressed her concerns regarding Children’s hygiene when they played in the garage. **Id.** at 13. Ms. Bookheimer testified that Children’s clothing was so soiled that she was unable to clean it. **Id.**

Concerning Mother’s substance abuse, Ms. Snedden testified consistently with the juvenile court’s above factual recitation. **See id.** at 14-18. Ms. Snedden testified that Father has “expressed zero concerns with [Mother’s] substance use, claiming that he can tell when she is abusing drugs” **Id.** at 22. According to Ms. Snedden, even after hearing testimony at the January 21, 2026, shelter care hearing regarding Mother’s positive test results for amphetamine, Father “still remains skeptical of [Mother’s drug abuse,] and was requesting concrete proof of such.” **Id.; see also id.** at 34 (Ms. Snedden testifying that Father requested that she provide him with documentation of Mother’s positive drug tests).

Ms. Snedden testified that during her time working with the family, Father demonstrated “extreme anger management issues and lack of impulse control.” **Id.** at 20. Ms. Snedden explained that Father “has been very uncooperative and resistant to [CYS’s] involvement[,], oftentimes [] yelling

and cursing at other individuals.” **Id.** Ms. Snedden testified that despite Father’s “extreme anger” and impulsivity, Father advised her that he did not believe he needed mental health treatment. **Id.** at 23.

As evidence of Father’s inability to care for Child’s health and hygiene, Ms. Snedden highlighted CY’s concerns regarding A.K.’s and Children’s unsanitary living conditions and food scarcity in the household. **Id.** at 20-21. Ms. Snedden testified that when she visited the family residence on January 10, 2026, P.K. was the only child present, and appeared “very dirty. [P.K.] had dirt on her clothes[,] as well as on her face.” **Id.** at 20. Ms. Snedden testified that officials at the school A.K. and M.K. attend

expressed concerns[,] stating that [A.K. and M.K.] appear unkempt, having dirty hands and feet. ... [A.K.] request[s] to bring food home from school. And [M.K.] states that she is always hungry and that her stomach hurts a lot.

Id. at 21; **see also id.** at 44 (Ms. Snedden testifying that A.K. and M.K. reported “sleeping on the couch in [the] garage”; and stated that on one occasion Father took A.K. and Children “in a car in the middle of the night because [Father] had to work.”).

Ms. Snedden opined that Child should be adjudicated dependent, and Parents should not be considered placement options, as Child’s safety could not be assured in the family home. **Id.** at 25.

The juvenile court aptly summarized Father’s testimony:

Father testified that ... he never saw any signs of drug use from [Mother]. N.T., 2/4/26, at 52. [Father] explained that he has moved [Mother] out of the [family] home and into the living area

at [the] garage until [Mother] can find her own residence. **Id.** at 72-73. [Father] expressed remorse for threatening [CYS] caseworkers[,] explaining that he only did so out of frustration. **Id.** at 60-61. [**But see id.** at 70 (Father denying that he said he “would kill anyone who tries to take [his] kids”).] Father testified that he was on medication for [Post Traumatic Stress Disorder (PTSD)], but could not remember what it was[. **Id.** at 61, 69. Father testified] that he was not [engaged in] counseling [to treat his PTSD,] as he had developed coping mechanisms. **Id.**[; **see also id.** at 23 (Ms. Snedden testifying that Father advised her that he did not require mental health services, as he had developed his own coping strategies)]. [Father testified] that he would fully cooperate with CYS going forward. **Id.** at 61. [Father] acknowledged that the garage was dirty[,] but felt [that] it was safe for [Children] to be there[,] as they were aware of what they could and could not do [at the garage] safely. **Id.** at 67-68. [Father] indicated that he would never take [Child to the garage,] as it was not appropriate for a newborn to be around [] dirt. **Id.** at 72. [**But see** Father’s Exhibit 1 (a letter Father sent to CYS, wherein he stated, “I cannot say that I will never have any of the children at my place of employment. I am self-employed[,] ... so I can’t say that at no time ever in the next six months that the children would not be at the [garage] with me for some limited time.”).]

Juvenile Court Opinion, 4/22/26, at 7 (record citations added).⁷

At the conclusion of the hearing, the juvenile court adjudicated Child dependent, and ordered Child to remain in CYS’s custody. N.T., 2/4/26, at

⁷ At the close of evidence, Child’s GAL opined as follows: “I don’t have a problem with [C]hild staying with [F]ather. I think ... he’s got some problems. But in the end, I think his heart’s in the right place. I think he’s going to take care of the kids.” N.T., 2/4/26, at 75. Child’s GAL did not clarify whether his comments pertained to Child’s adjudication or disposition. **See Interest of K.O.**, 349 A.3d 404, 408-09 (Pa. Super. 2025) (explaining that at a dependency hearing the juvenile court must first determine whether the child is dependent, and, if so, it must then determine the appropriate disposition based on the best interest of the child). We note with displeasure that Child’s GAL has not clarified his position on appeal, as he did not file an appellate brief or join another party’s brief.

75-76. Father filed a timely notice of appeal⁸ and a contemporaneous Pa.R.A.P. 1925(a)(2)(i) concise statement (concise statement). On April 22, 2026, the juvenile court filed a responsive Rule 1925(a) opinion.

Father presents a single issue for our review: “Whether the [juvenile c]ourt erred in declaring [C]hild dependent[,] and not finding Father ready, willing[,] and able to have sole legal and physical custody of [C]hild?” Father’s Brief at 4.⁹

⁸ Though issued on February 4, 2026, the juvenile court’s dependency order was docketed on February 11, 2026, and the docket notation reflects that Father was not served with the order until February 25, 2026. Consequently, the dependency order was not an appealable order until February 25, 2026. **See *Frazier v. City of Philadelphia***, 735 A.2d 113, 115 (Pa. 1999) (holding that “pursuant to the express terms of [Pa.R.A.P. 108(b) and Pa.R.C.P. 236(b)], an order is not appealable until it is entered on the docket with the required notation that appropriate notice has been given.” (citation omitted)). Father’s March 5, 2026, notice of appeal was, thus, timely filed. **See** Pa.R.A.P. 903(a) (providing that an appeal must be filed within 30 days after the entry of the order from which the appeal is taken).

⁹ In his concise statement, Father preserved numerous issues, many of which pertained to Child’s placement and CYS’s efforts to reunify Father and Child. **See generally** Concise Statement, 3/5/26. In his brief, however, Father presents the sole issue quoted above, and states that he “is not arguing ... that [C]hild should have been placed in Father’s physical custody[,] **as that has now occurred**[,] but [C]hild remains dependent.” Father’s Brief at 13 (emphasis added); **see also** Juvenile Court Opinion, 4/22/26, at 1 (the juvenile court stating that, “[f]ollowing a hearing held [on] April 8, 2026, [Child] was returned to Father’s care under the supervision of CYS”; and opining that Child’s return to Father’s care rendered “moot many of Father’s issues raised in his concise statement”).

Father also included in his concise statement a separate issue concerning whether the juvenile court erred by ordering Father to undergo random drug screens. Concise Statement, 3/5/26, ¶ 8. Father does not address this issue (*Footnote Continued Next Page*)

The standard of review in dependency cases

requires an appellate court to accept the findings of fact and credibility determinations of the [juvenile] court if they are supported by the record, but does not require the appellate court to accept the lower court's inferences or conclusions of law. Accordingly, we review for an abuse of discretion.

Interest of L.W., 342 A.3d 97, 102 (Pa. Super. 2025) (citation omitted); ***see also Interest of T.M.A.***, 207 A.3d 375, 380 (Pa. Super. 2019) ("An abuse of discretion is not merely an error of judgment, but is, *inter alia*, a manifestly unreasonable judgment or a misapplication of law." (citation omitted)).

"The [juvenile] court is free to believe all, part, or none of the evidence presented[,] and is likewise free to make all credibility determinations and resolve conflicts in the evidence." ***Interest of A.J.***, 345 A.3d 374, 381 (Pa. Super. 2025) (citation omitted). "[W]e accord great weight to the [juvenile] court's fact-finding function because the [juvenile] court is in the best position to observe and rule on the credibility of the parties and witnesses." ***Interest of M.Y.C.***, 230 A.3d 500, 512 n.15 (Pa. Super. 2020) (citation omitted); ***see also Interest of K.C.***, 319 A.3d 596, 600 (Pa. Super. 2024) (observing that "[n]ot only are our [juvenile] judges observing the parties during the hearing, but usually ... they have presided over several other hearings with the same

in his brief; it is thus waived. ***See In re M.Z.T.M.W.***, 163 A.3d 462, 465-66 (Pa. Super. 2017) ("[W]here an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived." (citation omitted)). Accordingly, we address the sole issue Father presents in his brief.

parties and have a longitudinal understanding of the case and the best interests of the individual child involved.” (citation omitted)).

In his sole issue on appeal, Father challenges the juvenile court’s dependency finding. Father’s Brief at 13. Father points out that a child may not be adjudicated dependent where “a parent [is] ready, willing, and able to provide proper parental care or control[.]” **Id.** at 11 (quoting Pa.R.J.C.P. 1409(a)(2) (Adjudication of Dependency and Court Order)). Father argues that the evidentiary record demonstrated his willingness and ability to parent Child. **Id.** at 6. According to Father, none of the facts the juvenile court relied upon in its opinion support its contrary dependency finding. **See id.** at 13-22 (Father contesting the juvenile court’s characterization of each of the factual bases it relied upon in adjudicating Child dependent).

Regarding his aggressive behavior toward CYS caseworkers, Father argues that there was “no evidence that [he] was charged criminally with any threats” against CYS staff, and states that the evidence showed that he “was frustrated and venting when making these statements.” **Id.** at 14. Father alleges several other purported weaknesses in CYS’s case, including that (1) Father “testified to not knowing of Mother’s drug use”; (2) Mother no longer resides at the family residence; (3) the juvenile court placed Children in Father’s home following their dependency adjudications; (4) Child was “not experiencing any health issues” on the date of the dependency hearing; and

(5) there was no testimony establishing that Children's poor hygiene "created a health issue," or that Children were "starv[ing]." ***Id.*** at 14-17.

CYS counters that the evidentiary "record established unsafe living conditions, [a] lack of appropriate supervision, [Father's] disregard for Mother's substance abuse, persistent hygiene and food insecurity concerns, Father's need for mental health treatment, and [Father's] overall inability to provide proper parental care and control for [Child]." CYS Brief at 21 (unpaginated). CYS argues that Father's refusal or inability to acknowledge Mother's persistent drug abuse "raises serious concerns regarding [Father's] ability to recognize and respond to risks to [C]hild's safety." ***Id.*** at 28. CYS concludes that "prognostic evidence and the totality of the circumstances supported [the juvenile court's] finding of dependency." ***Id.*** at 30.

The Juvenile Act defines a "dependent child," in relevant part, as a child who

is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals. A determination that there is a lack of proper parental care or control may be based upon evidence of conduct by the parent, guardian or other custodian that places the health, safety or welfare of the child at risk, including evidence of the parent's, guardian's or other custodian's use of alcohol or a controlled substance that places the health, safety or welfare of the child at risk[.]

42 Pa.C.S.A. § 6302(1); ***see also Interest of A.D.-G.***, 263 A.3d 21, 30 (Pa. Super. 2021) (observing that "our General Assembly drafted Section 6302(1)

to be flexible and to encompass the myriad circumstances that may cause a child to be without proper parental care or control.”).

Our Supreme Court has explained that the

definition of a dependent child contained in [S]ection 6302 clearly states that a child must lack a parent, guardian, or other legal custodian who can provide appropriate care to the child. A child whose non-custodial parent is **ready, willing, and able** to provide such care does not meet this definition.

In re M.L., 757 A.2d 849, 851 (Pa. 2000) (emphasis added); ***see also*** Pa.R.J.C.P. 1409(a)(2); ***Interest of J.B.***, 247 A.3d 447, 451 (Pa. Super. 2021) (“It is the duty of the [juvenile] court to determine whether the non-custodial parent is capable and willing to render proper parental control prior to adjudicating a child dependent.” (citation omitted)).

“Proper parental control is defined as that care which (1) is geared to the particularized needs of the child and (2) at a minimum, is likely to prevent serious injury to the child.” ***Interest of A.C.***, 237 A.3d 553, 563 n.10 (Pa. Super. 2020) (citation and quotation marks omitted). “The question of whether a child is lacking proper parental care and control so as to be a dependent child encompasses two discrete questions: whether the child presently is without proper care or control, and if so, whether such care and control are immediately available.” ***In Interest of K.S.***, 159 A.3d 535, 538 (Pa. Super. 2017) (citation omitted).

“The [juvenile] court must make a ‘comprehensive inquiry’ with regard to these two questions[.]” ***Id.*** (citation omitted). “In answering the first

question, the paramount concern is the welfare of the child at the time of the hearing. In answering the second question, it may be necessary for the [juvenile] court to look to the future.” **Interest of K.B.**, 331 A.3d 50, 56 (Pa. Super. 2025) (*per curiam*) (quotation marks, brackets, and citations omitted).

In a dependency proceeding, the petitioner must prove, by clear and convincing evidence, that a child meets the statutory definition of “dependent child.” **Interest of J.R.**, 333 A.3d 446, 452 (Pa. Super. 2025) (*per curiam*) (citation omitted). Clear and convincing evidence is evidence that is “so clear, direct, weighty, and convincing as to enable the trier of facts to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue.” **Id.** (citation omitted). “If the court finds a child dependent, it proceeds to the second stage of the dependency process, which requires an appropriate disposition based on the best interest of the child pursuant to [42 Pa.C.S.A. §] 6351 (a) and (b)[(Disposition of dependent child)].” **Interest of K.B.**, 331 A.3d at 58 (some citations omitted).

Pertinently,

a finding of dependency can be made on the basis of prognostic evidence and such evidence is sufficient to meet the strict burden of proof necessary to declare a child dependent. This Court has noted when dealing with an infant, the failure to allow prognostic evidence would preclude a child welfare agency from ever seeking to have a newborn declared a dependent child, no matter how unfit or incompetent the natural parents are. [**See**] **In re R.W.J.**, 826 A.2d 10 (Pa. Super. 2003) (affirming [the] dependency adjudication of an infant ..., where the adjudication was based solely on prognostic evidence concerning Mother’s prior abuse and neglect of her other children). This Court has specifically stated that a rule prohibiting a court from considering prognostic

evidence and compelling the court to place the child with natural parents to determine if they can render proper care ignores the possibility ***that if the "experiment" proves unsuccessful, the consequences to the child could be seriously detrimental or even fatal.***

Id. at 57 (some citations, brackets, and some quotation marks omitted; emphasis in original); ***see also id.*** at 60 (observing that "prognostic evidence, especially in cases involving infants, is relevant and admissible and so powerful it can itself sustain a finding of dependency." (citation omitted)).

Instantly, the juvenile court explained its rationale for adjudicating Child dependent in its Rule 1925(a) opinion:

Here, the evidence supports the finding that [Child] was, at the time of the adjudication hearing, without proper parental care or control and that such care and control were not immediately available. Father had made threats to CYS caseworkers and consistently demonstrated anger management issues, poor impulse control, and poor judgment. [Child] was born in the [family] home and immediately suffered respiratory issue[s] that Father [acknowledged] may have been aggravated by conditions in the home, causing concerns over [Child's] safety until CYS could confirm the conditions had been alleviated. Father's parenting skills relative to a newborn were unknown, and he exhibited questionable parenting with regards to [C]hildren.

Notably, both the school and CYS had concerns over [A.K.'s and M.K.'s] hygiene, general appearance, and whether their needs were being met with respect to food security. [Father's] decision to have [A.K. and C]hildren at the garage, when he was working, placed them in a potentially hazardous situation, as demonstrated by M.K. playing under a lifted car The incident with the [lifted] car demonstrates Father's poor decision making, as he could not see the danger posed by having [A.K. and C]hildren playing freely in the garage[,] but instead insisted it was safe, since [Children] knew what not to do in the garage. Father's statements show[] that he fails to understand how young children process information, and their lack of understanding of the dangers they may encounter.

Father consistently failed to [acknowledge] Mother's drug use, despite her admissions, positive drug screens, and behaviors during meetings [between Ms.] Snedden and [P]arents. Instead, [F]ather insists that he never saw any signs of [Mother's drug] abuse. His denial of Mother's addiction, and [his] decision to allow M.K. and P.K. to remain in a vehicle with Mother when he knew she [did not possess a valid driver's license], and was not to have unsupervised contact with [Children], demonstrated his poor decision-making skills. Of particular concern is [Father's] failure to acknowledge[] his PTSD diagnosis, and to some extent his other [behavioral/mental health] issues, [as] he was not in treatment to address these concerns While it cannot be gleaned from a cold transcript, Father's demeanor during his testimony demonstrated to the [juvenile c]ourt that he lacked the ability to regulate his anger or act appropriately in some situations. **See** N.T., 1/28/26, at 15-18; N.T., 2/4/26, at 48-49, 54, 63, 70. Viewed in its totality, the record in this matter amply supports the [juvenile c]ourt's finding that, at the time of the adjudication[hearing], [Child] was lacking proper parental care, and such care could not be immediately provided.

Juvenile Court Opinion, 4/22/26, at 11-13 (some punctuation modified).

The juvenile court's factual findings are supported by the record, and we discern no abuse of the court's discretion in adjudicating Child dependent. **See Interest of L.W.**, 342 A.3d at 102. Our review confirms that the testimony presented at the dependency hearing sufficiently proved, by clear and convincing evidence, Child's dependency. **See Interest of J.R.**, 333 A.3d at 452.

The dependency hearing testimony established that Father was uncooperative with CYS's investigation, and hostile toward CYS staff, which the juvenile court appropriately considered in determining Father was not "able" to provide proper parental care to Child. **See** N.T., 2/4/26, at 5-6, 20;

see also Interest of S.D., 334 A.3d 919, 930 (Pa. Super. 2025) (“Pennsylvania law is clear that a parent’s uncooperativeness with the child welfare agency and service provider is relevant to determining whether proper parental care is immediately available.”); **In re M.L.**, 757 A.2d at 851; Juvenile Court Opinion, 4/22/26, at 11.

The testimony presented at the dependency hearing further evidenced Father’s poor judgment and pattern of minimizing childcare issues. Ms. Bookheimer testified to observing one of Father’s children running under heavy machinery in the garage, and noted that Children were frequently dirty. N.T., 2/4/26, at 13-14. Father additionally did not ensure that Mother remained supervised with Children, which the juvenile court found particularly concerning in view of Father’s refusal or inability to acknowledge Mother’s clear substance abuse issues. **See id.** at 4, 17, 22; **see also id.** at 78 (concerning Father’s refusal to acknowledge Mother’s substance abuse, the juvenile court advising Father, “I think you either have really poor judgment[,], with your head in the sand[,], or you’re a liar.”).

Children and A.K. reported food insecurity, and were observed at school wearing dirty and ill-fitting clothing. **Id.** at 20-21. Despite evidence of Children’s poor hygiene while at the garage, and one of his children approaching dangerous machinery, Father testified that he believed that Children could exercise their own judgment to remain safe. **See id.** at 68 (Father testifying, “There’s never been any kind of problem with my kids[in

the garage]. They have a borderline that they know they're not allowed to cross.").

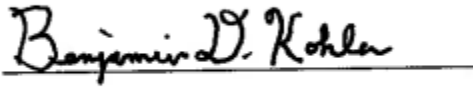
The juvenile court appropriately considered the above-outlined testimony, as prognostic evidence, in concluding Father was not "able" to provide proper parental care to Child, who had recently been discharged from the NICU after suffering respiratory issues and drug withdrawal symptoms. ***In re M.L.***, 757 A.2d at 851; ***see also Interest of K.B.***, 331 A.3d at 57. Though the juvenile court concluded that Children could remain in Father's care after the January 21, 2026, shelter care hearing, it did so after adjudicating Children dependent and directing CYS to supervise the family. Juvenile Court Opinion, 4/22/26, at 2. The juvenile court was not required to gamble with newborn Child's safety merely because it had placed the older Children in Father's care. ***See Interest of K.B.***, 331 A.3d at 60.

In his argument on appeal, Father essentially summarizes the testimony presented at the dependency hearing, and urges this Court to reweigh the evidence in his favor. ***See*** Appellant's Brief at 13-22. However, our standard of review requires that we accept the juvenile court's "findings of fact and credibility determinations if they are supported by the record[.]" ***Interest of L.W.***, 342 A.3d at 102. Here, as outlined above, the record amply supports the juvenile court's findings, and the court did not abuse its discretion in weighing the evidence before it.

As we conclude the juvenile court properly determined that Father was not able to provide appropriate care for Child, and that Child otherwise met the statutory definition of a dependent child, Father's sole issue on appeal merits no relief.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 10/02/2026