

[J-92-1997]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

IN THE MATTER OF: T.R., J.M., C.R., : No. 89 E.D. Appeal Docket 1996
AND C.R. :
: Appeal from the Order of the Superior
: Court entered October 5, 1995 at
: No. 3682PHL94 affirming the Order of
APPEAL OF A.W. : the Court of Common Pleas of
: Philadelphia
: County, Family Division, entered
: September 29, 1994 At Nos. 9204-6912,
: 9405-2358, 2359 & 2360
:
: ARGUED: April 30, 1997

CONCURRING OPINION

MR. JUSTICE NIGRO

DECIDED: June 23, 1999

I agree with the majority that, under the circumstances of this case, the trial court erred in ordering A.W., the mother of T.R., J.M., C.R. and C.R., to involuntarily submit to a psychological evaluation. I write separately, however, to note that once a parent refuses to submit to a psychological evaluation, as A.W. did here, the trial court should be entitled to draw a negative inference from that refusal when determining the appropriate placement of the child. See 42 Pa. C.S. § 6351.