IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GRACE ABRANTES, : Civil No. 1:23-CV-01324

:

Plaintiff,

V.

COLLEEN SMITH,

COMMONWEALTH OF

PENNSYLVANIA DHS REGIONAL

PROCEDUM DEPRESENTATIVE of

PROGRAM REPRESENTATIVE, et al.,

Defendants. : Judge Sylvia H. Rambo

<u>ORDER</u>

AND NOW, this 28th day of August, 2024, upon consideration of Defendants' motions to dismiss (Docs. 17, 19) for failure to state a claim pursuant to Federal Rule of Civil of Procedure 12(b)(6), and in accordance with the accompanying memorandum, **IT IS HEREBY ORDERED** as follows:

- 1. COUNT I is **DISMISSED** with prejudice insofar as it alleges Plaintiff's children were taken and her name placed on the ChildLine Registry without a pre-deprivation hearing. Insofar as Plaintiff alleges reputational damage stemming from Defendants contacting her employers and the agency licensing her prospective youth residential facility, Count I is **DISMISSED** without prejudice. The County Defendant's motion is otherwise **DENIED** with respect to Plaintiff's allegations regarding the coercive agreement noted in the amended complaint and Smith's motion is otherwise **GRANTED** with respect to the same allegations;
- 2. COUNT II is **DISMISSED** with prejudice in its entirety as to Smith, and as to the County Defendants it is **DISMISSED** with prejudice except for the allegations regarding the denial of notice and hearing;

- 3. COUNT III is **DISMISSED with prejudice**;
- 4. COUNT IV is **DISMISSED without prejudice** as to the County Defendants and **with prejudice** as to Smith; and
- 5. Plaintiff is granted leave to amend within thirty days of the date of this order all counts not dismissed with prejudice.

IT IS SO ORDERED.

/s/ Sylvia H. Rambo SYLVIA H. RAMBO United States District Judge