

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN THE INTEREST OF : No. 99-30,453; and  
F.G. and T.G. : Orphan's Court No. 5780  
:   
: 1925(a) Opinion

**OPINION IN SUPPORT OF ORDER IN  
COMPLIANCE WITH RULE 1925(a) OF  
THE RULES OF APPELLATE PROCEDURE**

This opinion is written in support of this Court's Order dated June 23, 2004, which terminated the parental rights of M.M. (hereinafter "Mother"), the natural mother of F.G., born September 20, 1995, and T.G, born July 24, 1997. The Court held hearings on June 21, and June 22, 2004 on the petition for termination of parental rights filed by Lycoming County Children and Youth services (hereinafter "the Agency") on March 11, 2004.<sup>1</sup>

The Agency's first contact with Mother occurred around June 18, 1999. Caseworker John Youngman, III was assigned to investigate a report of abuse of two children. The report indicated that Mother's paramour; C. G. Jr., regularly slapped the children in the presence of Mother. Mr. Youngman himself saw no evidence of abuse, but he did feel there was evidence of poor parenting. C.G. Jr. was an alcoholic and Mother had poor parenting skills. He testified that Mother seemed overwhelmed and he had concerns as to the bonding development of the children with the parents. Mr. Youngman spoke to the maternal grandmother, who also expressed concerns about Mother's capability. Mr. Youngman described the home as chaotic. He recommended the PACT Outreach Program

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<sup>1</sup> On December 11, 2003, the natural father, C.G. Jr., signed a consent to adoption. Based on this consent, the

and Early Intervention Services to Mother. He closed the case in September 1999.

On September 23, 1999, Mr. Youngman reopened the case when he received reports that Mother's new paramour, C. M., was excessively disciplining the children. There were also domestic problems reported. Although Mr. Youngman failed to substantiate abuse, he felt the children were dependent. He filed a Dependency Petition on October 8, 1999.

On October 22, 1999, at the dependency hearing before the Court, the children were found to be dependant. The Court suspended a placement of the children to a foster home contingent on several conditions. See Petitioner's Exhibit 1. However, on October 29, 1999, Mother signed a voluntary placement agreement for the two children when Mother became homeless. See Exhibit 1(a). The children were placed in a foster home. Mr. Youngman had his last contact with Mother in November 1999. He described Mother as being marginally corporative with his efforts. She had problems in keeping appointments. He was also concerned Mother was not appropriately protecting the children. He noted in the short time he worked on the case that Mother resided in three separate residences. She was also homeless for parts of the time. He described Mother as unstable and lacking competence as a parent. He also felt she had cognitive limitations. He noted no improvement in Mother in the limited time of his contact with her.

The children stayed in placement for nearly one (1) year. On September 22, 2000, the children were returned to the home of Mother after a Permanency Review Hearing held before a Family Court Master. The previous adjudication of dependency was reaffirmed. See Petitioner's Exhibit 3, Order of September 22, 2000. The Order of September 22, 2000 indicated Mother had completed pre-school and anger management

classes at the PACT Center. The Agency also had psychologist Bruce Anderson perform a psychological evaluation of Mother and her paramour, C.M. The Order noted that Mother would have weekly contact with Linda Bloom, MH/MR caseworker and that a caseworker or PACT Outreach worker would have weekly contact with Mother in her home. The children were to reside with Mother and C.M. at 813 Chestnut Street, Williamsport. Mr. Anderson, the psychologist, noted that Mother had some intellectual limitations, but no serious psychological problems. Finally, the Order indicated that the Agency should continue working with Mother for the next six (6) months. See Petitioner's Exhibit 3.

Dixie Halderman, a caseworker for the Agency, testified that she worked with Mother from October 1999 through September 2000. In October 1999, her concerns regarding Mother were parenting and discipline of the children, security concerns for the children, failure to keep medical appointments for the children and problems in budgeting money and resources. In regard to appointments for the children, Ms. Halderman explained to Mother that she could obtain STEP transportation for the children's appointments. Instead, Mother indicated she would rely on C.M. to take the children to appointments. Ms. Halderman worked intensely with Mother who also had the benefit of intense help from Linda Bloom a mental health caseworker and an intensive PACT Outreach worker, Betty Morehart.

After obtaining the return of the two young children into her home on September 22, 2000, Mother did not maintain an adequate level of parenting for the children nor did she provide an adequate home. In early 2001, the Agency began to receive reports regarding supervision issues concerning Mother with the children.

Children and Youth caseworker Krista Beattie worked with Mother from

September 2001 until July 2002. On December 22, 2001, Mother gave birth to another child, B.M. Ms. Beattie testified that the significant issue with Mother revolved around her supervision of the children, her parenting skills, and her cooperation with school officials, medical care, in-home problems, budgeting problems, and concerns about the individuals to whom Mother was exposing the children.

In regard to supervision, Ms. Beattie testified that Mother was allowing the children to run unsupervised in alleys and streets. At this time, F.G. was six years old and T.G. was four years old. Ms. Beattie also felt Mother was deferring childcare responsibility for baby B.M. to F.G. Ms. Beattie observed instances where F.G. would prepare a bottle of milk for B.M. and then feed him, while Mother watched. The children made statements about caring for B.M., and one child described an occasion where she dropped B.M. The maternal grandmother also made complaints to Ms. Beattie about this problem. Mother also had problems setting limits for the children. For example, she let them wear the same clothing day after day.

Ms. Beattie testified to receiving information in October 2002 where Mother was allowing individuals to care for the children who were drinking alcohol around the children. Mother admitted incidents where she stayed out late and allowed third parties to care for the children. On one occasion Ms. Beattie had a report about a caretaker being under the influence at the time he placed T.G. on a Head Start bus. When questioned about this Mother said that the caretaker was drinking alcohol earlier but was okay when he placed T.G. on the bus.

In regard to school, F.G. was not attending kindergarten regularly. Ms. Beattie discovered that F.G. missed twenty-nine days of school. T.G. was in early intervention

services and Mother was not reinforcing things in the home that she was supposed to be working on with the child such as counting, letters and the like. Further, there were hygiene issues with T.G.

Ms. Beattie described her concern with Mother's medical care of the children. She described T.G. as having repeated ear infections and Mother missing medical appointments for the child at Geisinger Medical Center. She noted Mother arrived an hour and a half late for one appointment, which required the appointment to be rescheduled.

Ms. Beattie also explained the significant budgeting concerns she saw with Mother during the time she supervised her. Ms. Beattie had Betty Morehart and Mary Wilson work intensively with Mother in preparing and following a budget. Despite these efforts Mother did not follow a budget.

Ms. Beattie testified that in the time she worked with Mother from September 2001 until June 2002, a time when the children were in Mother's home, Mother failed to make positive changes in response to her problems. Thus, the problems kept recurring.

Ms. Beattie described the significant services offered to Mother. She had an intensive outreach worker, Mary Wilson, coming into the home to work with her on budgeting and supervision of the children two to three (2-3) times a week. Linda Bloom, an intensive MH/MH worker worked directly with Mother. The WIC Program, which would allow Mother to obtain financial assistance vouchers for food, was made available, but was discontinued because Mother missed appointments. Ms. Beattie also prepared family service plans, which she carefully reviewed with Mother, but Mother still made no progress.

Robert Izer, principal of Cochran Elementary School, which F.G. attended, illustrated the significant problem with Mother's cooperation with the children's schooling

from September 2002 through December 2002. He described a significant problem with Mother, picking up F.G. after school. School was dismissed at 3:30. He described sixteen (16) occasions where the child was picked up well after 3:30 p.m., including; 4:35 p.m. on September 24; at 4:04 p.m.. on September 30; 4:43 p.m. on October 9; 4:40 p.m. on October 18; 4:25 p.m. on October 28; 4:40 p.m. on November 4; 4:55 p.m. on November 25; 4:30 p.m. on December 6; 4:10 p.m. on December 19; 4:50 p.m. on December 20.<sup>2</sup> From September 7, 2002 to December 2002, F.G. missed seven (7) days of school and was tardy four (4) times.

Nancy Roskovensky from the Lycoming Clinton Head Start Program testified concerning T.G.'s attendance at Head Start in the school year from 2001 to 2002. Head Start ran five (5) days a week from 8:15 a.m. to 12:00 noon each day. T.G.'s attendance was mixed. There were times when the child was sent to Head Start when she was sick. Likewise, there were times the child did not attend school. When Mother gave birth the B.M. in December 2001, T.G. did not attend Head Start. The witness also noted that T.G.'s attire was inappropriate at times. She wore light coats in winter. The child also wore winter boots on warm days. The witness made phone calls to Mother in order to work out these problems. During the phone calls Mother always appeared open to change, but she never followed through to make the changes they discussed.

The witness also noted Mother had problems picking up T.G. from Head Start. Head Start provides bus transportation to the families' home. Mother was given a

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<sup>2</sup> It was noted the child had to sit and wait in the office on these times when Mother was tardy in picking up the child. School personnel were also required to wait with the child

time to be available to take T.G. off the bus. However, on many occasions an authorized person was not home to take the child and the child had to return to the Head Start facility. Many phone calls were made to Mother concerning this problem. Mother would indicate to the witness that she was sleeping or didn't hear the bus. Therefore, the child was not received by Mother.

Cynthia Mailo from Lycoming County Head Start testified that attendance was a problem for T.G. in April and May 2002. She missed eight (8) days in April and seven (7) days in May. Attendance was a problem throughout the school year and was not corrected by Mother. Ms. Mailo testified to an occasion on May 22, 2002 where she had an appointment to come to Mother's home so she could take Mother to the Sheridan school to register T.G. for the next school year. She called Mother on May 20 to remind her about the appointment. Despite this, on May 22, when the witness came to the home Mother was there, but had forgotten about the appointment. Thus, Ms. Maiolo had to reschedule the appointment with Mother.

The Agency also presented various witnesses who made intensive efforts to work with Mother in her home without any appreciable improvement by Mother.

Mary Wilson was intensive outreach worker. She was assigned to work on this case after a PACT worker was not successful in working with Mother. Ms. Wilson came into Mother's home at least twice per week. She worked with Mother on budgeting and parenting issues. Her services began on January 30, 2002. Betty Morehart worked with Mother before Ms. Wilson and had not made any progress. Mother resided at 813 Chestnut Street, Williamsport at the time. Ms. Wilson helped Mother obtain furniture for the home. She also tried to help Mother differentiate between proper caretakers for the children.

In regard to budgeting, Mother had trouble paying the bills. For the first four months of Ms. Wilson's involvement, she seemed to make improvement. However, Ms. Wilson soon learned that while Mother claimed she made bill payments, they were not actually made. At one point Mother accused the children of taking receipts.

Ms. Wilson also worked with Mother on her parenting skills. Mother was not forceful with the children and needed to set up guidelines for the children. Ms. Wilson found Mother did not interact significantly with the children. She failed to supervise the children. For instance, she testified the children ages 4 and 6, played outside near a dangerous alley. They also crossed streets without supervision. Ms. Wilson opined that Mother was overwhelmed. She failed to keep appointments for the children. She also had difficulty getting F.G. to school. At one point, Mother obtained a ride for F.G., but did not know the address of the person providing the transportation. Mother also failed to keep appointments with Ms. Wilson.

In July 2002, Mother was forced to move to a new residence at 716 Market Street, Williamsport, because her prior landlord evicted her for rent and housekeeping problems. Mother had a rodent problem in her apartment because she had allowed garbage to pile up.

After Mother moved to Market Street, F.G. went to the Cochran school. Ms. Wilson testified Mother again had problems getting her to school. Ms. Wilson obtained a bus schedule for Mother and also explained she could use STEP transportation to pick up her child. She did not do this and continued to pick up F.G. forty-five (45) minutes late after school. Ms. Wilson noted F.G. was sent to school wearing sandals and a light jacket in the winter. She also went to school with wet hair. The schools were concerned with hygiene of



the children.

Ms. Wilson provided two beds to Mother for the girls' use. The beds were ruined by Mother allowing the girls to urinate on them. Ms. Wilson advised Mother to get plastic covers for the beds, but she failed to do this.

Ms. Wilson provided help to Mother by providing transportation for F.G. to school a half dozen times. She also took Mother to a Doctor's office for the children on several occasions to ensure the children made these appointments. Ms. Wilson noted Mother tended to minimize many of her problems, including occasions where the children were left with intoxicated persons.

Ms. Wilson recommended Mother become involved in a literacy program because she had trouble reading. Mother refused to do this, claiming she could read. Because of the continuing budgeting problems, Ms. Wilson suggested Mother use a home payee. Mother would not do this. Mother's response to Ms. Wilson's suggestions would be to say okay, but not follow through on any of her suggestions. Mother was also evicted from the Market Street residence. Ms. Wilson noted the Market Street apartment was a brand new apartment. However, the apartment was allowed to deteriorate when Mother resided there. She described the home as being an absolute wreck, better than one half the time she came to the home.

Ms. Wilson worked intensely with Mother for approximately one (1) year, January 2002 through January 2003. Ms. Wilson felt Mother made no progress in the time she worked with Mother. Ms. Wilson also opined Mother had a limited bond with the children. She did not significantly interact with the children. Ms. Wilson saw no improvement in Mother's parenting skills during the time she worked with her.

Linda Bloom, caseworker for Lycoming Clinton MH/MR provided testimony similar to Ms. Wilson. Ms. Bloom worked with Mother for four (4) years. Ms. Bloom coordinated Mental Health Services for Mother. Ms. Bloom attempted to link Mother to Section 8 public housing, WIC services for food vouchers, food stamps, family planning, budgeting, library services and payee services. Ms. Bloom also worked with Mother on self-esteem issues.

Ms. Bloom noted when she came to Mother's home, Mother would have a myriad of people there. When the girls didn't go to school Ms. Bloom would talk to her concerning the importance of the girls attending school.

Mother was evicted from her apartment when she was pregnant with B.M. Mother filled out an application for subsidized housing, but Mother then failed to follow up on the application. When Ms. Bloom called Mother about this, she said she would not apply for the housing.

Ms. Bloom took Mother to the office of vocational rehabilitation to obtain help finding employment. They talked about Mother obtaining a job coach; however, Mother refused to sign releases to obtain this service. Mother simply indicated she could handle it herself.

Ms. Bloom took Mother to obtain WIC services for food coupons. She talked to Mother about STEP transportation services. She took Mother to the Department of Public Welfare for food stamps. Mother did not follow up on these services. Ms. Bloom noted her Agency was willing to act as a payee for Mother to pay rent and utilities. Despite being in significant arrears at the time, Mother refused the service.

Ms. Bloom worked with Mother on her budgeting. She tried to establish a

ledger system. Mother did not adhere to this system.

Ms. Bloom took Mother to the local library, which had a free literacy program. Mother failed to participate in this program.

Ms. Bloom noted Mother had many male friends during the time of her involvement with Mother. Mother also had sexual involvement with a man named Warren who was a STEP van driver. She also became pregnant to another boyfriend and the child, C.L., was born in April 2003.

Ms. Bloom scheduled monthly appointments with Mother; however, Mother missed many appointments. Mother would explain she forgot the appointment.

Ms. Bloom testified Mother was generally friendly and nice, but she would not follow suggestions and made no progress in the **four** (4) year period of her involvement.

Ms. Bloom stated that Mother increased her efforts when court hearings were scheduled. She opined Mother had no insights to the consequences of her actions. Ms. Bloom stopped working with Mother in 2003. Ms. Bloom noted that, over the years, she worked with many individuals who were mentally lower functioning than Mother. Despite being lower functioning, these individuals were able to follow up on Ms. Bloom's efforts. Ms. Bloom attributed Mother's lack of progress to a lack of motivation and desire to improve.

In light of the recurring problems in the mothers care of the children, the Agency again removed the children from mothers home in December 2002 and placed them in Foster Care. See Petitioner's Exhibit 7 and the lengthy order and opinion written by Jocelyn Hartley, Family Court Hearing Master approved by President Judge Clinton Smith on January 2, 2003. Master Hartley's 10-page order thoroughly reviews the facts leading the return of the children to Foster Care. After reviewing the facts the Master found that the

children were without proper medical care, had been left with school officials an inordinate amount of time after school, had missed school or were tardy (which disrupted the special attention necessary to help them reach their potential) and were without proper parental control. See Order of December 30, 2002, p.8. The Master concluded:

“after four (4) years of intensive services, [M.M.] has made no progress with her parenting skills. At this time Juvenile Master finds [M.M.] is unable to properly care for her children and issues of safety, health, stability, supervision, inappropriate caregivers, and cleanliness exist. At this time, it is clearly necessary to remove the children from the home.”

In addition to placing F.G. and T.G. in foster care, the Master also removed B.M. from Mother’s home and placed him the custody of his paternal grandmother.

Agency Caseworker Dixie Haldeman continued to work with Mother after the children went back into foster care in December 2002. Ms. Haldeman supervised the visitation with the children, which occurred at the Sharwell Building where the agency had its offices. She noticed the mother did not meaningfully interact with the children at visits and that the children paid little attention to her. She noted T.G. showed little respect for what Mother tried to do. F.G. tried to be a peacemaker, and B.M. did his own thing. The visits occurred once a week. Ms. Haldeman saw no improvement in the visits over time.

Ms. Haldeman also prepared the family service plans after December 2002. She reviewed them with Mother. Ms. Haldeman referred Mother to numerous services, but Mother made no real progress. Mother only started attending a literacy program in March 2004, after the agency filed it petition for termination of parental rights. Mother still contended that she could take care of her children and that she did not need any help. Ms. Haldeman felt Mother was in a state of denial, denying all the problems recurring over the

years. Ms Haldeman testified that about once per month she reviews with Mother what she must do to get her children back. However, Ms. Haldeman feels Mother still gives more lip service to her efforts as opposed to committed action.

Ms. Haldeman acknowledged some changes by Mother. Mother used to come to visit the children dressed in a seductive manner. However, Mother now comes to the visits appropriately dressed. Mother is also consistent in attending the visits. Mother held a job at the Econo Lodge Motel, but she was recently fired.<sup>3</sup>

Ms. Haldeman testified Mother is presently residing on Grace Street in Williamsport in the home of a new boyfriend, K.S. Mother was paying Mr. S. \$600.00 in rent to reside with him. Mr. S.'s home is a single dwelling building, but he remodeled the upstairs floor, which has 2 bedrooms and a kitchen, as a separate apartment. There are two bedrooms in the downstairs portion of the structure. Ms. Haldeman described the home as cluttered but not dirty. Mother resides there with Mr. S. and his daughter. Mother shares a downstairs bedroom with Mr. S. Mother has lived there since January 2004. Mother claims the money she pays as rent covers the utilities. Mr. S. is a disabled Veteran. Mr. S. told Ms. Haldeman he has no plans to marry Mother. Ms. Haldeman has some concerns about the safety of this home for the children. Ms. Haldeman recommended Mother move to an upstairs bedroom, which she hasn't done.

Ms. Haldeman testified Mother has made no real changes in the four-year period of Agency's involvement. Ms. Haldeman feels that if Mother's parental rights are not terminated, the children will languish in foster care until they come of age.

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<sup>3</sup> Mother testified that she was fired because the company is racist and another employee set her up. Her fourth child, C.L., has a black father and mother claims the company found out about this. Mother's explanation for her termination was not at all convincing to the court. It simply sounded like an excuse and rationalization

Ms. Haldeman's testimony also touched upon the progress of the children in foster care. F.G. struggled for a while, but she is doing very well at this time. She is aware of the termination hearing. She will be 9 years old on September 20, 2004. She is in the 3<sup>rd</sup> grade .

Both girls have resided with the same foster family since December 2002. The girls visit with their younger brother B.M., who lives with his paternal grandparents.

T.G., age 7, has had more significant problems. She has many behavioral issues. Ms. Haldeman testified her behavioral problems escalate after visits with Mother, and T.G. becomes more argumentative. She is in 1<sup>st</sup> grade and struggles academically.

In August of 2003, T.G. was evaluated by the physician assistant of her pediatrician, Dr. Kaiser. The physician assistant noted T.G.'s vaginal opening was twice the normal size and it appeared there was scarring at the 3 o'clock position. T.G. was referred to Dr. Waldrop. Dr. Waldrop physically examined T.G.'s genitals. He found no physical signs of abuse but could not rule out possibility of prior abuse. See Petitioner's Exhibit 18.

There also has been a problem with these two girls in engaging in sexual acting out activities. The girls came into foster care with this problem. As a result, the foster parents have placed the girls in separate bedrooms.

Petitioner's Exhibit 18, a report from the Geisinger Health System Pediatric Evaluation Clinic on October 9, 2003, discusses this problem. Mother participated in this evaluation. Mother noted there have been domestic violence issues between her and several of her boyfriends. The report noted that T.G. has exhibited sexualized behavior since she has been in foster placement. The foster parents report that T.G. masturbates at least 4 or 5 times per week. The foster mother has seen T.G. play with her dolls and an overstuffed bear in a

sexual way. She puts the bear on top of her or under her and puts her hand inside her underpants, rubs her genital area, and rocks herself. She had been doing this in the living room. She now goes into the bedroom and does it privately. The foster mother also described T.G. and F.G. at times removing part of their clothing, and then pushing their genital areas against each other while hugging and kissing each other. She stated when they first got the girls the girls would go in the bathroom and would take off the bottoms of their clothing and hump each other. The girls would be one on top of the other or standing and would kiss and force their private parts. When the girls first came into the Foster home they did these things openly. The girls are now getting counseling for this behavior. The foster mother reports T.G. wets the bed every night. She also sometime urinates in her pants during the day. The girls have separate bedrooms because of the sexual acting out and because they occasionally fight. The foster parents take care to supervise the girls in their free time. If their fights get too nasty the foster mother steps in.

The foster parents have had custody of the girls since December 2002. They feel the children are doing reasonably well at school and at home. F.G. is doing well at school. T.G. is prone to temper tantrums if she doesn't get her way. They visit with Mother once per week at the Sharwell Building. F.G. seems excited about the visits. T.G. seems upset. The day after a visit F.G. seems a little depressed but she gets over it. T.G. seems angry and upset after visits. T.G. refers to her natural mother as "Mommy Mary." F.G. refers to her as "Mommy." Most of the time the children refer to the foster parents by their first names.

The foster mother testified that she and her husband have agreed that they would like to be the adoptive parents of the girls if the Court terminates Mother's parental rights. The girls still think they will go home with Mother. The foster mother indicated she

is very attached to the girls and stated, "They're our lives." She feels the girls have become part of their family and the girls are attached to her and her husband. She stated she and her husband fell in love with the girls shortly after taking them. She feels she is very bonded with the girls. In conversation F.G. says she wants to go back to live with Mother. T.G. does not talk about this. The foster mother feels F.G. is more bonded to Mother than is T.G., and T.G. is more bonded to her than Mother. She opined it would be difficult for T.G. to return to Mother's home. The foster mother also noted that F.G. is very bonded to her husband. She attributes this to the fact that she has not has a father in her life.

In response to questions from the Court, the foster mother stated the children's hygiene has improved while in foster care.

The Agency produced testimony from Joanne Bussler concerning her efforts to work with Mother after the two girls were placed in foster care again. Ms. Bussler is a Court Appointed Special Advocate or CASA worker. CASA is a volunteer organization of interested individuals in the community who volunteer to work with families with dependent children. These dedicated community volunteers receive formal training for the role they will serve and are independent of the Agency. CASA workers are appointed by the Court and their perspective is anchored to the best interest of the children with whom they have contact.

The Court appointed Ms. Bussler as the CASA worker in this case on June 25, 2003. She began her contact in mid-July 2003. She described her role as determining the best interest of the two (2) children, F.G. and T.G.

Ms. Bussler met with the children weekly in their foster home. Ms. Bussler also met with Mother and the children at the Mother's bi-weekly visitations with children at the Sharwell Building. These visits were changed to weekly visits in March 2004. Ms.



Bussler also met with Mother in her home once a month. The first such meeting was the end of July 2003.

Ms. Bussler's concerns were similar to others who closely worked with Mother over the years. Ms. Bussler was concerned about Mother's budgeting skills. She noted Mother's history of evictions. Ms. Bussler reviewed Mother's bills monthly. Ms. Bussler testified before this Court in late June 2004. She noted in her testimony that just a week before her testimony, she learned Mother had not paid her bills since April 2004. Mother's explanation to Ms. Bussler for not paying her bills was that she was paying for counseling services. Ms. Bussler noted this would not account for the non-payment of her bills since April 2004.

Ms. Bussler observed Mother's interaction with the children during her visits. She noted F.G., the oldest child, would take over the visits. T.G., the younger child, was independent and a loner. Mother struggled keeping the children on task. Intervention by the Agency caseworker was often necessary. F.G. seemed happy to see Mother at visits. T.G. would throw temper tantrums over seeing Mother. T.G. then would be off by herself during the visits. The children seemed eager to return to the foster parents at the conclusion of the visits. Ms. Bussler testified that she did not see a time during any visits where Mother successfully controlled the children. At some visits, Mother would have the children watch a movie for most of the visit.

Ms. Bussler often made suggestions to mother regarding her observations. Mother would agree with the suggestion, but never followed through with the suggestions. Ms. Bussler is concerned about whether Mother can take care of the children.

Ms. Bussler opined that T.G. does not have a strong bond with Mother. She

acknowledged Mother loves T.G. Ms. Bussler believes F.G. is a very caring little girl who wants to “help” Mom.

Ms. Bussler, a former teacher, is concerned Mother has not been cooperating with the children’s educational process. She notes Mother is “adamant” in saying that she can raise the children without help.

Ms. Bussler has talked to Mother about implementing structure for the children. Mother agrees when mention of this is made by the witness. However, Mother does not follow through with her expressions. Ms. Bussler noted Mother talked about buying flashcards for the children. She did not follow through on this intention. Ms. Bussler characterized Mother’s intentions as being good. However, she feels the children seem to get the better of Mother.

Mother did not always cooperate in meeting with Ms. Bussler. From June to December 2003, Ms. Bussler had difficulty in making contact with Mother. She did not meet with Mother at all from September through December 2003. Ms. Bussler left messages for Mother throughout this time frame.

Ms. Bussler prepared detailed written reports regarding her work with Mother dated May 5, 2004, and June 16, 2004. See Petitioner’s Exhibits 19 and 20.<sup>4</sup> In the June 16 report, Ms. Bussler noted the children have been in placement over seventeen (17) months since the last placement, December 30, 2002 to June 2004, and recommended termination of Mother’s parental rights so that their foster parents could adopt the children. Ms. Bussler feels the children need permanency in their lives and that they need to know where they belong. Further, Ms. Bussler does not believe Mother can make the lasting

changes needed to assume custody of the children. Ms. Bussler noted that Mother, who has had many unsuccessful relationships with men and told Ms. Bussler that she was swearing off men, is now in a new, live-in relationship with Mr. S. Ms. Bussler believes the children need permanency at this time and that termination of Mother's parental rights would be in their best interests.

The Court would urge the reader of this opinion to carefully read Ms. Bussler's lengthy and detailed reports to the Court. See Petitioner's Exhibit 19 and Exhibit 20. Ms. Bussler details many community resources, which were made available to Mother. See Petitioner's Exhibit 19, p. 9. Ms. Bussler noted: "[M.M.] has consistently declined all of these services. She is adamant that she can raise her children without any help." In recommending termination of parental rights, Ms. Bussler feels there is only a "slight possibility" that Mother could make the meaningful changes in her life to assume custody of F.G. and T.G. See Petitioner's Exhibit 20, p. 16. Ms. Bussler's observations were consistent with those of the Agency caseworkers and the Outreach workers, Ms. Bloom and Ms. Wilson, who had worked with Mother for a period of years.

The parties stipulated that a report from psychologist Van B. Igou from September 2000 would be admitted into evidence. Dr. Igou evaluated T.G. because of concerns over her behavior. T.G. was age 3 at this time. The reason for the report was because of instances of angry misbehavior, temper tantrums and developmental delays. T.G. would pull out chunks of her hair during temper tantrums. She also would hoard food in her mouth. Mother attributed these behaviors to the child witnessing physical altercations between herself and the father. She noted the child witnessed the natural father push Mother,

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<sup>4</sup> Ms. Bussler also prepared a report dated December 4, 2003. See

verbally abuse her and threaten to kill her with a knife. The report also indicates that the police have been called to Mother's home on many occasions when she resided with a boyfriend, C.M. In his "Provisional Diagnostic Impression" Dr. Igou found there was a severe parent/child relational problem and developmental delays. He also noted prenatal stressors, poverty, limited access to medical care, prolonged chaotic home environment, separation from Mother, and a new foster home.

The Agency also had psychologist Bruce Anderson evaluate Mother in June 2000. Mr. Anderson's report of June 27, 2000 was admitted into the record as Petitioner's Exhibit 13. He notes Mother was living with boyfriend C.M. at the time. Mother acknowledged a problem with promiscuity to Mr. Anderson. She claimed she was afraid to say no to sexual overtures of boys because she was afraid of being raped. She stated she planned to marry C.M. She acknowledged having discipline problems with the children. She told Mr. Anderson she would resume literacy classes. Mr. Anderson did intelligence testing and determined Mother's full scale IQ was 67, which placed Mother at the borderline range of intellectual functioning. He noted she has fairly good verbal skills and will initially present herself as higher functioning than her testing results. Mr. Anderson wrote that available evidence would indicate Mother was well bonded with the children. He noted Mother's intellectual limitations made it difficult for Mother to budget, organize her home and deal with the multiple demands of two young children. She seemed motivated at this time to improve her situation.

In responding to a hypothetical question from counsel for the Agency, which included information consistent with the testimony presented to the Court, Mr. Anderson

noted that after four (4) years of multiple services, Mother did not improve her parenting skills and care of the children. He opined that such failure would not be the result of her intellectual limitations. Rather, Mr. Anderson opined that Mother did have the ability to develop an appropriate home for the children.

Mr. Anderson then noted the length of time the children have been in foster care and stressed the need for the children to have permanency in their lives. He opined that, in light of the time Mother has had to establish a home for the children and her failure to achieve this goal indicates the Agency should look toward adoption and a permanent home to satisfy the needs and welfare of the children. Mr. Anderson stressed that in light of the age of the children, adoption at this time is required for the children.

Mr. Anderson also testified that he did an evaluation of T.G. on February 13, 2004 and issued a report of his findings. See Petitioner's Exhibit 12. The reason for the evaluation was because T.G. 's behavior seemed to be regressing in both the foster home and school. T.G. was age six (6) at the time of the evaluation. Mr. Anderson was also concerned about the inappropriate sexual touching reported by the foster parents. The purpose of the evaluation was to have Mr. Anderson develop a plan for mental health services to aid T.G. with these problems. After the evaluation, Mr. Anderson recommended intensive therapeutic services for T.G. Mr. Anderson also explained the importance of parent or foster parent's involvement in these services and he noted that if the parent did not have a history of following through with service providers, the odds of success would be minimal. Thus, he opined that T.G. was in need of a very structured home environment with close supervision of T.G. and F.G. He explained the caretaker must be nurturing and act quickly upon observance of problems. Structure will also be very important to the children, as would the

ability of the parents to set limits on the children. Mr. Anderson feels this structure and supervision is ongoing in the foster home. He noted Mother's difficulties with setting limits on the children and providing a stable structured home environment would lead him to recommend the children not be returned to Mother. He recommends the foster parents adopt the children.

Counsel for Mother presented testimony from Mother, and K.S. The parties also stipulated that testimony given by Mother's sister, R.M., during a previous hearing referred to in Petitioner's Exhibit 10, could be considered as evidence by this Court.

Mother is age thirty (30). She grew up in Montgomery, Pennsylvania and has a sister and a brother. She was raised by a mother and stepfather. She claimed she and her sister took care of each other growing up. She left the Lycoming County area because her mother wanted her out of the house and she went to live with William Gee in New Hampshire for eight (8) years. She has trouble reading and writing. She had two children with Mr. G., F.G. and T.G. She left New Hampshire and returned to this area because Mr. G. abused her. She moved in with her mother and then obtained her own apartment. The children were age three (3) and four (4) at this time.

She went to the Empire Beauty School, but withdrew because she had difficulty reading. She supported herself with the Social Security benefits she received because she is mentally retarded.

Mr. G. moved back to this area and Mother allowed him back into her home. She claims he then reverted back to his old ways of drinking and abusing her. Thus, she packed up with the children and left him again. She then met C.M. who became her boyfriend.

At first C.M. treated her well, but later he became violent with her. On one occasion he physically held one of the girls out the window. Mother claims she was in a class at the time, but she had her mother check on the situation.

Mother's testimony is consistent with the Agency's testimony that they first had contact with her in 1999 because of a concern about abuse of the children in the home. Mother acknowledged she voluntarily placed the children in Agency custody in October 1999 when she had nowhere to go. She noted there was much turmoil in her home with the children.

Mother agreed that she received services at the PACT Center, and that she visited the children there. The MH/MR caseworker helped her with budgeting. She liked Linda Bloom and tried to follow her advice.

She allowed C.M. to come back and live with her at Chestnut Street while the children were in placement.

Mother admitted she developed a pattern of living with abusive men. Eventually, the Agency returned the children to her in September 2000.

Mother became involved in a literacy program, but dropped out. Mother acknowledged that the Agency took custody of the children again in December 2002. Mother noted, "I had problems with them." Mother also acknowledged she had trouble getting the children to school and she missed medical appointments for the children. She also admitted she left the children with inappropriate people.

She testified her pregnancies have not been planned. T.E. is the father of B.M. She does not have a good relationship with him.

Mother also acknowledges her difficulty in controlling the children. She

stated they ignore her and would go outside. The children did not obey her.

Mother claimed she had memory problems and financial problems. In her testimony, she acknowledged she had problems doing what the caseworkers requested of her, but she testified this problem with following the caseworkers' advice was a long time ago. She admitted she wants to do things on her own and that she can be stubborn. She does not consider herself retarded, but admits she has problems reading and writing.

She feels she has reflected upon the situation and now feels she needs help from various agencies. She claims she is cooperating with the Agency and other providers. Mother claims she is on top of everything. Mother does not dispute that the Agency appropriately took custody of her children in December 2002.

Mother testified that since the children have been in foster care the second time, she only gets access to the children once per week under supervised conditions. She feels during the visits that there are times when she can control the children. She has asked for additional access to the children, but she testified the Agency has not given such access to her.

Mother claims since the December 2002 placement that she has fully cooperated with the Agency.<sup>5</sup> Mother had a fourth child, C.L., to R.L. This occurred after her other children were taken from her custody. She acknowledged that her relationship with Mr. L. was abusive. However, she claims this relationship made her aware of the pattern of abusive relationships she has experienced.

Mother has since moved to 626 Grace Street, Williamsport with K.S. She

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<sup>5</sup> Mother used her involvement in a literacy program as an example of this cooperation; however, this occurred in March 2004, more than one (1) year after she lost custody of the children and around the time the termination



testified she has a good relationship with Mr. S. They talk and he does not boss her around. They do things together as a family. At the time of Mother's testimony before the Court she had been together with Mr. S. for five (5) months.

Mr. S. has a ten-year old daughter, J. He has a two-story house. The house has a second floor apartment with a living room, two (2) bedrooms, a kitchen and a bathroom. Mother sleeps in a downstairs bedroom with Mr. S. and J. has a downstairs bedroom. Mother claims that if F.G. and T.G. are returned to her they could live upstairs. She also notes she can hear what is going on upstairs.

Mother would like to marry Mr. S. They share expenses. She pays him \$400 a month and he pays all the household bills. Mother explained losing her job at Econo Lodge, see footnote 3, supra. She is looking for other jobs.

A lady comes to the house to work with Mother on reading skills. Mother testified she now feels less overwhelmed and that things are not chaotic anymore. Although she talks with her sister, who has custody of C.L., she does not talk with her mother.

Mother feels she is moving forward, not backward. She feels a close bond with F.G. and T.G. Mother stated she and F.G. are like "superglue." They talk a lot. She testified she and T.G. are also like "superglue". She acknowledges T.G. has many problems. Mother now has a mattress cover for T.G.'s bedwetting problem. She does not understand why the girls sexually act out. She claims they never did this with her. Mother feels she could handle the children's problems if they are returned to her. She feels her life is now stable.

Mother's income is \$575.00 a month from Social Security. She gives \$400.00

a month to Mr. S. She pays \$75.00 for counseling sessions per sessions. She has a cell phone and claims she has it so the children can contact her.

On cross-examination by counsel for the Agency, Mother admitted she recently missed a dental appointment for the children, but she claimed M. Halderman did not tell her about the appointment. She acknowledged that she lost the job at the Econo Lodge around May 9, 2004, but did not tell Ms. Halderman about this. She feels foster care is not good for the children, and that they deserve a stable home. She goes to counseling once per week. She feels if she obtained custody of the two girls that she could control them, but that she would need a little bit of help. She acknowledged that her former boyfriend, C.M., had held F.G. out the window in the incident previously referenced in this Opinion.

On cross-examination by the guardian ad litem for the children, Mother indicated she moved in with Mr. S. in January 2004 and initially paid him \$600 per month despite only receiving \$575.00 per month in SSI payments. Later, Mr. S. reduced the payment to \$400.00. She acknowledged that at the time of her testimony she owed P.G. Energy over \$1,500.00. She last paid them \$10.00 in April (she was testifying in late June). Mother feels she is ready to take the girls back to live with her and Mr. S. is ready for this too. She also wants to get B.M. and C.L. back into her custody. She plans to put the girls in the same bedroom if they come to live with her.<sup>6</sup> Mother also admitted she rejected the opportunity to obtain subsidized housing.

K.S. was also called on as a witness for Mother. Mother is his girlfriend. The second floor of his home used to be an apartment. He served in U.S. Navy for three and one-

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<sup>6</sup> Mother's plan to place the girls in the same bedroom is very concerning to the Court. In light of the sexual acting-out between the girls, this plan is highly inappropriate.

half (3 ½) years, but received a medical discharge because of a car accident where he received moderate to severe brain damage. He has lived on a Veterans Administration pension since 1992. He was married in 1993 for 2 ½ to 3 years and he has a daughter, J., who is 10 years old. He has had primary physical custody of J. since October 2002.

He purchased his home in 1992. There is a first mortgage of \$217 a month and second mortgage of \$400 a month on the home.

There was an allegation made to Children & Youth in Northumberland County that Mr. S. had hit his daughter. Mr. S. testified this was untrue and that Children & Youth in Northumberland County determined the allegation was unfounded. Mr. S. noted his wife made many false complaints against him.

Mr. S. testified he met Mother about a year and one-half (1 ½) ago. They were friends. Around September or October 2003 she became his girlfriend. To help Mother, Mr. S. decided to turn the house back into a single-family house instead of using the second floor as a rental property. Mr. S. and Mother have talked about getting married, but he does not want to rush into it. In explaining the \$400 monthly payment Mother makes to him for living at the house, Mr. S. explained that he could rent the second floor for \$500 a month. Mother interacts well with his daughter. Mother does cleaning around the house. Mr. S. drives Mother to places she needs to go. Mr. S. would welcome F.G. and T.G. to reside in his house. He thinks his daughter would be okay with them. He would like to attend visits with Mother when she visits her daughters. Respondent Exhibits 1 and 2 were placed into evidence. Exhibit 1 is a photo album with pictures of the home exterior. Exhibit 2 is a photo album with pictures of the interior of the home.

On cross-examination by Mr. Taylor, counsel for the Agency, Mr. S. admitted

he has a criminal conviction for DUI in 2000, and in 1995 he was placed on ARD for DUI. He ex-wife filed a Protection From Abuse complaint against him in 1995, which was resolved by an agreement. After Mr. S. obtained custody of his daughter, he claims his wife made allegations to the Agency concerning his treatment of his daughter. He claims an official of the Agency listed the matter as inappropriate discipline. When Mr. S obtained custody of his daughter, he agreed to go to parenting classes.

On examination by the guardian ad litem, Mr. S. also said they would put the two girls in the same bedroom if they came to live with them. When pressed about putting the girls in separate bedrooms because of the inappropriate sexual behavior between them, he testified it would not be necessary to place the girls in separate bedrooms because that would not fix the problem. In answering the guardian's questions, Mr. S. also revealed that his daughter engaged in inappropriate sexual contact with her six-year old brother when she was living with her mother. This occurred about a year ago when she was age 9. That was part of the reason Mr. S.'s daughter came to live with him. Mr. S. indicated his daughter is not receiving any counseling for this problem at this time.

The final evidence presented on behalf of Mother, through a stipulation, was a summary of testimony given by R.M., Mother's sister. R.M. gave this testimony before Master Gerald Seevers on or about March 8, 2004 at a Permanency Hearing. The summary of the testimony is contained in the Order of March 8, 2004, issued by Master Gerald Seevers. See Petitioner's Exhibit 10, p.5.

R.M. resides in the Lancaster area. She has custody of C.L. who was eleven (11) months at the time of the testimony. R.M. received the child right from the hospital instead of the child being placed in foster care. She believes Mother is ready to have her

children returned to her and that, if necessary, she would return C.L. to Mother.

## **DISCUSSION**

Because of the deadline for submitting this decision and due to the limited time the Court has out-of-court to write an opinion of this type, the Court will be brief in its discussion. After announcing its decision in open Court on June 23, 2004, the Court reviewed the reasons it found the Agency had met their burden of proof regarding termination of parental rights. See the Court's discussion in announcing the decision, N.T., June 23-22, 2004, pp. 252-267.<sup>7</sup>

The Court is satisfied that the facts of this case, which it has pain strikingly set forth in this Opinion support the basis for the decision to terminate parental rights.

As noted in the Court's Order of June 23, 2004, the Court is satisfied that the Agency has proven by clear and convincing evidence that termination of parental rights is required by 23 Pa. C.S.A. §2511(a) (5) and (8). The Court also believes the requirements of §2511(b) regarding the needs and welfare of the children is satisfied by the evidence.

The Court believes the evidence in this case shows that if parental rights are not terminated now, that the two children will languish in foster homes. The children are presently in dire need of permanency and stability in their life. The foster parents, who have had the children in their home since December 2002, are bonded with the children and are ready to provide a permanent and stable home for both children. The choices are not easy, but the needs and welfare of the children are best served through termination of parental rights. See In Re: J.A.S. Jr., 820 A.2d 774 (Pa.Super. 2003).

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<sup>7</sup> When the Court began writing this Opinion, the Court did not have the transcript of the proceedings, so the Court relied upon its notes of the testimony to write the factual recitation. The Court recently obtained the

The Court believes the testimony presented shows that Mother will not be in a position to satisfy the minimum requirements of care for the children for some time to come. She is basically at square one in putting her life together despite four (4) years of intensive services and support from the Agency, the PACT workers, mental health caseworkers and a CASA worker. See In re: J.T and R.T., 817 A.2d 505 (Pa.Super 2002)(parents who cannot or will not meet the requirements within a reasonable time following intervention by the state may properly be considered unfit and may properly have his or her rights terminated); see also In re: J.A.S., Jr., supra, citing In Interest of Lilly, 719 A.2d 327 (Pa.Super. 1998).

The Court believes the testimony shows that Mother's current perception that she is "on top of things" is unrealistic as is her plan to take the two children into the home she shares with Mr. S. Her lack of realism is further illustrated by her plan to take her two additional younger children, who are currently in placement, into her home. Mother's progress since 1999 has been minimal. Her well being, at least in the sense of having a roof over her head, is dependent on maintaining a relationship with Mr. S.

The Court also notes that the consequences of Mother's unstable lifestyle and promiscuous behavior has had a severe effect on the children, which can be seen in the sexual acting out exhibited by the children.

The younger child, T.G., is more bonded to the foster mother than to the natural Mother. While the older child, F.G., has a deeper bond with Mother, the bond is in some ways a reverse bond where the child is concerned about the Mother's welfare as opposed to a more normal parent-child bond.

The Court believes termination is the only real chance for the children to have

a stable lifestyle now and in the future. The Court notes the children's guardian and the caseworker support this course of action.

Based on the foregoing, the Court found that the Agency has met its burden of proof for termination of parental rights pursuant to 23 Pa. C.S.A. §2511(a)(5) and (8) and §2511(b).

DATE: \_\_\_\_\_

By The Court,

\_\_\_\_\_  
Kenneth D. Brown, P. J.

cc: Charles F. Greevy, III, Esquire/Mark Taylor, Esquire (counsel for the Agency)  
James Best, Esquire (counsel for Mother)  
Eric Linhardt, Esquire (guardian ad litem)  
Law Clerk  
Gary Weber, Esquire (Lycoming Reporter)  
Superior Court (original & 1)

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Court's discussion and basis for the entry of the decision.