

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE: : NO. 5772
: ORPHAN'S COURT DIVISION
TH :
KM :
JF, JR. : NO. 98-30,021
Minor Children : CHILDREN & YOUTH

OPINION IN SUPPORT OF ORDER OF MARCH 15, 2004
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Appellant, TH, father of TH, appeals (to No. 5772) this Court's Order of March 15, 2004, entered to No. 98 –30,021.

The children were all voluntarily placed in foster care by their mother in October 2002. A dependency petition was then filed on October 18, 2002, and after a hearing thereon, the children were adjudicated dependent and continued in foster care by Order dated November 7, 2002. After permanency hearings held April 11, 2003, October 1, 2003, and March 15, 2004, the original adjudication of dependency has been affirmed and the children have each time been continued in foster care.¹

With respect to the Order from which Appellant appeals, that of March 15, 2004, the affirmation of dependency was based on not only the mother's complete failure to remedy the conditions which led to placement, but also her failure to keep the agency informed of her whereabouts; at the time of the hearing she could not be located. Appellant, T's father, was at that time, and remains to this day, incarcerated. There was thus no parent able to care for T and continuation of dependency was appropriate. In fact, all parties attending the hearing, including Mr. H, stated their agreement with the recommendation of the Agency that

1 On March 18, 2004, a Petition for Change of Goal was filed, referencing adoption proceedings filed to No. 5772 in the Orphans Court. Appellant has filed the instant appeal to the Orphans Court number even though the Order from which he appeals was entered to the Children & Youth number.

dependency be affirmed and that the children continue in foster care. The Court is somewhat puzzled by the instant appeal, but is filing this Opinion in accordance with the Rules of Appellate Procedure.

Dated: April 28, 2004

By The Court,

Dudley N. Anderson, Judge

cc: Children & Youth
Charles Greevy, III, Esq.
Asher Morris, Esq.
Jay Stillman, Esq.
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TH
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