

**IN THE COURT OF COMMON PLEAS
LYCOMING COUNTY, PENNSYLVANIA
ORPHAN'S COURT DIVISION**

IN RE:

**ADOPTION OF
T.N.T.
a minor child**

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No.: 5891

OPINION AND ORDER

Before the Court is the petition for involuntary termination of parental rights of Harold E. Tunnickliff (Father), father of T.N.T (Child). Child's natural mother (Mother) and her husband, Robert Sechrist (Sechrist), are the Petitioners. They allege that Father has not fulfilled parental obligations with regard to Child in any way since 1993 and that it is in the child's best interest that his parental rights be terminated. A hearing was held on the petition on July 7, 2005.

Child was born April 23, 1993 in Bradford County to Mother and Father who were in a live-in, unmarried relationship in Barton, New York. Mother left the relationship and residence a few months after Child's birth in 1993 and moved to Owego, New York. On June 5, 1996, Child was adjudicated to be a neglected child and Father was ordered to have no contact with Child by Judge Vincent Sgueglia of Tioga County, New York. On Child's fifth birthday in 1998, Father made a short visit and brought a gift. This visit, or possibly one shortly thereafter, was the last contact Father had with Child. Father remained acquainted with several persons who maintained contact with Mother and Child.

Mother asserts that she lost part of her memory capacity due to an accident, but was able to approximate dates during which she lived at various addresses. In 1999, Mother and Child moved to Candor, New York. At some point in 2000, Mother sent Child to live with a half-brother, a natural son of Father, in Tennessee. During this period, Mother had married and was having domestic problems, but felt comfortable sending Child to live with the half-brother since he was like “one of [Mother’s] own” children. Father’s testimony indicated that he had been aware of the arrangement in Tennessee. In 2002, Mother, having since divorced, married Sechrist and they resided in Milton, Pennsylvania and finally Muncy, Pennsylvania with Child. On February 9, 2005, Mother and Child wrote to Father asking him to relinquish his parental rights in anticipation of a legal adoption by Sechrist. In the letter, Child expressed a desire that Father “sign off” all of his rights. The letter included the address of Mother’s attorney in order to receive Father’s response. Father did not respond to said letter in any form. Child asserts that petitioners are family now and testimony revealed that Child calls Sechrist “Dad.” Child believes him to be a father figure and seems to look forward to being legally adopted.

Father believes that locating Child had been a “dead end” search for the last several years. Father asserts that the Tioga Court Order and various address changes made it difficult if not impossible to locate his child. Mother reported several address changes and that she had changed her name upon marriage twice, but that during the majority of the time span in question she has been listed in phonebooks and has kept up communications with mutual acquaintances of Father.

Father believes that since he has remained stationary, Petitioners should have contacted him to apprise him of the various changes in status.

23 Pa.C.S.A. § 2511(a) provides that the rights of a parent in regard to a child may be terminated when it is established that “(1) the parent by conduct continuing for a period of at least six months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties.” In a proceeding to involuntarily terminate parental rights, the burden of proof is upon the party seeking termination to establish by clear and convincing evidence the existence of grounds for doing so. *Santosky v. Kramer*, 455 U.S. 745, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982); *In re T.R.*, 502 Pa. 165, 166, 465 A.2d 642, 642-643 (1983). Once the evidence establishes a failure to perform parental duties or a settled purpose to relinquish parental rights, the court must engage in three lines of inquiry: (1) the parent’s explanation for his or her conduct; (2) the post-abandonment contact between parent and child; and (3) the effect of termination of parental rights on the child pursuant to Section 2511(b). *In re E.D.M.*, 550 Pa. 595, 708 A.2d 88 (1998). In a termination proceeding, the focus is on the conduct of the parents. *In re B.L.W.*, 2004 PA Super 30, 843 A.2d 380, 383 (2004). Above all else, however, is that adequate consideration be given to the needs and welfare of the child. *In re J.I.R.*, 2002 PA Super 295, 808 A.2d 934, 937 (2002). In evaluating the needs and welfare of the child, the Court must consider “whatever bonds may exist between the children and the [parent], as well as the emotional effect that termination will

have upon the children.” *In re Adoption of A.C.H.*, 2002 PA Super 218, 803 A.2d 224, 229 (2002).

The Court finds from the testimony that Father has failed to perform his duties under the statute. It is clear from the testimony that Father has had no contact with Child for several years. Father’s explanation is that he did not have telephone numbers or addresses with which to contact Child and believed that it had been at any rate a “dead end” search for the past four years. However, Father’s testimony revealed no significant attempts at contact through phone books, computer searches or inquires to mutual acquaintances. Testimony by both parents reveals opportunities to locate Child by way of individuals known to be acquainted with Mother, but Father could demonstrate no action of any significance taken to do so. The Court finds that Mother’s name and address changes were not deliberate obstacles or impediments to communication with Child. Furthermore, the status changes lose significance in light of the utter failure of Father to *attempt* to reach Child. Finally, Father received a letter from Child and Mother dated February 9, 2005 asking him to relinquish parental rights. It included contact information of Petitioners’ attorney as well as a return address listing Child’s current residence. Father made no attempt to contact Child following receipt of this letter up to the time of the hearing, including Child’s birthday, which fell in the interim.

In short, the Court is satisfied that Father took no steps toward performing parental duties in what has been several years time. Further, the Court is satisfied that termination of Father’s parental rights will be in the best interest of the child. Child has expressed a clear desire to have any relationship with Father completely

severed and shows no indication that termination of his parental rights will have any detrimental emotional effects.

ORDER

AND NOW, this _____ day of July 2005, the petition for involuntary termination of parental rights is hereby GRANTED. It is ORDERED and DIRECTED that the parental rights of Harold E. Tunnicliff with regard to T.N.T. are hereby terminated now and forever.

T.N.T. may be the subject of adoption proceedings without any further notice to Harold E. Tunnicliff.

Notice to the Natural Father

Pennsylvania Adoption Medical History Registry

This is to inform you about an adoption law provision relating to medical history information. As the birth parent of a Pennsylvania born child who is being or was ever adopted in the past, you have the opportunity to voluntarily place on file medical history information. The information that you choose to provide could be important to the child's present and future medical care needs. The law makes it possible for you to file current medical information and it also allows you to update the information as new medically related information becomes available. Requests to release the information will be honored if the request is submitted by a birth child 18 years of age or older. The law also permits the court to honor requests for information submitted by the adoptive parents or legal guardians of adoptees who

are not yet 18 years of age. All information will be maintained and distributed in a manner that fully protects your right to privacy. You may obtain the appropriate form to file medical history information by contacting the Adoption Medical History Registry. Members of the registry staff are available to answer your questions.

Please contact the registry staff at:

Department of Public Welfare
Adoption Medical History Registry
Hillcrest, Second Floor, P.O. Box 2675
Harrisburg, PA 17105-2675
Telephone: 1-800-227-0225

Medical history information forms may also be obtained locally by contacting one of the following agencies:

County Children and Youth Social Service Agency
Any private licensed adoption agency
The Lycoming County Register and Recorder's Office

By the Court,

Nancy L. Butts, Judge

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