

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE: : No. 5832 ADOPTION
: :
T. R. :
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T. R., : ORPHANS' COURT DIVISION
: :
MINOR CHILDREN :
: TERMINATION OF
: PARENTAL RIGHTS

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

On November 14, 2005, the court held a trial on the Petition for Involuntary Termination of Parental Rights of S.W. (hereinafter "Mother"), to her children Tat. R., born 6/23/98, Tym. R., born 6/20/99, Tyi. R., born 6/11/01 and Tas. R., born 1/15/03.

Despite having notice of the termination hearing, Mother failed to appear. However, Mother, through counsel, filed an appeal alleging that there was insufficient evidence to support termination.

After completion of the evidence on November 14, 2005, the court signed a decree terminating Mother's parental rights to the four children. This opinion is written in support of the court's decree terminating the parental rights of S.W.

The court finds there is clear and convincing evidence to support termination of parental rights based upon 23

Pa.C.S.A. §2511 (a)(1), (2), (5) and (8). The Court is also satisfied that the requirements of §2511 (b) concerning the developmental, physical and emotional needs and welfare of the children is furthered by termination of Mother's parental rights.¹

In the instant case, the court adopts the facts contained in the Amended Petition for Involuntary Termination of Parental Rights filed by Lycoming County Children & Youth Services (hereinafter Agency) on August 31, 2005, averments 1-7 and 8 a-oooo.

The court will also provide the following factual overview of the case.

On February 3, 2000, the Agency received a referral concerning Mother that alleged she was homeless with two small children. Mother would not accept Protective services, but she did accept Outreach services. By March 14, 2000, Outreach reported Mother was not cooperating with them and they discontinued services.

On March 3, 2003, the Agency became re-involved when Mother failed to appear at a bus stop to pick up two of her children from Head Start. Eventually, Mother appeared, but she seemed to be intoxicated.

¹ The court terminated the parental rights of the father of the children, however, father has not filed an appeal of the termination.

On March 10, 2003, Mother admitted to a caseworker that she had an alcohol problem. She admitted drinking up to two six packs a day and smoking marijuana. She reported that she was hearing voices and she was taken to a hospital where she received medication. A friend of Mother, J.J. was present when the caseworker talked to Mother.

On March 12, 2003, Mother was admitted to the Meadows Psychiatric Center. The Children were staying with J.J. On March 25, 2003, Mother was discharged from the Meadows.

On March 29, 2003, Mother was involuntarily committed to the Divine Providence Hospital Inpatient Unit because she was having hallucinations and paranoia. The children continued with J.J. On April 21, 2003, Mother was released from Divine Providence with recommendations to attend All Seasons Therapy and to have her medications checked on May 5, 2003.

The children at this time appeared to be thriving in the home of J.J.

On May 16, 2003, the undersigned held a hearing and found all four children to be dependent and placed them in the protective custody of the Agency. With agreement of all parties, the children were placed in the home of J.J. Mother was given a service plan by the Agency. The children continued to thrive with J.J.

In July 2003, J.J. reported that Mother was having very limited contact with the children. She would come to see the children, but would leave after staying only for five (5) minutes. Intensive Case Manager Heidi Kimble from All Seasons was assigned to this case.

In July-August 2003, Mother admitted she was consuming alcohol. However, she declined treatment.

On December 18, 2003, J.J. reported Mother did not visit the children for a ten-day period.

Mother was scheduled for parenting classes, but failed to complete the classes.

In January 2004, Mother violated the visitation with the children by coming to J.J.'s home while J.J. was at a doctor's appointment. Thus, visitations were scheduled at the Agency's office in the Sharwell Building.

On January 12, 2004, Mother missed an appointment to check her medications. She could not return to All Season Therapy until she paid a \$35.00 fee.

Mother missed scheduled visits with the children on February 5, 12 and 19, 2004. On February 26, Mother cancelled the visit. On March 3, 2004, Mother attended the visit, but smelled of alcohol.

In March 2004, Mother's MH Intensive case management services were discontinued due to noncompliance.

On April 2, 2004, the court held a permanency hearing and dependency was reaffirmed. The children continued in the physical custody of J.J. Mother was told to comply with the Family Service Plan.

On April 26, 2004, Mother voluntarily admitted herself into an in-patient alcohol treatment program. On May 11, 2004, she was discharged from the program for non-cooperation. Mother was given an after care plan, but she was discharged by her out-patient provider for lack of cooperation.

Heidi Kimble, the intensive case manager for All Seasons Therapy MH/MR, who worked with Mother from June 2003-February 2004, testified that Mother did not appear for or cancelled appointments 24 times. N.T., November 14, 2005, at 10. Ms. Kimble opined that Mother made no progress in the time Ms. Kimble worked with Mother to help her get her children back. N.T., at 11. Likewise, Mother did not cooperate with the appointed psychiatrist, Dr. Ramos. N.T., at 12-13. She characterized Mother as not making an effort to change. N.T., at 16.

Virginia Noble of Lycoming/Clinton Mental Health started to work with Mother in April 2005. Mother found housing, a two bedroom apartment, on Andrews Place. She lives there with a boyfriend. She does not have employment. Mother has only made one medication check in the time Ms. Noble has

worked with her. N.T., at 22. Mother would not let Ms. Noble help her organize her appointments, saying her boyfriend would help her. N.T., at 20.

Linda Wurster an Agency in-home service worker, worked with Mother from October 2004-January 2005. She noted Mother was not realistic about the difficulty of caring for four children. N.T., at 46, 48. Ms. Wurster feels Mother is in denial. N.T., at 41. Ms. Wurster believes Mother, although she loves the children, is not capable of caring for the children. N.T., at 51.

Melissa Dangle took over casework services with Mother in June 2005. Ms. Dangle allowed the oldest child Tat., age 7, to reside with Mother on a trial basis. Although things at first seemed to go well, Mother's behavior became problematic. N.T., at 56. On July 1, 2005, Mother's boyfriend was arrested for a probation violation. N.T., at 58. Ms. Dangle then learned Mother got into an altercation at the Shamrock Bar and Grill. This altercation led to Mother being given citations by the Williamsport police. N.T., at 61. However, Mother continued to deny to the caseworker that she had any problems. She also was not willing to go for in-patient alcohol treatment. N.T., at 63. Tat. was returned to the home of J.J.

There was also an incident in October 2005 where Mother went to J.J.'s home and she assaulted J.J. and one of her children. N.T., at 85.

Ms. Dangle feels Mother is no further along today in developing the skills to parent her children from the time frame of 2003 despite extensive services provided to Mother. N.T., at 86. In fact, Ms. Dangle opined that Mother has regressed of late. N.T., at 86. This observation seems born out by the fact that Mother did not even appear for the trial in this termination case. Ms. Dangle does not see Mother being able to take custody of her children in the foreseeable future. N.T. at 87. She also fears failure to terminate parental rights will leave the children in the limbo of foster care for many years to come. N.T., at 86, 90.

Finally, Ms. Dangle spoke to the issue of the children's bond. She noted when Tat was removed from Mother's home in June 2005, and she was placed in a regular foster home for a short period of time, she repeatedly asked if she could go back to the home of J.J. She did not ask to return to Mother's home. N.T., at 81-83.

Discussion

There was clear and convincing evidence to show that the statutory grounds for termination of parental rights, under

section 2511(a)(1), (2), (5), and (8), and that termination serves the needs and welfare of the Children. §2511(b).

The children have been in protective custody of the Agency since May 2003, and except for a one-month period in June 2005 when Tat lived with Mother on a trial basis, the children have not been out of foster care.

The children are thriving with J.J., and she is ready to adopt the children. While the children have some bond with Mother, the Court believes this is not truly a maternal bond. Further, the Court believes the real maternal bond is between the children and J.J. These children are still very young and it would not be in their best interest and welfare to have them languish in the uncertainty of Mother's difficult personal life. Mother has significant mental health and alcohol abuse problems. She has not improved in the years she has received services and it is unlikely that she could assume a responsible parental role with custody of the children any time in the foreseeable future.²

Termination of parental rights and the children being adopted by J.J., the real caregiver of these children, will give these children a chance in life.

² In June and July 2005, Ms. Dangle tried to have Mother pick up the children when they came out school. However, there were a number of occasions when Mother failed to appear to pick up the children, Ms. Dangle then had to set up a back up plan so some other person would be available to pick up the children when Mother did not appear. N.T., at 65-66.

This Court believes termination of parental rights is appropriate to the facts and circumstance of this case.

Date: _____

BY THE COURT,

Kenneth D. Brown, P.J.

cc: Joel McDermott, Esq., (APD)
Charles F. Greevy, III, Esq.
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Children & Youth Services
Law Clerk
Court Reporter
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