

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA**

IN RE: :
INVOLUNTARY TERMINATION : **NO. 6244 ADOPTION**
OF PARENTAL RIGHTS TO :
F. A. :
: **ORPHANS' COURT DIVISION**
:

OPINION AND ORDER

After a full hearing on the Petition for Involuntary Termination of Parental Rights filed on December 28, 2010 by the Agency, this Court finds that the Agency has shown by clear and convincing evidence that the parental rights of Michael A. Sinatra A.K.A. Michael Modina shall be terminated pursuant to 23 Pa. C.S.A.

2511(a)(1)(2)(5)(8). The Court entered a decree for termination March 23, 2011. Also on that date the Court confirmed the consent to termination signed by F.A.'s mother Maya Royal. The Court finds that termination of parental rights of both parents but specifically Michael A. Sinatra is in the best interest of the child F.A.

FINDINGS OF FACT

F.A. was born June 30, 1998 and was first adjudicated dependant on August 20, 2007 although she remained in her mother's custody. Mr. Sinatra's whereabouts were unknown at that time. A voluntary placement agreement was signed by mother on July 20, 2009 and the child has been in Agency custody since that date. As of the date of the placement father was incarcerated in Philadelphia County. Since October, 2010, F.A. has been living with her aunt, Tiffany Royal, at 2235 West Third Street in Williamsport with her aunt and her aunt's fiancé Bruce Miller. She is doing well in school, plays in the band, sings in the chorus, participates in the CAPP program and

attends Messiah Lutheran Church Youth Group. Her aunt intends to adopt F.A. and F.A. has expressed in Court a desire to stay with her aunt. Although father is currently a fugitive from justice, he was properly served by publication and has had notice of the hearing on March 23, 2011. He has not contacted his attorney for some months and his attorney did not have any further information on father's whereabouts. Father has not played a meaningful role in this child's life, has not paid support and has had no contact with his daughter for several years. In fact there has not been any contact with the Agency about his daughter since September 14, 2010. Numerous Permanency Hearings have been held over the time that F.A. has been in Agency custody and Mr. Sinatra the father has attended none of these. In addition, Mr. Sinatra has never achieved any of his goals as set forth in the numerous Family Service Plans contained in the record. In short, father has provided no emotional support nor has he performed any parental duties during the relevant time period if ever. Finally, on August 6, 2010, father's rights to two of his other children who had been in the custody of Philadelphia County DHS were terminated.

Psychologist Bruce Anderson gave testimony that F.A. has adjusted well to her Aunt Tiffany's home and that she wants to be with her aunt. Mr. Anderson rendered an opinion that it is in the best interest of the child that she be in her aunt's home and Mr. Anderson did not foresee any significant trauma by the termination of the parental rights. The CASA volunteer, Jennifer West, testified in favor of the termination and also believed that F.A. was bonded with her aunt and would not be adversely affected by the termination. The Court finds as facts the material averments of the Agency's Petition for Involuntary Termination of Parental Rights filed December 28, 2010 at Orphans' Court docket # 6244.

CONCLUSIONS OF LAW

1. The Petitioner has shown by clear and convincing evidence that the parental rights of father, Michael A. Sinatra A.K.A. Michael Modina A.K.A. Salem Abdul-Aziz A.K.A. Saleem A. Aziz A.K.A. Ervin Green should be terminated based upon 23 Pa. C.S.A. 2511 (a)(1)(2)(5)(8)

2. The Petitioners have shown by clear and convincing evidence that termination of the parental rights of Michael A. Sinatra best serves the needs and welfare of the child F.A.

DISCUSSION

Termination of parental rights is an issue of constitutional dimensions because of the fundamental right of an individual to raise his or her own child. Pennsylvania courts have held, however, that “A parent’s basic constitutional right to custody and rearing of his or her child is controverted, upon the failure to fulfill his or her parental duties to the child’s right to have proper parenting and fulfillment of his or her potential in a permanent healthy safe environment.” In re: J.A.S., Jr., 820 A.2d 774, 782 (Pa.Super.203) *citing* In the Interest of Lilley, 719 A.2d 327 (Pa.Super. 1998). Here father has not performed parental duties for a very long period of time and has made no effort since the filing of this petition to attempt to contact his child or perform even minimal parental duties. No explanation whatsoever has been entered in the record for father’s failure.

The third inquiry that must be made by the Court in this termination case is the emotional bond that exists between the child and the parent and the effect that severing the bond will have on the child. The bond the Court is interested in is a parental bond. In In re: J.L.C. and J.R.C., 837 A.2d 1247, 1249 (2003) the Court stated,

It is clear from the limited involvement Father had with the children that he did not bond with the children *in the way a parent should bond with his or her children*. It is not enough that “both boys know their father,” “enjoy being with him,” and “love their dad.” That is not bonding. Being “Uncle Daddy” is not enough. Being a parent means assuming responsibility so that a real bond develops, not just having a casual relationship with one’s children. Children often know, love and sometimes do have an enjoyable time with parents who have little to do with their upbringing, and even with parents who physically and mentally abuse them. The key is whether a bond has developed.

Although F.A. indicates that she loves her father as related to her guardian ad litem, he has had no involvement in her life, and she has a strong relationship with her aunt. The child’s testimony as well as the opinion of Bruce Anderson and Jennifer West as noted above supports the conclusion that no parental bond has really been established between F.A. and her father. The evidence also further supports a finding that that there would be no psychological impact upon F.A. from the termination of her father’s parental rights. In any event, it is very clear to the Court that the best interest of F.A. are already being served by her living with and bonding with her aunt Tiffany Royal and termination of the parental rights of father would give F.A. the home she needs.

By The Court,

Richard A. Gray, Judge

RAG/kae

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