

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

IN RE: : **NO. 6365**
:
MRD and, :
TMD :
:
minor children, :

**OPINION IN SUPPORT OF THE ORDER OF AUGUST 19TH, 2013, IN
COMPLIANCE WITH RULE 1925(a)(2) OF THE RULES OF APPELLATE
PROCEDURE**

This Court has reviewed the Concise Statement of the Matters Complained of on Appeal filed by the biological Father, MC, on September 18th, 2013. The Opinion and Order of August 19th, 2013 is a comprehensive accounting of the evidence presented, findings of facts, and analysis. The Court relies on that Opinion and Order for this appeal. The findings of the Court are supported by the Transcript and exhibits of the hearing held on August 13th, 2013.

There was one typographical error in the Opinion and Order of August 19th, 2013, which the Court would like to clarify. The children's date of birth is October 14, 2004 not February 5th, 2013. Mother's Petition for Termination of Parental Rights was filed on February 5th, 2013.

The Court will briefly address Father's second matter in his Concise Statement of Matters Complained:

“The Court erred in determining that the anticipated adoption of the children by maternal grandfather would be in the children’s best interests. The adoption was only contemplated after Appellant sought to establish custody with the minor children. The adoption merely forecloses a source of support, inheritance and other possible relationships for the children.”

Maternal Grandfather testified to adoption being contemplated himself years before Father contacted Mother. This testimony was credible. [*See*, Trial Tr. 8/13/2013, p.21, 16-25]. Maternal Grandfather testified that he had not proceeded with adoption earlier because he “didn’t see a need”. [*See*, Trial Tr. 8/13/2013, p.27, 3]. “There was no threat of this happening and then all the sudden it does,…” [*See*, Trial Tr. 8/13/2013, p.27, 3-4]. In the case at hand, termination of parental rights only became necessary once Father contacted Mother in 2012. Maternal grandfather, Mother and the minor children acted as a family with little involvement from Father from the time of the children’s birth on October 14th, 2004. Father had not contacted Mother from Spring 2007 until December 2012. There were no indications from Father that necessitated Maternal Grandfather and Mother formalizing their family through Termination of Parental rights and adoption.

As Mother met her burden of proving through clear and convincing evidence the elements of 23 Pa. C.S. § 2511 (a)(1) and the best interests element of 23 Pa. C.S. § 2511

(b). The appeal should be dismissed and the Court's Order of August 19th, 2013 affirmed. Additionally, Mother has shown good cause as to why the proposed adoption should proceed and that said proposed adoption is in the minor children's best interests.

By the Court,

Joy Reynolds McCoy, Judge

JRM/jan