

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

IN RE: : **NO. 6371**
:
LB, and :
IB, :
:
minor children, :

OPINION AND ORDER

AND NOW, this 12th day of **August, 2013**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of Mother, KJ ("Mother"), and Father, AB ("Father"), filed on March 12, 2013. A Hearing on the Petition to Involuntarily Terminate Mother's and Father's parental rights was held on June 6, 2013 and June 11, 2013. Charles Greevy, Esquire, Solicitor for the Agency, Jerry Lynch, Esquire, counsel for Mother, Jenna Neidig, Esquire, counsel for Father, and John Pietrovito, Esquire, Guardian Ad Litem were present. Mother appeared. Father failed to appear.

Finding of Facts

IB was born on July 18, 2011. LB was born on June 1, 2010. They are the children of KJ and AB. Mother also has two older children, TJ, born December 8, 2005, and AJ, born August 11, 2008. WJ is the biological father of these children. Mother signed a consent to the voluntary termination of her parental rights of TJ and AJ on April 3, 2013.

Prior to the birth of LB, Mother had several contacts with the Agency for lack of supervision of the older two children. On July 11, 2011, the police responded to a report

that one of Mother's older children, AJ, was found outside unattended on a street in Williamsport, Pennsylvania. As a result of this contact with the Agency, the Agency was able to help Mother obtain temporary housing at the Family Promise Shelter Program on July 17, 2011. On November 6, 2011, Mother voluntarily left the Family Promise Shelter Program after concerns regarding poor hygiene, poor parenting, and lack of supervision of the children was brought to her attention from the Shelter. At that time, the Agency had offered Mother Outreach Services, family group decision making and made a referral to the Salvation Army for parenting classes. Mother did not follow through with these services.

On December 13, 2011, the Agency received a report that Mother had left her children with a babysitter with no supplies or diapers until 1:00 a.m. The Agency, thereafter, contacted Mother who indicated she was moving to a residence in another county with her new paramour. The Agency's review of the new residence found it to be inadequate and contained safety issues.

On December 14, 2011, an emergency order was granted placing the children under the protective supervision of Lycoming County Children & Youth Services. On December 15, 2011, a shelter care hearing was held and an order was issued keeping the children in placement pending the dependency hearing.

A Dependency Hearing was held on December 23, 2011. The Court adjudicated the children dependent and placed them under the protective supervision of Lycoming County Children & Youth Services. Both children and their older two siblings were placed in an Agency improved resource home of the Ys. At the time the Dependency

Petition was filed, the Agency was unable to locate the children's father, AB. At that time, Father had warrants for his arrest pending in Lycoming County.

On December 27, 2011, Mother informed the Agency that she was relocating to Cleveland, Ohio, to reside with a friend. Prior to relocating to Cleveland, Mother attended four out of eleven possible visits with her children.

A Permanency Review Hearing was held on March 16, 2012. At the time of the hearing, the Court reaffirmed dependency of both children and ordered the children to remain in the legal and physical custody of the Agency in the Y resource home. The Court found that there had been minimal compliance with Mother in that she had relocated to the Cleveland, Ohio area and Mother only visited the children twice during the review period. The Court specifically found that Mother is aware of her option to have the Agency purchase a bus ticket for her for visits. Mother obtained housing and employment in Ohio; however, a home study had not yet been completed on her home to know whether it is an appropriate home for the children. Mother and her paramour, MR, were specifically ordered to undergo a drug and alcohol evaluation and a psychological evaluation. The Agency was still unable to locate Father.

A Permanency Review Hearing was held on June 19, 2012. The Court found that there had been moderate compliance with the Permanency Plan. Mother maintained housing in Ohio during the review period and employment. At one point during the review period, Mother reported that she planned to move back to Pennsylvania, but then changed her mind. The Mother's home study in Ohio was denied due to the fact that she did not complete all of the requests of the Agency. Mother did attend monthly visits

during the review period and called the children weekly. Mother was urged by the Court to keep in close contact with the Caseworker and keep the Agency updated on her progress and living situation. Mother was reminded that she had been ordered to complete a drug and alcohol evaluation, as well as a psychological evaluation. Mother was encouraged to continue, at a minimum, monthly visits with the children. The Court denied the Agency's request to enter an aggravated circumstances order in regard to Mother.

During the review period, Father was picked up on a Bench Warrant in Washington, D.C., and transferred to Lycoming County Prison. At no time during the period did Father have contact with the children or the Agency. The Court did enter a finding of aggravated circumstances against Father.

On July 3, 2012, Mother contacted the Agency to notify them that she relocated back to Pennsylvania to reside with her father. On July 11, 2012, an Agency Caseworker visited Mother's home and determined that there were safety concerns and that the home was not suitable for the children.

A Permanency Review Hearing was held on September 12, 2012. The Court reaffirmed the dependency of both children and ordered the children to remain in the Y resource home. The Court found that there had been no compliance with the Permanency Plan. Mother currently resides with her father and his home cannot accommodate the children. Mother reported that her living arrangements were only temporary; however, at the time of the hearing, she advised the Court that she intended to remain living at her father's home. Mother failed to attend any parenting classes and did not complete a drug

and alcohol or psychological evaluation. Mother attended eleven visits during the review period, no-showed for nine visits and canceled three visits. The Court indicated that it was clear from Mother's demeanor and testimony that she was upset with the Agency. The Court urged Mother that while she may not like the Agency or her Caseworker, it is important for Mother to see that the Agency can be her best ally in getting her children back. Mother was urged by the Court to open herself up to the Agency's help if she wants to successfully succeed in getting her children back. Mother raised concern that the children received injuries while in the care of the resource parents. The Court concluded that in light of the children's ages, the bruises and marks did not appear to be anything more than normally what occurs with children at that age. The Court was satisfied that there was not any type of abuse occurring to the children in the resource home.

During the review period, Father continued to be incarcerated and was transferred to Lackawanna County Prison. Father did write to ask about his children. The Court urged Father to continue to write to the children and to keep in touch with the Agency.

A Permanency Review Hearing was held on January 4, 2013. At the time of the review hearing, the Court noted that although some progress had been made by Mother, it was not especially significant. During the review period, Mother attended 43 of the 61 available visits. She no-showed for 13 visits and canceled 5 visits. Mother's visits with her children are chaotic. There is significant concern regarding the progress of any of Mother's future visits once she gives birth to her new child which was due at any time. The children evident stress and difficulty as a result of the visits.

There has been no contact with Father during the review period. He was anticipated to be released shortly after the review hearing; however, he absconded from work release in December, 2012, and has not had contact with the Agency, the children or his attorney since he absconded.

In February, 2013, an emergency hearing was held in regard to Mother's older two daughters, TJ and AJ. As a result of that hearing, Mother agreed for her visitation to be suspended temporarily with the two oldest children.

On March 19, 2013, a Permanency Review Hearing was held. Dependency of both children was reaffirmed and the children were to remain in the legal and physical custody of the Agency and in the Y resource home. The Court determined that the difficulties that Mother has with her children during the visits continue to occur during this review period and that there continue to be safety concerns for the children and inconsistency by Mother throughout the visits. The Court also noted that Mother lacks the ability to place into practice what she has learned through the various resources that have been provided to her. The Court found Mother has difficulty providing attention to more than one child at a time. It was noted by the Court that while Mother's visitation with the older two children was suspended, it had alleviated some of the problems with Mother and the children at visitation; however, it had not resolved all of the issues.

Father continued to be on the run from Lackawanna Pre-Release Center and failed to have any contact with the Agency. The Court specifically noted that Father has had no contact with the children since their placement.

CM, the Children & Youth Caseworker, testified that she became involved in the case when Mother relocated back to Pennsylvania from Ohio in July, 2012. She testified that Mother resided with her father from July to December of 2012, and at first, there were safety concerns with Father's home. Eventually, the safety concerns were remedied and the Agency found the house to be suitable for Mother's children by December, 2012. However, shortly thereafter, Father moved in a girlfriend and her child which made the home too crowded for it to be a suitable situation for Mother's children. After December, 2012, Mother moved in with her current boyfriend, MW. It is noted that this is the second individual that Mother has become involved with since the children were placed in the Agency's care. Mother's first boyfriend was MR with whom she lived with in Ohio, with whom Mother now has a child, PR. Mother is now residing with MW. CM testified that from July to November, 2012, Mother was very angry with the Agency and was not cooperative.

CM testified that since her involvement in the case, home conditions were not a significant concern with Mother as her home always appeared clean. The most significant concerns are parenting and supervisions concerns regarding Mother. CM did state that to Mother's credit, she did become involved with Diakon for counseling and Expectations for Women in early 2013. She testified that Mother's attendance has been good since she began, and are strikingly different than Mother's inconsistencies which occurred from the first year the children were in placement.

CM testified that one of her biggest concerns centers around the fact that from December, 2011, when the children were placed until June, 2012, LB and IB only saw

their Mother for approximately 6 hours. At the time of placement, IB was five months old and LB was 18 months old. Further, CM testified of a significant concern of the detriment that would come to the children if they were separated from the older two children to whom which Mother has voluntarily terminated her parental rights. CM also testified that she has concerns that Mother is not bonding with the children, especially IB who is the youngest and has been in care since she was five months of age. Additionally, CM testified that Mother is not utilized the parenting skills that she has received through Outreach Services.

Bruce Anderson, a Licensed Psychologist, completed a bond assessment in regard to the children. He indicated that he found no serious mental illnesses or adjustment disorders with Mother, but that clearly she was unhappy with the situation. He indicated that Mother is bright, but needs budgeting help, as well as parenting classes, Outreach, and counseling issues. He also raised concern regarding Mother's relationship decisions and her low self-esteem.

Mr. Anderson was specifically concerned with Mother's move to Cleveland, Ohio, immediately after the children had been placed. He indicated that her decision to leave a five-month-old and eighteen-month-old to move to Ohio with a boyfriend points to Mother's lack of connection or bond with her two youngest children. Mr. Anderson indicated that the six months Mother was away had a profound impact upon her children. He indicated that basically Mother left the children to bond with their resource parents. Mr. Anderson believes that Mother's choice to leave the area when the children were at

such a young age and to have limited contact with them during a six-month period was critical and resulted in her children not being as bonded to her.

Mr. Anderson indicated that when the children first came into care, they turned to each other for comfort, and that Mother's oldest daughter, TJ, was a parentified child. All of the younger children turned to her for comfort and care. Over time, however, Mr. Anderson indicated that the children have begun to turn to the foster parents for care, comfort and nurturing.

Mr. Anderson indicated that the first three years of a child's life are paramount to a child developing normal attachments. During the first three years of life, a child needs consistent nurturing and care. A failure to have this can result in a child suffering from reactive detachment disorder. Both IB and LB have spent more than half of their lives with the resource parents. Mr. Anderson indicated that if there were to be a break in the attachment between the children and the resource mother, that there would be significant problems for the children in the future including an impact on their cognitive ability to learn. Mr. Anderson further indicated that separating the younger two children from the older two children would also be severally traumatic to the children and would add another layer of drama to the children.

Mother testified that when her girls were taken away from her, her life was ripped away. She testified that moving to Ohio immediately after the girls were placed in the Agency care was a mistake on her part. She indicated that she is undergoing counseling for stress, anxiety and depression at Diakon Family Life Services. She also indicated that she is attending Expectations for Women and receiving classes on bonding, infant care,

and 123 Magic. Mother indicated that she had consented to the termination of her parental rights to her older two children based upon what they are going through and because she believed it would help if they had consistency of remaining in their resource home. She indicated that she believed it was necessary for the older two children to get the help they needed. Mother indicated that the younger children do not have problems and that she would be able to manage the three children, LB, IB, and her new child, PR, just fine.

Mother indicated that she now has a home where she resides with MW, a full-time job, and wants her children to come home. She stated that she loves her children.

Discussion

The Agency argues that the basis for termination in this case may be found in 23 Pa.C.S. §2511(a)(1), (2), (5) and (8), which provides as follows:

§2511. Grounds for Involuntary Termination

(a) GENERAL RULE.--The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

- (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.
- (2) The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.
- (5) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy

the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

- (8) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

In order to involuntarily terminate parental rights, the party seeking termination must prove by clear and convincing evidence the grounds for termination. *Santosky v. Kramer*, 455 U.S. 745 (1982); *In re Adoption of J.D.P.*, 471 A.2d 894, 895, (Pa. Super. Ct. 1984). “The standard of clear and convincing evidence is defined as testimony that is so ‘clear, direct, weighty and convincing as to enable the trier of fact to come to a clear conviction, without hesitation, of the truth of the precise facts in issue.’” *In re A.S.*, 11 A.3d 473, 477 (Pa. Super. Ct. 2010) (quoting *In re J.L.C. & J.R.C.*, 837 A.2d 1247, 1251 (Pa. Super. Ct. 2003)).

A court may terminate parental rights under Section 2511(a)(1) where a parent demonstrates a settled purpose to relinquish parental claim to a child **or** fails to perform parental duties for at least six months prior to the filing of the termination petition. *In the Interest of C.S.*, 761 A.2d 1197, 1201 (Pa. Super. 2000) (emphasis added). The Court should consider the entire background of the case and not simply:

mechanically apply the six month statutory provision. The court must examine the individual circumstances of each case and consider all explanations offered by the parent facing termination of his . . . parental rights, to determine if the evidence, in light of the totality of the circumstances, clearly warrants the involuntary termination.

In re: N.M.B., 856 A.2d 847, 855 (Pa. Super. 2004), appeal denied, 582 Pa. 718, 872 A.2d 1200 (2005) (citing *In re: D.J.S.*, 737 A.2d 283, 286 (Pa. Super. 1999)).

In determining what constitutes parental duties, the Pennsylvania Supreme Court has said:

There is no simple or easy definition of parental duties. Parental duty is best understood in relation to the needs of a child. A child needs love, protection, guidance, and support. These needs, physical and emotional, cannot be met by a merely passive interest in the development of the child. Thus, this Court has held that the parental obligation is a positive duty which requires affirmative performance. This affirmative duty encompasses more than a financial obligation; it requires continuing interest in the child and a genuine effort to maintain communication and association with the child. Because a child needs more than a benefactor, parental duty requires that a parent "exert himself to take and maintain a place of importance in the child's life."

With these principles in mind, the question whether a parent has failed or refused to perform parental duties must be analyzed in relation to the particular circumstances of the case. A finding of abandonment, which has been characterized as "one of the most severe steps the court can take," will not be predicated upon parental conduct which is reasonably explained or which resulted from circumstances beyond the parent's control. It may only result when a parent has failed to utilize all available resources to preserve the parental relationship.

In re: Burns, 379 A.2d 535, 540 (Pa. 1977)(citations omitted). "When a child is in foster care, this affirmative duty requires the parent to work towards the return of the child by cooperating with the Agency to obtain rehabilitative services necessary for them to be capable of performing their parental duties and responsibilities." *In re: G.P.R.*, 2004 Pa. Super. 205, 851 A.2d 967, 977.

The Court finds that for a period of at least six months prior to the Agency filing the Petition to Terminate Mother's Parental Rights, Mother has failed to perform parental duties on behalf of the children. Though to her credit, Mother in recent months has become much more consistent and cooperative, the Court does not believe that it equates

to Mother performing her parental duties. Though she has gotten much more regular in her visitation, Mother continues to miss visitation with her children. Additionally, the Agency staff has testified that Mother is unable to put into practice the skills that she has been provided through Outreach Services and Expectations for Women concerning the supervision of her children. There continues to be on-going concerns regarding the supervision and parenting of the children while in Mother's care. Further, testimony indicated that there appears to be a lack of bonding between Mother and especially the youngest child.

Though Mother now has a suitable living arrangement for the children with her new paramour, MW, it does cause the Court significant concern with Mother's history of relationships and the fact that since the children were placed, Mother has resided with two different individuals and has now a fifth child to MR who she is no longer in a relationship with. There has not been enough time passed to satisfy the Court that Mother's new relationship and living condition are stable. Further, the Court has significant concern of Mother's ability to properly supervise and parent the children in light of the fact that she still exhibits difficulty with this during periods of supervised visitation.

The Court also finds that for a period of at least six months prior to the Agency filing the Petition to Terminate Father's Parental Rights, Father has failed to perform parental duties on behalf of the children. Father has been on the run or incarcerated the entire time that the children have been placed by the Agency in the resource home. At a

point when Father was close to being released, he absconded and continues to be on the run. Father has had no little to contact with the children or the Agency.

The Court hereby finds by clear and convincing evidence that the Agency has fulfilled the requirements of 23 Pa.C.S.A. §2511(a)(1) and that Mother and Father have failed to perform her parental duties for at least six months prior to the filing of the termination petition.

To satisfy the requirements of Section 2511(a)(2), the Agency must demonstrate that the Mother and or Father through:

- (1) [R]epeated and continued incapacity, abuse, neglect or refusal;
- (2) such incapacity, abuse, neglect or refusal has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being; and (3) the causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied.

In re: Adoption of M.E.P., 825 A.2d 1266, 1272 (Pa. Super. 2003.)

Under Section 2511(a)(2), “[t]he grounds for termination [of parental rights] due to parental incapacity that cannot be remedied are not limited to affirmative misconduct. To the contrary, those grounds may include acts of refusal as well as incapacity to perform parental duties”. ***In re: A.L.D.***, 797 A.2d 326, 337 (Pa. Super. 2002) (citations omitted). “Moreover, an agency is not required to provide services indefinitely if a parent is either unable or unwilling to apply the instruction given.” ***Id.*** at 340. “Parents are required to make diligent efforts towards the reasonably prompt assumption of full parental responsibilities. ... [A] parent’s vow to cooperate, after a long period of uncooperativeness regarding the necessity or availability of services, may properly be

rejected as untimely or disingenuous.” *Id.*, quoting *In re J.W.*, 578 A.2d 952, 959 (Pa. Super. 1990)

Mother’s actions exemplify repeated incapacity and/or refusal to act resulting in the children being without essential parental care, control or subsistence necessary for their physical or mental well-being. Both IB and LB have spent better than half of their lives in the care of the resource parents rather than their Mother. Mother chose to leave her children in Lycoming County and move to Ohio with a boyfriend rather than stay in Lycoming County to attempt to work on those issues which caused her children to be removed from her care. The time that Mother was in Ohio was critical for LB and IB due to their young age. It was clearly contrary to both girls’ mental well-being to have little contact with their mother during this period of time at such a young age. Even upon Mother’s return to Lycoming County, her visitation with the children continued to be sporadic and only became more consistent in the recent months. One of the primary issues that led to the children being placed was the lack of supervision and parenting by Mother. Though Mother has received Outreach Services and other services through Expectations for Women, she is still demonstrating an inability to properly supervise and parent her children. The Court is specifically concerned with the youngest child whom Mother appears to have little or no bond with.

Father’s actions also exemplify repeated incapacity and/or refusal to act resulting in the children being without essential parental care, control, or subsistence necessary for the physical or mental well-being. Father has had little to no contact with the Agency or children since their placement and currently has absconded from supervision.

The Court finds by clear and convincing evidence that the Agency has fulfilled 23 Pa.C.S.A. §2511(a)(2) by demonstrating Mother's and Father's repeated and continued incapacity, abuse, neglect or refusal and that such incapacity, abuse, neglect or refusal has caused the children to be without essential parental care, control or subsistence necessary for their physical or mental well-being which have not been remedied.

“Termination of parental rights under Section 2511(a)(5) requires that: (1) the child has been removed from parental care for at least six months; (2) the conditions which led to removal and placement of the child continue to exist; and (3) termination of parental rights would best serve the needs and welfare of the child.” *In re: K.J.*, 936 A.2d 1128, 1134 (Pa. Super. 2007).

Similarly, to terminate parental rights pursuant to 23 Pa.C.S.A. §2511(a)(8), the following factors must be demonstrated: “(1) [t]he child has been removed from parental care for 12 months or more from the date of removal; (2) the conditions which led to the removal or placement of the child continue to exist; and (3) termination of parental rights would best serve the needs and welfare of the child.” *In re: Adoption of M.E.P.*, 825 A.2d 1266, 1275-76 (Pa. Super. 2003); *see also* 23 Pa.C.S.A. §2511(a)(8). “Section 2511(a)(8) sets a 12-month time frame for a parent to remedy the conditions that led to the children's removal by the court.” *In re: A.R.*, 837 A.2d 560, 564 (Pa. Super. 2003). After the 12-month period has been established, the Court must next determine whether the conditions necessitating placement persist, despite the reasonable good faith efforts that the agency supplied over a realistic time period. *Id.* In terminating parental rights under Section 2511(a)(8), the trial court is not required to evaluate a parent's current

“willingness or ability to remedy the conditions that initially caused placement”. *In re: Adoption of T.B.B.*, 835 A.2d at 396 (Pa. Super. 2003); *In re: Adoption of M.E.P.*, 825 A.2d at 1276.

In the present case, LB and IB have been removed from the parental care of Mother since December of 2011, which at the time of the hearing to terminate both parents’ parental rights was approximately 18 months. IB has been removed from the care of Mother since she was approximately five months of age. LB has been removed from the care of her Mother since she was approximately eighteen months of age. Those issues which initially led to the removal of both children from Mother’s home include lack of supervision and lack of parenting. For the first six months after the children were placed in care, Mother relocated to Ohio and, therefore, did nothing with the Agency to work on addressing those issues which led to her children’s placement. Upon her return from Ohio, Mother was very angry with the Agency and for an additional five to six month period, was resistant to any help from the Agency to help her address those issues which led to the children’s placement. Though in recent months Mother has begun to become more consistent and work on those issues which led to the children’s placement, there is still a significant concern by the Agency of Mother’s failure to properly supervise and parent her children. Both children have been in care for a majority of their lives. In light of Mother’s instability in the past and her lack of progress in regard to her parenting skills, the Court holds no confidence in Mother that she will remedy those issues that brought the children into care.

At the time that the children were removed from Mother's physical care, Mother and Father were not residing together. For the time that the children have been in placement, Father has been on the run or incarcerated. He absconded from supervision right before he was set to be released. Father has not seen the children, nor has he been in touch with the Agency concerning his children.

The children deserve permanency in their lives. Terminating both parents' rights will best serve the needs and welfare of the children. The Court finds by clear and convincing evidence that the Agency has fulfilled 23 Pa.C.S.A. §2511(a)(5)(8) as the children have been removed from the parents' care for 18 months, that the conditions which led to the original removal of the children still continue to exist to date, and that termination of parental rights would best serve the needs and welfare of the children.

As the statutory grounds for termination have been met, the Court must also consider the following:

“23 Pa.C.S. §2511(b) OTHER CONSIDERATIONS – The Court, in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care, if found to be beyond the control of the parent. With respect to any petition filed pursuant to Subsection (a)(1)(6) or (8), the court shall not consider any efforts by the parent to remedy the condition described therein which are first initiated subsequent to the giving of notice of the filing of the petition.”

The Court must also take into account whether a bond exists between the child and parent, and whether termination would destroy an existing, necessary and beneficial relationship. ***In the Interest of C.S.***, supra at 1242. When conducting a bonding analysis, the Court is not required to use expert testimony. ***In Re: K.K.R.-S.***, 958 A.2d

529, 533 (Pa. Super. 2008), (citing *In Re: I.A.C.*, 897 A.2d 1200, 1208-1209 (Pa. Super. 2006)). “Above all else . . . adequate consideration must be given to the needs and welfare of the child.” *In Re: J.D.W.M.*, 810 A.2d 688, 690 (citing *In Re: Child M.*, 681 A.2d 793 (Pa. Super, 1996), appeal denied, 546 Pa. 697, 686 A.2d 1307 (1996)). A parent’s own feelings of love and affection for a child do not prevent termination of parental rights. *In Re: L.M.*, 923 A.2d 505, 512 (Pa. Super. 2007).

“Before granting a petition to terminate parental rights, it is imperative that a trial court carefully consider the intangible dimensions of the needs and welfare of a child—the love, comfort, security and closeness—entailed in a parent-child relationship, as well as the tangible dimensions. Continuity of a relationship is also important to a child, for whom severance of close parental ties is usually extremely painful. The trial court, in considering what situation would best serve the child’s needs and welfare, must resume the status of the natural parental bond to consider whether terminating the natural parent’s rights would destroy something in existence that is necessary and beneficial.”

In Re: Interest of C.S., supra at 1202 (citations omitted).

“Once the statutory requirement for involuntary termination of parental rights has been established under subsection (a), the court must consider whether the child’s needs and welfare will be met by termination pursuant to subsection (b).” *Id.* at 483. An analysis of 23 Pa. C.S. § 2511 (b) is not necessary in this case due to the fact that the statutory requirements for involuntary termination have not been established.

A permanency/bonding assessment was conducted by Bruce Anderson, Licensed Psychologist, in regard to LB and IB. Mr. Anderson indicates that the children need a positive and nurturing environment in order to grow into healthy adults. He further indicated that the children need to be firmly attached to their caregivers. He pointed out that it is of particular importance that during the first three years of a child’s life, in that

frequent disruptions in the attachment relationships children have, can have a profoundly negative impact on them throughout the rest of their lives. Mr. Anderson found that the children had spent more than half of their lives with their resource parents and that if there were to be a break in the attachment between the children and the resource parents, there would be significant problems for the children in the future including an impact on their cognitive ability to learn. Mr. Anderson stated he did not believe that the children would be traumatized by ending their relationship with their biological mother in light of the fact that their strongest connection is to the resource parents. The Court also notes that testimony was presented by several individuals that Mother does not appear to be bonded with the youngest child. The Court does not find that terminating Mother's parental rights would destroy an existing relationship that is necessary and beneficial to the children at this stage in their life. Additionally, in light of the fact that Father has had no contact with the children since their placement when the children were age five months and eighteen months, the Court does not find that there is an existing relationship between Father and the children which is necessary and beneficial to the children.

Conclusions of Law

1. The Court finds that the Agency has established by clear and convincing evidence that KJ's and AB's parental rights should be involuntarily terminated pursuant to 23 Pa.C.S. §2511(a)(1).

2. The Court finds that the Agency has established by clear and convincing evidence that the developmental, physical and emotional needs and welfare of LB and IB will best be served by termination of KJ's and AB's parental rights.

Accordingly, the Court will enter the attached Decree.

By the Court,

Joy

Reynolds McCoy, Judge

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

IN RE: : **NO. 6371**
 :
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DECREE

AND NOW, this 12th day of **August, 2013**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of KJ and AB, held on June 6 and June 11, 2013, it is hereby ORDERED and DECREED:

- (1) That the parental rights of KJ and AB be, and hereby are, terminated as to the children above-named;
- (2) That the welfare of the children will be promoted by adoption; that all requirements of the Adoption Act have been met; that the children may be the subject of adoption proceedings without any further notice to the natural mother and father.

NOTICE TO NATURAL PARENTS
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 which you choose to provide could be important to this child's present and future medical care needs.

The law makes it possible for you to file current medical information, but 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 that the court 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 for you to file medical history information by contacting the Adoption Medical History Registry. Registry staff are available to answer your questions. Please contact them at:

Department of Public Welfare
Pennsylvania Adoption Information Registry
P.O. Box 4379
Harrisburg, PA 17111
Telephone: 1-800-227-0225

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

1. County Children & Youth Social Service Agency
2. Any private licensed adoption agency
3. Register & Recorder's Office
4. Online at www.adoptpakids.org/Forms.aspx .

By the Court,

Joy

Reynolds McCoy, Judge