

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

IN RE: : **NO. 6426**
:
AMR, :
:
a minor child, :

OPINION AND ORDER

AND NOW, this 23rd day of **September, 2014**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of Father, CR ("Father") filed on July 23, 2014. A hearing on the Petition to Involuntarily Terminate Father's Parental Rights was held on September 4, 2014. Charles Greevy, III, Esquire, Solicitor for the Agency, Jerry Lynch, Esquire, counsel for Father and John Pietrovito, Guardian Ad Litem, were present. Father failed to appear.

Findings of Fact

AMR was born on January 1, 2013. She is the child of CR, and LR. Mother voluntarily relinquished to the Agency her parental rights to AMR on September 4, 2014.

The Lycoming County Children & Youth Services Agency became involved with this family after receiving a Child Protective Services Referral on March 10, 2013. The child was seen at the Williamsport Hospital Emergency Room where it was determined that she has a fracture of the left parietal caldarium. The parents allege that the child's one-year-old sibling threw a cell phone which hit her in the head. The Child Protective Services Referral was deemed unfounded on March 27, 2013, as the doctors could not establish that the injury caused was intentional.

On April 19, 2013, the Agency received a second CPS Referral regarding the child. The child was taken to the emergency room by her mother due to having a swollen leg. It was determined that the child had a buckle fracture to the left distal femur. The child was admitted to the hospital for observation and a complete child abuse examination was conducted, from which no other injuries were noted. On the day of the injury, the child was cared for by the Father, Mother and Paternal Grandmother, CW. None of the adults had any explanation as to how the injury to the child occurred. A Safety Plan was put into effect which indicated that neither Mother, Father, nor the Paternal Grandmother could have unsupervised contact with the child. The child was discharged from the hospital on April 20, 2013. The Agency explored possible kinship resources to care for the child, but none of the caregivers that were named by the parents were appropriate. The parents thereafter voluntarily placed the child into Agency custody on April 20, 2013.

On April 30, 2013, the Agency filed a Dependency Petition. At the time of the scheduled Dependency Hearing, a conference was held with the Court and counsel wherein all parties agree to continue the Dependency Hearing and agreed to exchange medical documentation. The Agency filed an Amended Dependency Petition on May 30, 2013.

On June 17, 2013, an Order was entered where the child was adjudicated a dependent child. AMR was ordered to remain in the legal and physical custody of Lycoming County Children & Youth Services for continued placement in an Agency-approved resource home.

On August 7, 2013, Lycoming County Children & Youth Services Agency filed a Motion for Aggravated Circumstances as to the Father, CR, alleging that the child had been a victim of physical abuse resulting in serious bodily injury, sexual violence, or aggravated physical neglect by Father.

At the Review Hearing held on August 22 and 29, 2013, the Court found that Father's compliance to date with the Permanency Plan was minimal, at best, and that the progress he had made towards alleviating the circumstances that led to placement had been minimal. The Court indicated it had substantial concerns regarding the parents' financial stability, Father's recovery from substance abuse, Father's lack of employment, Father's anger management issues, Father's mental health issues, both parents' ability to commit to properly parenting, both parents' understanding of the child's medical needs, and both parents' ability to seek and maintain services to assist with care for their child. The Court also noted that Father was currently incarcerated on a probation violation. The Court declined to find aggravated circumstances in regard to Father.

At the Permanency Review Hearing held on November 21, 2013, the Court found the following:

“While both parents, in fact, have been present for the vast majority of the visits, and have canceled only for apparently good reasons, it appears that Father is not addressing many of the issues which may have caused the placement. Father apparently admits to mental health difficulties, but is not addressing such. While the Court applauds the Father's apparent attempts at addressing his substance abuse, at some point individuals need to go forward. Many recovering addicts are employed; take care of their families; contribute to their families' financial needs; and are maintained through medical management or through counseling. Many individual with emotional and/or mental health

difficulties, contribute to their families as well. Father appears not to be taking any proactive steps to address his mental health issues, or to alleviate the stress that may have caused the child's placement to begin with. Moreover, the Court is greatly concerned that the Father may have relapsed. While there is no proof of such, the Father's behaviors in missing scheduled appointments, nodding off during some visitations, and missing today's hearing in the face of the continued placement of the child, point to such a conclusion. The Father's compliance with the Permanency Plan has been minimal, at best. While he has completed Outreach Services, or is actively participating; was present for most visitations, he is not addressing the major factors which cause placement."

The next Permanency Review Hearing was held on February 27, 2014. During the review period from November 21, 2013 through February 27, 2014, Father was incarcerated in the Lycoming County Prison on a probation/parole violation. At or about the time of his incarceration, an eviction notice was posted on his apartment. Father admitted to his probation officer that in December, 2013, he relapsed and used two bags of heroine.

In its Permanency Review Order issued on February 27, 2014, the Court stated:

"Father's compliance has been minimal due to his legal problems and the fact that he was incarcerated following the relapse. Nevertheless, the Father has successfully completed in-patient rehabilitation and is working on a recovery plan. It appears to the Court, as the Court indicated in its last Order of November that the Father's behaviors at that point indicated that he had the potential to relapse or an actual relapse. It is the Court's hope that over the next review period, the Father's compliance with the Permanency Plan can be much better.

As previously stated, this remains a case where the spirit may be willing, but the flesh is weak. The Court is concerned, however, based upon the evidence it heard today, that the spirit may not be fully willing. There remains significant concerns regarding AMR's safety in the house. AMR's safety concerns cannot be, as the testimony indicated 'a gamble'. It is now over close to a year that the Court has been reviewing these matters and the Court is of the opinion that the Mother and Father are not fully accepting their roles and responsibilities as parents. They continue to be rescued by the Agency and others. At times the Court is concerned

that the parents act more like children than parents, not taking advice or recommendations, failing to communicate, and, in fact, hiding problems to the detriment of AMR, failing to be truthful, failing to appreciate the severity of the problems, exhibiting increased or better effort only near to the time of the review hearings, placing blame and perhaps making excuses rather than seeking ways to improve and exhibiting little self-discipline on occasion. All such conduct reflects perhaps a lack of appreciation for what is truly at stake here.”

On June 23, 2014, the Agency filed a Petition for Involuntary Termination of both parents’ parental rights. On July 8, 2014, a Pre-Trial Conference was held with respect to the Agency’s and Guardian’s Petition for Termination of Parental Rights. At the time of the Pre-Trial, Father was present and the Court had the opportunity to speak with Father regarding his intent to proceed forward with a contested hearing regarding the termination of his parental rights.

A Review Hearing was scheduled for June 26, 2014. At the request of the Guardian Ad Litem, the Review Hearing was rescheduled to August 13, 2014. The hearing scheduled on August 13, 2104, was rescheduled as Mother’s counsel had a conflict. The Review Hearing was thereafter rescheduled to September 4, 2014, to be heard with the hearing on the Involuntary Termination of the parents’ parental rights as much of the testimony would be the same in both hearings.

At the time of the combined Termination of Parental Rights Hearing and Permanency Review Hearing, Father’s Lycoming County Adult Probation Officer, Rob Thompson, testified. Officer Thompson testified that Father was released from incarceration in July, 2014. Upon his release, he was to report directly to the Adult Probation Office to meet with his Probation Officer. Father never reported and is currently on the run. Officer Thompson testified that there is currently a Bench Warrant

issued against Father by the Lycoming County Adult Probation Office for his failure to appear at the Adult Probation Office as directed. If Father had appeared at the Hearing on the termination of his parental rights, he would have been detained by Officer Thompson. Officer Thompson indicated that Father struggles with drug and alcohol addiction and that numerous efforts to get him treatment have failed.

Crystal Minnier, Lycoming County Children & Youth Caseworker, also testified at the Termination of Parental Rights Hearing and Permanency Review Hearing on September 4, 2014. Ms. Minnier testified that on March 1, 2014, Father was released from White Deer Run Drug & Alcohol Rehabilitation Center. Father was evicted from his residence in Jersey Shore, Pennsylvania, on March 10, 2014. On March 11, 2014, Father tested positive for marijuana and was referred to Crossroads Counseling. He did not attend the appointments at Crossroads Counseling, and was therefore discharged from their services on March 27, 2014. On April 5, 2014, Father was charged with possession of drug paraphernalia and public drunkenness and other related misconduct. From March through July, 2014, Father was incarcerated in the Lycoming County Prison and on June 19, 2014, was transferred to the Lycoming County Pre-Release Center. From March through June 19, 2014, Father had no visits with the child due to his incarceration in the Lycoming County Prison. From June 19, 2014, until Father's release from incarceration on July 14, 2014, while at the Pre-Release Center, Father had three visits with the child.

Father's last visit with the child was on July 11, 2014. Since his release from the Pre-Release Center, Father has had no visits with the child. Father has been given the

opportunity for transportation by the Agency so that he could attend visits. The Caseworker had provided Father with her home phone number and made it clear to Father that she would accommodate him in order to facilitate visitation. On August 25, 2014, the Caseworker made an unannounced visit to Father's home in Bloomsburg, Columbia County, Pennsylvania. The Caseworker made arrangements to pick Father up at 7:45 a.m. on September 4, 2014, for the Termination of Parental Rights Hearing. Father, at that unannounced visit, advised the Caseworker that he had taken care of the issues with his Probation Officer, Rob Thompson.

From the time the child was voluntarily placed with the Agency by Father on April 20, 2013, until the present, Father had the opportunity for 267 visits. Father attended 107 of these visits, no-showed for 133 visits (49 of these visits occurred when Father was incarcerated or in a rehabilitation facility), and canceled 27 visits. The visits initially occurred at the Agency and then moved into supervised visits in Father's home. This continued until such time as the Father was evicted from his home in Jersey Shore, Pennsylvania, and moved in with Father's uncle. Father's uncle was not comfortable with having visits in his home; therefore, the visits returned to the Agency in February of 2014. The Caseworker testified that Father did not make enough contact with the child for the child to be comfortable with him. Father also did not attend any of the medical appointments of the child despite the fact that he was offered transportation. The Caseworker testified that since the beginning of the case, the primary issues have been physical abuse of the child and instability of the parents. She testified that Father has been unable to stabilize his residence, has on-going drug and alcohol issues, and

has been in and out of prison due to his drug use. She testified that Father has been unable to resolve any of the issues that led to the placement of the child in this case. She further testified that Father has been inconsistent with his visits with the child even when the Agency was bringing the child to his home.

A bonding evaluation was completed by Bruce G. Anderson, Licensed Psychologist. The evaluation occurred on June 16, 2014, and June 23, 2014. The bonding evaluation was completed through interviews with both Mother and Father. Additionally, Mr. Anderson interviewed the resource parents, along with the children in their home, and also reviewed background information provided by the Agency along with reviewing the CASA Volunteer Reports. In his recommendations, Mr. Anderson stated that if the goal for the child had remained reunification with the biological parents, Father should be attending all scheduled visits and should make every effort to get to any medical appointments for his daughter. Additionally, it was strongly recommended that Father get involved in out-patient mental health treatment and drug and alcohol counseling once he is out of jail. Mr. Anderson further recommended that if the Court should decide to terminate parental rights of Mother and Father, he would recommend that the child be permanently placed with her current resource parents. Mr. Anderson stated that removal of AMR from her current resource home would be traumatic and likely emotionally damaging to her. He found that the child does not come across as being strongly bonded to the biological parents and that losing her relationship with them would not have any lasting negative impact on her. In the

psychological evaluation that Mr. Anderson completed on Father on June 23, 2014, Mr. Anderson stated though Father wants to resume custody of his children, Mr. Anderson did not feel Father currently had the necessary skills to care for his child.

At the time of the scheduled hearing on the Termination of Father's Parental Rights and Permanency Review Hearing on September 4, 2014, Father failed to appear. Father's counsel, Jerry Lynch, Esquire, advised the Court that he had a conversation with Father the day prior and that it was his understanding that Father would appear at the time of the hearing and voluntarily relinquish his parental rights of AMR to the Agency. Father's counsel further advised the Court that he had heard from Father and that Father was unable to get a ride to the Courthouse for the hearing. It should be noted that the Agency Caseworker appeared at Father's home in Bloomsburg, Columbia County, Pennsylvania, at 7:45 a.m. on the morning of the hearing and picked up Mother to bring her to the hearing. Father was apparently working somewhere else and was unable to get back to either his home or the Courthouse prior to the hearing. This hearing was originally scheduled to occur over two days on September 4 and September 5, 2014. The Court advised Father's counsel that testimony would be taken in regard to the involuntary termination of Father's parental rights. The Court would, however, refrain from entering a decision on the involuntary termination of Father's parental rights and allow Father the opportunity to appear at any time on September 5, 2014, to voluntarily relinquish his parental rights to the Agency.

Father's counsel was instructed that if Father wished to do this, that Father's counsel should contact the Court so that a time could be set for this to occur on September 5, 2014. Father failed to appear at any time on September 4 or 5, 2014, to voluntarily relinquish his parental rights to the Agency.

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 Father's Parental Rights, Father has demonstrated a settled purpose to relinquish his parental caring to the child and failed to perform parental duties on behalf of the child. The Agency filed a Petition to Involuntarily Terminate Father's Parental Rights on June 23, 2014. In the six months immediately prior to the Agency filing the Petition, Father was either incarcerated, receiving drug and alcohol treatment, or on the run from the law for a majority of the time. Father had only

sporadic visits with the child. During the entire time that AMR has been in care (approximately 19 months), Father has failed to work towards return of his daughter to him by working with the Agency to rectify those issues which led to the child's placement. The primary reasons which led to the child's placement included physical injury, instability in housing, and Father's drug and alcohol and mental health issues. Father has continued to be unstable throughout the entire time the child has been in placement, spending time in drug and alcohol rehab, incarceration, or on the run from a bench warrant. Additionally, Father was evicted from at least one residence and resided in two other residences during the time AMR has been in placement. Father has been given opportunities to address his drug and alcohol abuse issues and has failed to follow through with the services that have been provided both by the Agency and by his Probation Officer. AMR is approximately 19 months of age. She has been in care for 16 of the 19 months of her life. Father has failed to perform any parental duties on behalf of his daughter. Additionally, Father's statements to his counsel that he wished to voluntarily relinquish his parental rights to the Agency, in addition to Father's failure to appear at the hearing on the Involuntary Termination of his parental rights, or the additional opportunities the Court gave to Father to appear to voluntarily relinquish his parental rights, demonstrates to the Court that Father has demonstrated a settled purpose to relinquish his parental claim to AMR.

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 Father has failed demonstrated a settled purpose to relinquish his parental claim to his child and failed to

perform his 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 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

Father’s actions exemplify repeated incapacity and/or refusal to act resulting in the child being without essential parental care, control, or subsistence necessary for the

physical or mental well-being. Father has had inconsistent visitation with the child since her placement. The child entered placement at three months and is now 19 months old. Father has been in and out of prison several times since the child's birth due to his drug and alcohol use. Father is currently on the run from his Probation Officer and there is a Bench Warrant that has been issued for his arrest.

The Court finds by clear and convincing evidence that the Agency has fulfilled 23 Pa.C.S.A. §2511(a)(2) by demonstrating Father's repeated and continued incapacity, abuse, neglect or refusal and that such incapacity, abuse, neglect or refusal has caused the child to be without essential parental care, control or subsistence necessary for her 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, the Child has been removed from the parents' care since April of 2013, which at the time of the hearing to terminate Father's parental rights was approximately 19 months. The primary issues which led to the placement of AMR at three months of age was physical abuse of the child and instability of the parents. Throughout the 16 months that the child has been in care, Father has been unable to stabilize his residence, has had on-going drug and alcohol issues, and has been in and out of prison due to his drug use. Father has been unable to resolve any of the issues that led to the placement of the child in this case. Throughout the child's placement, the Father has been inconsistent with his visits with her, even when the visits were occurring in his own home. The child is not strongly bonded with Father and the child losing her relationship with him would not have any lasting negative impact on her.

AMR deserves permanency in her life. Terminating Father's rights will best serve the needs and welfare of the child. The Court finds by clear and convincing evidence that they Agency has fulfilled 23 Pa.C.S.A. §2511(a)(5) and (8) as the child has been

removed from the Father's care for 19 months, that the conditions which led to the original removal of the child still continue to exist to date, and that termination of Father's parental rights would best serve the needs and welfare of the child.

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 "Common sense dictates that courts considering termination must also consider whether the children are in a pre-adoptive home and whether they have a bond with their foster parents."

In re T.S.M., 71 A.3d 251, 268 (Pa. 2013)(citation omitted).

The Court does not find that terminating Father's parental rights would destroy an existing relationship that is necessary and beneficial to the child at this stage in her life. AMR has been in care since three months of age up until the current date where she is approximately 19 months of age. Throughout the time she has been in care, Father has had inconsistent visits with the child, at times going for several months without seeing her due to his incarceration or being on the run. The child does not have a strong bond with Father. AMR is closely bonded, however, with her resource parents whose care she has been in since she was three months of age. Due to her age and the time that she has been with her current resource parents, the resource family are the ones who have almost exclusively provided for the emotional and physical well-being of AMR for most of her life. AMR is closely bonded to her resource parents and as Mr. Anderson

stated, it would be traumatic and likely emotionally damaging to her to be removed from their care.

Conclusions of Law

1. The Court finds that the Agency has established by clear and convincing evidence that CR's parental rights should be involuntarily terminated pursuant to 23 Pa.C.S. §2511(a)(1, 2, 5 and 8).

2. The Court finds that the Agency has established by clear and convincing evidence that the developmental, physical and emotional needs and welfare of AMR will best be served by termination of CR'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. 6426**
:
AMR, :
:
a minor child, :

DECREE

AND NOW, this **23rd** day of **September, 2014**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of CR, held on September 4, 2014, it is hereby ORDERED and DECREED:

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