

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

IN RE:	:	NO. 6433
	:	
ADOPTION OF	:	
ALT and	:	
ANT,	:	
Minor children	:	

OPINION AND ORDER

AND NOW, this 29th day of **December, 2014**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of CT ("Mother"), and ST ("Father"), filed on September 16, 2014. A hearing on the Petition to Involuntary Terminate Mother's and Father's Parental Rights was held on December 5, 2014. Charles Greevy, Esquire, Solicitor for the Agency, Don Martino, Esquire, counsel for Mother, Jeffrey Frankenburger, Esquire, counsel for Father, and John Pietrovito, Esquire, Guardian Ad Litem, were present at the hearing. Father was also present. Mother failed to appear, though the Court finds that she was properly notified of the hearing and the Agency offered to help Mother with transportation to the hearing.

Prior to the commencement of testimony, Father's counsel advised the Court that Father wished to voluntarily relinquish his parental rights of his daughters to the Agency. The Court conducted a colloquy of the Father in the presence of his counsel regarding his desire to voluntarily relinquish his children to the Agency. After conclusion of the colloquy, the Court accepted the Father's voluntary relinquishment of his children to the

Agency as knowing and voluntary, and thereafter entered an Order voluntarily terminating Father's parental rights.

Also prior to the commencement of testimony, Mother's counsel requested a continuance of the Termination of Parental Rights Hearing on behalf of Mother. Mother advised her counsel that she could not appear for the hearing on December 5, 2014 as she was scheduled to undergo a C-Section on December 6, 2014. Mother did not provide her counsel with any explanation as to why she could not appear at today's hearing when her medical procedure is scheduled for the next day. The Court notes that Mother resides in Philadelphia which is approximately a four hour drive from Lycoming County, Pennsylvania. Mother's counsel advised that Mother had made him aware of the alleged C-Section several weeks prior, and that he had requested she submit to him verification of her medical procedure so that he could submit a formal continuance request to the Court. Mother never provided her counsel with verification of her scheduled medical procedure. Mother's counsel spoke with her several days prior to the date of the scheduled hearing and, again, requested that she provide verification of her medical procedure so that it could be submitted to the Court for consideration with a continuance request. As of the time of the hearing, Mother had failed to provide her counsel with any type of verification of her medical procedure which was alleged to be scheduled the following day. The Court notes that this matter has been scheduled for a hearing since the time of the Pre-Trial held on October 1, 2014. This hearing was scheduled for two full Court days. The Court notes that there is also an outstanding Bench Warrant for Mother's arrest in Lycoming County, Pennsylvania.

In light of the fact that the Petition for Involuntary Termination of Parental Rights has been scheduled for approximately 6 weeks, that two entire Court days have been set aside for purposes of the hearing, and that Mother has failed to provide any written verification of her alleged medical procedure, or any explanation as to why a procedure scheduled the following day would have prohibited Mother from traveling to the Court hearing today, the Court denied Mother's request for a continuance.

Findings of Facts

ANT is six years old having been born on July 7, 2008. ALT is four years old having been born on October 4, 2010. They are the daughters of CT, born December 16, 1987, and ST, born February 2, 1988. Mother currently resides in the Philadelphia, Pennsylvania, area with a last known address of 4844 North Bouvier Street, Philadelphia, Pennsylvania 19141. Father currently resides at the Lycoming County Prison, 277 West Third Street, Williamsport, Pennsylvania 17701. Father is scheduled for sentencing on January 27, 2015 on several counts, the more serious of which is criminal attempt to commit homicide. It is anticipated that Father will be sentenced to State Prison.

A Petition for Dependency was filed on behalf of both children by the Agency on November 9, 2012. A Dependency Hearing was held on November 27, 2012, at which time the Court found both ALT and ANT to be dependent children. The Court found that Mother had voluntarily placed the children in the Agency's care on November 1, 2012. She was homeless at that time due to being discharged from Family Promise for failure to follow the program rules and guidelines. Mother also appeared at the Williamsport

Emergency Room on that date to have her mental health evaluated because she was hearing voices and was paranoid. Mother did not follow through with the recommended treatment of the hospital and left against medical advice. The children were placed together in a resource home. At the time of the Dependency Hearing, no kinship resources had been identified. The Maternal Grandmother who lives in Philadelphia already had custody of another one of Mother's children and was not in a position to take custody of ALT and ANT. Father was arrested in June, 2011, for attempted homicide. He was incarcerated in Lycoming County Prison from the time the children were found to be dependent until the time he voluntarily relinquished his parental rights to the Agency.

A Permanency Review Hearing was held on February 19, 2013. At that time, the Court reaffirmed dependency of both children. The Court found that during this review period, Mother relocated to the Philadelphia area and was residing with her cousin. Mother indicated she had a room of her own and had room available for the children. The Court requested the Agency to conduct a home study of the home in which Mother was residing to determine the appropriateness for the children to spend time in that home. The Court ordered that Mother undergo and receive mental health treatment as this was one of the primary issues which lead to the children's placement. The Court also ordered the Agency to assure that Mother was able to have visitation with the children by providing her with transportation to Lycoming County in order to effectuate the visits. The Court advised mother it would be up to her to take advantage of the opportunities and make the trip to Lycoming County for her visits to occur.

A Permanency Review Hearing was held on May 3, 2013. Dependency of both children was reaffirmed. Mother continued to lack acceptable housing. The home that she had relocated to in Philadelphia with family was public housing and did not have adequate accommodations for the children. Outreach Services were discontinued due to Mother's relocation to Philadelphia. Mother obtained employment; however, she failed to address her mental health issues. Mother attended only 2 of 23 visits during the review period. The Agency did provide Mother with bus tickets to assist with her transportation to Lycoming County for the visits. The Court stressed to Mother how important it is to visit with the children so that she could maintain a bond with them. Mother was speaking with the children two times per week. The current resource home where the children reside is not a permanent resource option for the children. The Agency is directed to look at other permanent resources for the children including Mother's sister whom Mother suggested.

A Permanency Review Hearing was held on August 6, 2013. Dependency of both children was reaffirmed. The Court found that Mother had not completed any of the mandates of the Family Service Plan except with the possible exception that she had found employment. Housing continues to remain a concern for Mother, as well as the status of Mother's mental health treatment. The Court found that Mother's visitation has been substandard during this review period. Mother was cautioned by the Court that nine months had elapsed since the time of the removal of the children and that she stands in jeopardy of a termination proceeding. The Court did note that Mother appears to be cooperative. The Agency agreed to investigate a number of family resources and

there was currently investigations underway. Thus far there had been impediments with each family resource that had been named by Mother.

A Permanency Review Hearing was held on November 1, 2013. Dependency of both children was reaffirmed. Mother failed to attend the review hearing or participate by telephone despite the fact that she advised both her counsel and her caseworker that she would be attending. Mother's counsel did attempt to contact her by phone prior to the commencement of the hearing. During this review period, Mother only attended three visits. She canceled two visits and no-showed 21 times. The Agency does provide money for gas or for the bus for Mother for transportation and has secured overnight housing for her if she wished to take advantage of it. Mother did not write any letters to the children and had infrequent telephone calls. The calls are initiated by the children based upon the phone numbers Mother provides. Mother provided six different telephone numbers to the Agency during the six weeks prior to the review hearing. Mother lost her employment on July 31, 2013. She has been offered other employment as a CNA contingent upon a drug screening and background check. Mother missed an intake for mental health services at Northeastern Center for Behavioral Health. Mother had several cancelations though the Agency believed she may have met with a psychologist recently. The outcome of this appointment is unknown. Mother's housing continues to be a significant concern. On August 6, 2013, Mother was living at 2205 North 13th Street, Philadelphia, which was a private home. Mother then advised her caseworker that she had obtained new housing at 1222 North 10th Street in Philadelphia. The caseworker went to the new residence for a scheduled visit on

October 30, 2013. Mother was not present. One of Mother's friends showed the caseworker the apartment which appeared to be public housing. The friend advised the caseworker that Mother was living there temporarily. The caseworker left the telephone number and Mother did call her back 15 minutes after she had left the home. Mother advised the caseworker that the friend was actually her landlord and it was not public housing. The Agency caseworker thereafter confirmed that it was public housing. Mother's friend then called the caseworker back several days later and advised that she was the landlord and that it was private housing. The children's current resource home is not a permanent placement. Father's sister withdrew her request to be a resource for the children. The maternal aunt, Ms.M, was denied as a resource. The children continue to do well in the current resource home.

On December 5, 2013, the Agency filed a motion for modification of the children's placement. The reason for the change of placement was due to the fact that the current resource home where the children reside was not a permanent resource for the children. The Court issued an Order on December 17, 2013, granting the modification of placement.

On February 4, 2014, a Permanency Review Hearing was held. Dependency of both children was reaffirmed. During the review period, Mother's employment continued to be unstable. In December, 2013, she advised the Agency she was working full-time at Rose View Center Nursing Home in Williamsport, Pennsylvania, and then later told staff she was only working as needed on weekends. In January, 2014, Mother reported being hired part-time at Kramm's Nursing Home and was scheduled to begin orientation

on January 14, 2014. Mother's housing also continued to be unstable during the review period as she resided in several locations until January 2, 2014, at which time she obtained Section 8 housing in West Milton, Pennsylvania. Mother attended 18 out of 32 visits during the review period. She canceled 7 visits and no-showed for 7 visits. On two occasions, she ended visits early and on two occasions, she advised the Agency that she would attend the visits which caused the children to be transported to the visitation for the visits and then Mother failed to appear. This caused ANT to be visibly upset. Mother did attend a mental health intake at North East Community Center in Philadelphia, Pennsylvania. The intake was based on Mother's self-reporting and no mental health services were recommended at the time. The children adjusted well to their new resource home. The Court ordered that compelling reasons existed against the filing of a petition to terminate parental rights and requested the matter be returned for review in sixty days.

On April 11, 2014, a Permanency Review Hearing was held. The dependency of both children was reaffirmed. During this review period, Mother did maintain Section 8 housing in Milton, Pennsylvania. There was, however, an issue with money owed to the landlord and when the Agency attempted to assist Mother, it was learned that Mother had given false information to Section 8 Union County Department of Public Welfare and her landlord. She had alleged that she had three children living with her full time when, in fact, she only had one child living with her. Mother's son, JM, who was residing with his Maternal Grandmother in Philadelphia, began living with Mother in Union County. Union County Children & Youth became involved with Mother due to the

fact that she was unable to provide proper care and control of JM. A dependency petition was filed regarding Mother's son JM. That hearing was pending at the time of this Court's review hearing. During the review period, Mother received three sets of criminal charges. Those charges are pending in Philadelphia for theft and forgery and for retail theft in Lycoming County. Mother is currently unemployed. Mother attended five out of twenty visits during the review period. She had not visited the children at all between February 19, 2014, and March 11, 2014. Mother no-showed for five visits and canceled ten visits. Though the children had been in care for 15 out of the last 20 months, the Court approved compelling reasons not to file an involuntary termination of parental rights petition primarily due to the unresolved criminal charges against Father and the uncertainty as to what would occur.

On June 20, 2014, the Agency filed a motion for modification of both children's placement. The current resource family for the children asked that the children be removed from their home due to personal issues. The Court granted the Agency's request for modification of the children's placement.

On July 14, 2014, a Permanency Review Hearing was held. The dependency of both children was reaffirmed by the Court. Mother did not appear at the time of the review hearing. The Court was made aware that there were several bench warrants issued against Mother in several counties. At the time of the review hearing, there were constables present to take Mother into custody for the outstanding bench warrants. Mother failed to have any visits with her children from June 23 until the date of the review hearing. Mother's visits during the review period were sporadic. She attended

13 out of 36 possible visits during the review period. Mother continues to be unemployed and during the review period, obtained two different jobs which she subsequently lost due to not showing up on days she was scheduled to work. Mother's son, JM, who was residing with her in Union County, was found to be a dependent child by Union County Children & Youth and was placed in the custody of Union County Children & Youth Services. The Court denied the Agency's request to find that compelling reasons exist not to proceed to terminate. The Court found that it was necessary for both children to obtain permanency as both children had been in care for almost two years. The Court, therefore, directed the Agency to file a petition for termination of parental rights.

On September 16, 2014, the Agency filed a Petition to Involuntarily Terminate the Parental Rights of both Mother and Father in regard to ANT and ALT.

On October 1, 2014, a Pre-Trial Conference was held regarding the Petition to Involuntarily Terminate Mother's Parental Rights.

On October 6, 2014, a Permanency Review Hearing was held. The dependency of both children was reaffirmed. Mother failed to appear at the review hearing. Mother does keep in contact with her caseworker by contacting her two to three times per month. Despite the Agency arranging for Mother to have bus passes and accommodations to appear at both the Pre-Trial and today's hearing, Mother has failed to appear. Additionally, Mother has not had any contact with the children since June, 2014. There are bench warrants outstanding for Mother in both Lycoming and Union Counties. Mother is also facing sentencing in Philadelphia on October 22, 2014.

At the time of the hearing on the termination of parental rights on December 5, 2014, the resource mother testified indicating that the girls are doing well in her home. Both girls have been in her care since June 23, 2014. The current resource home is a permanent resource for the children. Additionally, ANT and ALT's half-brother, JM, who was found to be a dependent child in Union County, is placed in the same resource home.

Bruce Anderson, a licensed psychologist, conducted a bonding assessment. Mr. Anderson had met in the past with Mother, as well as the resource parents. Mr. Anderson found that both girls were bonded tightly to the resource parents and both girls made it very clear that they wished to be adopted by their resource parents, but only if their half-brother, JM, could continue to live with them. Mr. Anderson observed that both girls were comfortable in the presence of their Mother, and it was clear that they still cared about their Mother. Mr. Anderson testified that since the children have been out of their Mother's care for so long, the bond they had with their Mother had decreased in intensity due to the infrequency of visits. Both girls view their resource parents as permanent. Mr. Anderson found that it would not be traumatizing to the children if they stopped having contact with their Mother. Mr. Anderson did find that it would be detrimental to both children if they were separated from their resource parents and their half-brother. He testified that another loss to the children would result in negative long-term impact on the children.

Amy Benfer, a Caseworker from Union County Children & Youth, also testified. She is JM's caseworker in Union County. She advised the Court that there is a

termination of parental rights hearing which would be held the following week in Union County in regard to JM. Mother's last contact with JM was May 2, 2014. The current resource home for both girls is also a permanent resource for their half-brother, JM.

Marleni Feinstein, the Susquehanna Valley CASA Volunteer, also testified. In addition to being a CASA volunteer for both ANT and ALT, she is also the CASA volunteer for JM in Union County. Ms. Feinstein testified that the girls are well adjusted and have made the transition into their current resource home very well. Both girls enjoy the regular family life that they have in their resource home.

Crystal Minnier of Lycoming County Children & Youth Services, the girls current Caseworker, also testified. Ms. Minnier testified that throughout the time the children have been in care, Mother's visits with the children have been inconsistent. Mother has, however, kept in regular contact with Ms. Minnier more than many other parents that she has dealt with. Ms. Minnier testified that despite having a good relationship with Mother and having frequent contact with her, she was unable to elicit any change with Mother to help her achieve reunification with her children. Ms. Minnier testified that the last visit Mother had with her daughters was June 7, 2014. Ms. Minnier testified that Mother did request a visit prior to Thanksgiving; however, the time that Mother requested was not able to be arranged and Mother was offered a visitation for the following day. Mother did not appear at that visit. Ms. Minnier contacted Mother the Monday prior to the hearing on the termination of parental rights to confirm that there was a ticket for Mother at the bus station in Philadelphia if she wished to come for the hearing. Mother did not pick up the ticket or attend the hearing.

Ms. Minnier consistently advised Mother it was important that she maintain regular visits with her children. She stressed to Mother the fact that consistency was important because when she went for long stretches without seeing her children, she basically would have to start over working on her relationship with them. Mother's last face-to-face visit with the children was June 7, 2014. Since that time, she has had no direct communication at all with the girls.

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 Mother's parental rights, the Agency must prove by clear and convincing evidence one of the above subsections of 23 Pa.C.S.A. §2511(a).

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: B.N.M., 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's filing of the Petition to Terminate Mother's parental rights, Mother has failed to perform parental duties on behalf of the children. Mother has had sporadic, inconsistent visitation with the children during the entire time that they have been in placement. Since June 7, 2014, until the date of the hearing on the Petition to Involuntarily Terminate Mother's Parental Rights on December 5, 2014, Mother has not had any contact with the children, nor has she attempted to contact the children. Though Mother has had frequent contact with her caseworker the entire time that her children have been in care, Mother has done very little to work towards reunification with her

children. Mother's housing and employment continue to be unstable and Mother has done nothing to address her mental health issues.

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) in that Mother has 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 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 a repeated incapacity and/or refusal to act resulting in her children being without essential parental care, control or subsistence necessary for their physical or mental well-being. Mother has failed to perform parental duties on behalf of her children. The Court does not find that Mother’s sporadic visits with the child sufficient to overcome her duty to perform parental duties. Mother has, in no way, shown that she was willing to make diligent efforts towards the reasonable prompt assumption of full parental responsibilities.

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 repeated and continued incapacity, abuse, neglect or refusal and that such incapacity, abuse, neglect and refusal has caused the children to be without essential parental control or subsistence necessary for their physical and mental well-being.

“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, ALT and ANT have been removed from the care of Mother for over two years. At the time of placement, ALT was 3 years old and ANT was 13 months old. The children were voluntarily placed in the Agency’s care by Mother due to her being homeless. Additionally, Mother was suffering from mental health issues. On the same date that she voluntarily placed the children in the Agency’s care, Mother reported to the Williamsport Hospital for mental health issues including hearing voices and paranoia. Mother left the hospital against medical advice. Those issues which initially led to Mother

placing the children in the Agency's care, still exist. Mother continues to have unstable housing, as well as unstable employment. Additionally, there has been nothing which indicates that Mother has received any treatment for her mental health issues. Though Mother has kept in regular and consistent contact with her caseworker, Mother has done absolutely nothing to work towards reunification with her children through the Agency. Based upon her past history, the Court holds no confidence in Mother that she will be able to maintain suitable housing or employment. Mother now also apparently has another child to care for. The Court also has no confidence that Mother will address her mental health issues. ALT and ANT deserve permanency in their lives. Terminating Mother's parental rights will best serve the needs and welfare of both children.

The Court finds by clear and convincing evidence the Agency has fulfilled 23 Pa.C.S.A. §2511(a)(5) and (8) as the children have been removed from Mother's care for 25 months, that the conditions which led to the original removal of the children still continues to exist to date, and the termination of the 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 conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition.

The Court must 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 1202. 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. 674, 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* dimension 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 dimension. Continuity of relationships 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 children’s needs and welfare, must examine the status of the natural parental bond to consider whether terminating the natural parents’ rights would destroy something in existence that is necessary and beneficial.

In the Interest of C.S., *supra*, at 1202 (citations omitted).

In the present case, a formal bond assessment was conducted by Licensed Psychologist, Bruce Anderson. Mr. Anderson found that while there was a bond between the Mother and the children, that the children were more

tightly bonded with their current resource parents. Additionally, both girls made it very clear that they wanted to be adopted by their resource parents and also wanted their half-brother, JM, to be adopted. The girls appeared to be comfortable with their Mother; however, as Mr. Anderson stated, the bond between the Mother and her daughters decreased in intensity over time due to the sporadic contact that Mother had with the children. Both girls view their resource parents as their permanent home. Mr. Anderson found that it would not be detrimental to the girls if the relationship with their Mother was terminated at this time; however, he found it would be detrimental to both girls if their relationship with the resource parents was severed. Mr. Anderson has significant concern that if the girls suffered another loss by being separated from the resource parents, that there may be a negative long-term impact upon both girls.

ANT and ALT are clearly most bonded with the resource parents. Both girls have been out of their Mother's care in excess of two years. Both girls' primary source of love, comfort, security and closeness comes from their current resource parents whom they are closely bonded to. Terminating Mother's parental rights would not destroy an existing relationship that is necessary and beneficial to both ANT and ALT.

Conclusions of Law

1. The Court finds that the Agency has established by clear and convincing evidence that CT'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 ANT and ALT will best be served by termination of CT'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. 6433
	:	
ADOPTION OF	:	
ALT and	:	
ANT,	:	
Minor children	:	

DECREE

AND NOW, this 29th day of **December, 2014**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of CT, held on December 5, 2014, it is hereby ORDERED and DECREED:

- (1) That the parental rights of CT 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 parents.

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