

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

**IN RE:** : **NO. 6433**  
:   
**DH-W,** :   
:   
**Minor child** :   
:

**OPINION AND ORDER**

**AND NOW**, this 21<sup>st</sup> day of **June, 2015**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of SH ("Mother"), and JS, Jr. ("Father"), filed on March 24, 2015. A hearing on the Petition to Involuntary Terminate Mother's and Father's Parental Rights was held on May 11, 2015, and May 13, 2015. Charles Greevy, Esquire, Solicitor for the Agency, Julian Allatt, Esquire, counsel for Father, Ravi Marfatia, Esquire, counsel for Mother, and John Pietrovito, Esquire, Guardian Ad Litem, were present at the hearing. Father and Mother both appeared at the hearing.

**Findings of Facts**

DH-W is one year old having been born on February 5, 2014. DH-W is the natural son of SH, hereinafter Mother, born March 14, 1983, and JS, Jr., hereinafter Father, born December 26, 1984. Mother is currently serving a sentence in the State Correctional Institute at Muncy. Father currently resides at 1656 Andrews Place, Rear Apartment, Williamsport, Pennsylvania. At the time of DH-W's birth, Mother was married to WH. A subsequent paternity action revealed JS, Jr., was the natural father of DH-W. WH has executed a voluntary relinquishment of parental rights. A Petition to Confirm

Consent of the termination of parental rights of WH was separately heard and granted by the Court.

The Court entered an Order from Emergency Protective Custody on February 6, 2014. The allegations which led to emergency protective custody centered around Mother's past agency involvement, including the termination of parental rights of four of her children, Mother's criminal Sentencing Order prohibiting her from caring for children, and the fact that the alleged biological father, JS, Jr., was under the supervision of the Adult Probation Office. A Shelter Care Hearing was held February 7, 2014. At the time of the Shelter Care Hearing, the Court ordered JS, Jr., to undergo a paternity test to determine if he was the child's natural father. All parties waived the 10 day requirement of the Dependency Hearing.

The Child was adjudicated Dependent on March 10, 2014. At the time of the hearing, it was confirmed that JS, Jr., was the biological father. Mother and Father were living together at the time of the Dependency Hearing. Due to Mother's prior history of abuse and neglect, which led to the termination of parental rights as to four of her children, the Court determined the Child to be without proper parental care or control in Mother's care. The Court was concerned that the Child would be without proper parental care and control in Father's home. Specifically, the Court was concerned about Father meeting the Child's basic needs but felt those issues could resolve through coaching and learning parenting skills. The Court found that Father did not have the protective capacity to protect Child from Mother. Father candidly admitted to this fact. The Court was concerned with both parents' anger issues and inability to control their frustration. Father was strongly urged to cooperate with the Agency. The Court found

Aggravated Circumstances as to Mother. The Child remained placed in the kinship home.

A Permanency Review Hearing was held on April 1, 2014. At that time, the Court reaffirmed Dependency of the Child, and the Child remained in kinship care. The Court found that during this review period, Mother became incarcerated for assaulting Father. Mother's visits were suspended. The Court found Mother would be a grave threat to child if visitation were to continue. Father made moderate progress towards alleviating the circumstance which led to placement. Father was consistent in his visits and growing more comfortable with caring for his child. The Agency reported Father was cooperative and that they had seen considerable improvement. Father was ordered to work with Outreach Services to help with his financial and parenting responsibilities.

A Permanency Review Hearing was held on July 14, 2014. Dependency of the Child was reaffirmed, and the Child remained in kinship care. Mother remained incarcerated. The Court found Father made minimal progress toward alleviating the circumstances which necessitated placement. Father did attend almost all of his visits and provided appropriate and necessary items. Father continued to struggle with learning parenting skills and was making slow progress. The Court directed the Agency to work closely with Expectations for Women, the provider of Father's parenting classes. The Court was concerned with Father's reluctance to take Agency advice.

A Permanency Review Hearing was held on October 6, 2014. Dependency of the Child was reaffirmed, and the Child remained in kinship care. Mother continued to be incarcerated. Father continued in his same residence as the time of the initial proceedings, despite the financial difficulties of his sole income being that of Social

Security Disability. The Court found Father made significant gains during this review period. Father was working with the Agency Outreach Worker and Expectations for Women. The Court found Father was unable to care for Child on his own, especially as the Child's needs change. The Agency intended to increase Father's visitation and expand visits into his home, but the visits were to remain observed.

A Permanency Review Hearing was held on January 7, 2015. Dependency of the Child was reaffirmed, and the Child remained in kinship care. Mother remained incarcerated. The Court found that Father was minimally compliant in his effort to alleviate the circumstance which led to placement in that he remained unable to provide appropriate care for Child. The Court directed an evaluation to assess Father's readiness to assume responsibility for the Child. The Court notes that the issue was Father's inability to care for the Child.

On March 24, 2015, the Agency filed a Petition to Involuntarily Terminate the Parental Rights of both Mother and Father in regard to DH-W.

On April 8, 2015, a Pre-Trial Conference was held regarding the Petition to Involuntarily Terminate both parents' Parental Rights.

A Permanency Review Hearing was held on April 8, 2015. Dependency of the Child was reaffirmed, and the Child remained in kinship care. Mother remained incarcerated. Father continued to attend visits on a regular basis, attended counseling, and took his prescribed medicine. Father also resumed attending parenting classes at Expectations. The Court was unable to determine whether Father had made any progress in his ability to care for the Child on his own.

At the time of the hearing on the termination of parental rights on May 11, 2015, and May 13, 2015, the Agency presented testimony of Pam Burkholder, the Executive Director of Expectations for Women. She confirmed that Father and Mother both began working with Expectations in October of 2013, prior to Agency involvement. Father worked with Expectations from that time until November of 2014. Father restarted his work with Expectations in January of 2015. Father attends weekly classes. Father's attendance is consistent and he participates. Sometimes it has been necessary for him to repeat certain programs.

Corey Burkholder, Outreach worker for the Agency, testified regarding his involvement with Father whom he had been working with since June of 2014. Mr. Burkholder worked with father on community outreach, budgeting, and housing. Through his efforts, Mr. Burkholder tried to show Father the resources available at the local library. Father was not comfortable in the library environment and did not want to go anymore. Mr. Burkholder encouraged Father to seek out local food banks to meet his needs. Mr. Burkholder and Father worked on a budget in order for Father to obtain new housing on his limited SSI income. Father did not change residences throughout the Child's placement. Mr. Burkholder felt Father did not follow through with the housing information he was provided. Mr. Burkholder has observed Father with the Child. He described Father's need to have a routine, "by the clock", when caring for Child. He described Father as mildly aggressive with Child, and that he spoke to the child with language that was above Child's age. Father also displayed unrealistic expectations of Child. At one point, Father became angry with Mr. Burkholder and ceased working with Outreach.

Visitation Coordinator, Harvey Edwards, has been observing Father's visits with the Child since February 11, 2014. The visits occur three days per week and last four hours each visit. Prior to Mother's incarceration, Mother participated in supervised visitation. In the period of January, 2015, until May, 2015, Father attended 46 of 52 scheduled visits. Mr. Edwards observed that when visits began last year, Father just watched the Child. Mr. Edwards had to encourage Father to interact with Child. Mr. Edwards reported that Father still struggles to this date. Mr. Edwards continuously monitors Father because, at times, Father gets angry. Father gets irritated when Child does not listen to him. Father speaks in a harsh and elevated tone to Child. Mr. Edwards testified to a lack of progress in Father's ability to parent. He testified that Father cannot do things independently. Mr. Edwards described one specific occasion when Father failed to address the Child's unhappiness at a restaurant. Despite Mr. Edwards' prompts, Father continued eating, and Mr. Edwards was forced to pick up the Child and address his needs. In a separate incident, Father did not notice the Child was ill and had a fever. Mr. Edwards felt the Child was warm and intervened. The Child is always happy to be returned to his kinship care providers at the end of the visits with Father.

Crystal Minnier is the ongoing caseworker in this matter. Ms. Minnier was involved in the cases regarding Mother's other children. Ms. Minnier testified that Mother has had no contact with Child since she became incarcerated. Mother has written letters to Ms. Minnier regarding Child. Ms. Minnier testified that Father has maintained the same residence since prior to the Agency's involvement. Father and Mother began parenting classes with Expectations prior to Agency involvement.

Ms. Minnier encouraged Father to seek services for Intellectually Disabled. Father was not interested as he had those services in high school and did not see a need. Father does not wish to seek employment. Ms. Minnier believes Father has exhausted any resource available to him. Father is currently in individual counseling for anger management and medication compliant (pursuant to the terms of the Adult Probation Office). Despite diligent search efforts, family resources for Father have not been located.

Ms. Minnier has not seen progress in Father's ability to care for the child. Father continues to have the inappropriate expectation that his very young son knows what he is saying. Father's frustration and anger continues, and Agency staff is always present to intervene. For example, Father expects Child to remain still when told and believes the Child is deliberately disobeying him. Ms. Minnier believes Father loves his son. However, Ms. Minnier does not believe Father will ever be able to develop the skills necessary to care for child on a full time basis. Ms. Minnier described that, despite over a year of regular visits, she remains concerned the child will be harmed in Father's care.

In the Child's resource home, he resides with two of his siblings. Mother's rights had previously been terminated to the two siblings.

Bruce Anderson is a licensed psychologist who evaluated Father and testified at the time of the hearing. Mr. Anderson reported that Father has an intellectual limitation and low I.Q. Father is concrete in his thinking and able to comply with a simple instruction. Mr. Anderson found that Father is unable to comprehend the Child's developmental changes. Mr. Anderson found that Father would not be able to care for Child on his own. He also found that Child would not be safe with Father full time.

Further, Mr. Anderson testified that Father would never get to the point where he could provide full time care. Mr. Anderson found that while Father is strongly bonded to Child, Child is strongly bonded to the resource parents.

Judith Jones testified as Child's Court Appointed Special Advocate. Ms. Jones was present for at least ten visits with Child and Father and observed at those visits that Child lures Father into interacting with him, rather than Father engaging the interaction.

Both the Resource Parents testified to their relationship with Child and willingness to assume role of parent.

Loretta Clark, Father's Adult Probation Officer, confirmed that Father was on probation as a result of a sentence for two counts of aggravated assault. Father meets with the Probation Office every other month and has been compliant. Father is likely to remain on probation until 2017. Ms. Clark testified that the Adult Probation Office's conditions that Father attend counseling and remain on medication were to address his anger issues.

Father's attorney offered no evidence at the time of the hearing. Father did not testify.

Mother testified that she expects to be released in the summer of 2015 as she has already surpassed her minimum sentence date. Mother has completed a Violence Prevention Program . Mother does not wish for her rights to be terminated. Mother was not sure if the term of her sentence which required he not to care for children would remain a restriction after her release.



## **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 does not find that for a period of at least six months prior to the Agency’s filing of the Petition to Terminate Father’s Parental Rights, Father has failed to perform parental duties on behalf of the child. Father has had consistent visitation with the Child during the entire time that he has been in placement. Father has attended parenting classes at Expectations, has continued in counseling, and has remained medication compliant. Although at times Father’s relationship with the Agency has been strained, Father has continued to work with the Outreach Worker. Father has maintained his housing. Father has continued to use some of the community resources he learned of through Outreach. Father has had consistent contact with his caseworker. Father has participated in the evaluations requested by the Agency and the Court. Even though Father has refused intellectual disability services, Father has clearly worked to remedy the situation which led to the Child’s placement and towards reunification.

Father’s efforts as outlined above demonstrate that Father has not evidenced a settled purpose to relinquish parental claim.

The Court cannot find by clear and convincing evidence that the Agency has fulfilled the requirements of 23 Pa.C.S.A. §2511(a)(1) in that Father has not evidenced a settled purpose to relinquish parental claim and Father has not failed to perform his parental duties for at least six months prior to the filing of the termination petition.

Mother participated in supervised visitation with the Child prior to her incarceration. Once Mother became incarcerated, she participated in programs meant

to address her parenting needs and the Agency's safety concerns. Mother wrote to the Caseworker to ask about the Child. The Caseworker felt Mother did all she could do, in her situation, to perform her parental duties. Mother testified that she did not want her parental rights to be terminated. Mother has used the resources available to her to work towards reunification. Mother has not demonstrated a settled purpose to relinquish parental claim.

The Court cannot find 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 not evidenced a settled purpose to relinquish parental claim, and Mother has not 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 parents 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 repeated and continued incapacity to parent have clearly caused the Child to be without essential parental care. Initially, the Agency had to work with Father on the most basic of skills including feeding and diapering. Despite Father's limitations, he has made diligent efforts based upon his capabilities towards a prompt assumption of full parental responsibilities. Father has participated actively in the services offered to him. Father has slowly improved his parenting skills over time. Father's anger towards the Child has remained a concern of the Agency; however, no testimony was offered to suggest Father has acted on this anger beyond harsh or inappropriate words. Even when Father's relationship with Agency staff has become strained, he has continued to work with the Agency and, at times, followed their suggestions. The Agency suggests that it is Father's incapacity due to his intellectual deficiency that cause this situation to not be able to remedied. The Agency has not met its burden of clear and convincing evidence that Father's lack of parenting skills cannot or will not be remedied. Over time, Father has improved his parenting skills. Father continues in his efforts to learn about his Child's developmental needs through parenting classes. The Court is not convinced that Father could not, in time, remedy his parental deficiency and improve his understanding of and relationship with his Child. The Court is concerned that the amount of time needed for this to

occur could be substantial. Clearly, Father is not given an indefinite period to resume his parental duties and should be reasonably prompt. Although, in full compliance with the statute, this case has proceeded very quickly, leaving little valuable time for a first-time Father with intellectual difficulties and no family support to learn the skills necessary to resume full parental responsibility.

The Court does not find by clear and convincing evidence that the Agency has fulfilled 23 Pa.C.S.A. §2511(a)(2). The Agency has demonstrated that Father's repeated and continued incapacity, abuse, neglect or refusal and that such incapacity, abuse, neglect and refusal has caused the Child to be without essential parental control or subsistence necessary for their physical and mental well-being. However, the Agency has failed to meet the burden that the causes cannot or will not be remedied by Father.

The restriction placed upon Mother as a condition of her probation prohibiting Mother from caring for children, and Mother's subsequent incarceration have caused the Child to be without essential parental care. Mother's incapacity to parent has, in part, been beyond her direct control. The Court cannot find, however, that Mother would not remedy this situation and attempt to promptly resume parental duties upon her upcoming release from incarceration. Mother has participated in programming while incarcerated aimed at improving both her anger and parenting. Mother has maintained contact with the Agency. Mother desires to take on the role of parent.

The Court does not find by clear and convincing evidence that the Agency has fulfilled 23 Pa.C.S.A. §2511(a)(2). The Agency has demonstrated that

Mother's repeated and continued incapacity, abuse, neglect or refusal and that such incapacity, abuse, neglect and refusal has caused the child to be without essential parental control or subsistence necessary for their physical and mental well-being. However, the Agency has failed to meet the burden that the causes cannot or will not be remedied by Mother.

"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, DH-W has been removed from his parents care for approximately 16 months. At the time of placement, DH-W was just a few days old. The child was taken from Mother's custody due to her past criminal history against her own children and a condition of Mother's probation which prohibited her to have care of children. Father's paternity had not been established, and, in fact, Mother was legally married to someone else. Once paternity was established, Father's intellectual difficulties, as well as the fact that he continued to reside with Mother, led the Court to believe that Father could not meet the Child's basic needs and provide proper parental care and control. Those issues which initially led to the finding of dependency still exist. Mother continues to be unavailable to care for the Child due to her criminal conduct.

Father continues to not be able to meet his Child's basic needs without direct Agency intervention during his visits. Certainly, Father has improved his parenting skills. Father has learned to follow routines necessary for his young Child during his periods of visitation. However, DH-W, like all children, continues to develop and his needs change. Father is unable to keep up with these changes and adjust his parenting. Father does not recognize the needs of the Child, for instance determining whether the Child is hungry or not. Father's interactions with the Child are driven by the Child himself. Father's attorney has made a compelling argument, summarized in that Father basically has not been



given a chance throughout the course of the dependency case to take on full responsibility for the child. This argument fails, however, to negate the requirements of the statute. Throughout the case, this Court has found that the Agency has made reasonable efforts towards Father's reunification. The Court has also found at each review that Father was not able to take on full responsibility for the child. The statute requires the Court to consider permanency for the child. Father's willingness to parent does not alleviate the most basic concerns regarding his inability to meet the Child's needs.

Terminating both Mother's and Father's parental rights will best serve the needs and welfare of the child.

The Court finds by clear and convincing evidence the Agency has fulfilled 23 Pa.C.S.A. §2511(a)(5) and (8) as the Child has been removed from Mother's and Father's care for in excess of 15 months, that the conditions which led to the original removal of the child still continues to exist to date, and the termination of the 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 conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition.

Despite Father's consistent visitation and Father's bond with the Child, Child is strongly bonded with his resource family. Child has been in the resource family's care since his birth. Child's siblings are part of the resource family and take part in his care. Child's bond with the resource parents is demonstrated when child is happy to return to their care at the conclusion of Father's visitation. DH-W seeks comfort and reassurance from his resource family.

Mother and Child have no bond, although Mother has expressed a consistent interest in the well-being of DH-W.

Termination of both Mother's and Father's parental rights will not destroy an existing, necessary and beneficial relationship. Child has no bond with Mother. Child's bond with Father is negligible especially when compared to his bond with his resource family.

**Conclusions of Law**

1. The Court finds that the Agency has not established by clear and convincing evidence that SH's and JS, Jr.'s parental rights should be involuntarily terminated pursuant to 23 Pa.C.S. §2511(a)(1), (2),

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

3. The Court finds that the Agency has established by clear and convincing evidence that the developmental, physical and emotional needs and welfare of DH-W will best be served by termination of 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**  
:   
**DH-W,** :   
**Minor child** :

**DECREE**

**AND NOW**, this 22<sup>nd</sup> day of **June, 2015**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of SH and JS, Jr., held on May 11, 2015, and May 13, 2015, it is hereby ORDERED and DECREED:

- (1) That the parental rights of SH and JS, Jr., 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 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](http://www.adoptpakids.org/Forms.aspx) .

By the Court,

Joy Reynolds McCoy, Judge