

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

IN RE: : **NO. 6599**
: **DMW,** : **1917 MDA 2019**
: **minor child** :

DATE: December 19, 2019

**OPINION IN SUPPORT OF THE ORDER DOCKETED ON OCTOBER 31, 2019,
IN COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE
PROCEDURE**

CMW, (hereinafter "Appellant") has appealed this Court's Order docketed on October 31, 2019¹, following hearings held on July 2, 2019, September 24, 2019, and September 30, 2019, which granted AKF's request to involuntarily terminate his parental rights. Appellant filed his timely Notice of Appeal on November 22, 2019, and the appeal is docketed to 1917 MDA 2019.

As properly noted in Appellant's Notice of Appeal, this case has been designated a Children's Fast Track appeal, due to the fact that Appellant is appealing a termination of parental rights. **See Pa.R.A.P. 102.** Per the Rules of Appellate Procedure, Appellant was required to file and serve his Concise Statement of Errors Complained of on Appeal simultaneously with the Notice of Appeal. **See Pa.R.A.P. 905(a)(2) and 1925(a)(2).** Appellant did not file his Concise Statement simultaneously with the filing of his Notice of Appeal.

¹ An Amended Decree was entered on November 1, 2019, solely to correct a typographical error in the Decree attached to the Opinion and Order docketed on October 31, 2019.

Additionally, Appellant failed to properly request and pay for the pertinent trial court transcripts at the time of the filing of the Notice of Appeal.

See Pa.R.A.P. 1911. The Superior Court, by Order dated December 11, 2019, ordered Appellant to remedy these deficiencies by December 18, 2019.

Appellant's Concise Statement of Matters Complained of on Appeal was filed on December 18, 2019, and raises the following issues on appeal:

1. Whether the trial court abused its discretion by terminating Father's parental rights when Father remained the only consistent person in the child's life and continued to have a strong bond with the child.
2. Whether the trial court abused its discretion and/or committed an error of law by refusing to substitute the guardian ad litem when Appellant testified as to the prior sexual relationship between the Appellant and the guardian ad litem.

The Appellant prefaces the issues he raises on appeal by stating that the trial court's order provided *no explanation* for its determination, and therefore he identifies errors only in general terms. This Court emphatically disagrees with this assertion. Regarding Appellant's allegation that this Court abused its discretion by terminating Appellant's parental rights, this Court issued a 19 page Opinion and Order containing a procedural history, findings of fact, and a lengthy discussion to support its conclusions of law. Regarding Appellant's allegation that this Court abused its discretion and/or committed an error of law when it denied Appellant's request to substitute the Guardian Ad Litem, *for a second time*, this

Court issued an Order docketed on September 26, 2019, detailing its reasons for the denial. Appellant's assertion that this Court has provided no explanation for its decisions in this case is patently false.

Additionally, Appellant's Concise Statement indicates that the Appellant anticipates requesting to amend the statement upon receipt of this Court's Pa.R.A.P. 1925(a) opinion. Unfortunately, as a result of Appellant's failure to follow Pa.R.A.P. 905(a)(2) and 1925(a)(2) and file his Concise Statement of Errors Complained of on Appeal with the Notice of Appeal, this Court did not receive Appellant's Concise Statement until a mere 5 days before the official record is due to the Superior Court. This Court would also note that as of the close of business on December 18, 2019, Appellant had failed to request and pay for the transcripts of the hearings held in this matter as directed by the Superior Court's December 11, 2019, order. This significantly impedes the trial court's ability to render an opinion pursuant to Pa.R.A.P. 1935(a). Nevertheless, this Court's Order docketed on September 26, 2019, regarding Appellant's request to substitute the Guardian Ad Litem, and the Opinion and Order docketed on October 31, 2019, regarding the involuntary termination of Appellant's parental rights, are a comprehensive analysis of the matter before the Court and the Court's reasons for its determinations. Therefore, the Court would rely on those Orders for purposes of this appeal.

This Court respectfully requests that Appellant's appeal be denied and the Decree docketed October 31, 2019, and amended on November 1, 2019, terminating Appellant's parental rights be affirmed.

BY THE COURT,

Joy Reynolds McCoy, Judge