

May 29, 2020. The hearing was held as scheduled on June 30, 2020. LEW, LCWS, appeared with Michael Collins, Esquire, on behalf of the proposed adoptive parents. MA, the biological father, failed to appear.

Finding of Facts

1. LPK (“Child”) was born on May 10, 2019.
2. The Child’s biological mother is MNK (“Mother”).
3. The Child’s biological father is MA (“Father”).
4. At the time of the Child’s birth, Mother and Father were not married.

Mother has never been married.

5. Prior to the Child’s birth, Mother had no prenatal care. When she delivered the Child and expressed an intent to enter into a private adoption, the hospital contacted Lycoming County Children & Youth.

6. A Lycoming County Children & Youth caseworker contacted LEW, LCSW, shortly after the Child’s birth to make an adoption plan for the Child.

7. Father was notified by Mother of the Child’s birth on the date of the birth and he informed her that he had no interest in the Child and explicitly told Mother to never contact him again.

8. Mother contacted Father’s roommate, who told Mother that Father had abruptly packed his bags and moved out of the apartment they shared, and that he had no knowledge of where he went.

9. Mother made several additional attempts to contact Father before receiving a message on May 29, 2019, that Father’s number had been disconnected.

10. The Child was placed in the care of DM and SM (“Proposed Adoptive Parents”) on May 14, 2019, by the Eckels Adoption Agency.

11. A Report of Intent to Adopt was filed on June 3, 2019.
12. A Report of Intermediary was filed on December 10, 2019.
13. As Father's whereabouts are unknown, he was served with a copy of the Notice of the pre-trial hearing on the Petition for Involuntary Termination of Parental Rights by publication on January 31, 2020.
14. Father did not attend the pre-trial conference on February 14, 2020.
15. Father was again served on May 29, 2020, by publication with notice of the hearing on the Petition for Involuntary Termination of Parental Rights. Father did not appear for the hearing on June 30, 2020.
16. Neither LEW, LCSW, nor Michael Collins, Esquire, have had any contact from Father during the pendency of this matter.
17. Mother has had no contact from Father since the Child's birth.
18. The Child is developmentally on target and is well loved and cared for by the proposed adoptive parents, extended family, and friends.

Discussion

The basis for termination of Father's parental rights lies in 23 Pa.C.S. §2511(a)(6), 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:

...

(6) In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four month period to provide substantial financial support for the child.

. . .

In the present case, Father and Mother were in a very short term relationship. Mother had no prenatal care and arrived at the hospital to deliver the Child with no formal plan but an intent to enter into a private adoption. The hospital contacted the Lycoming County Children & Youth Agency, and a caseworker subsequently contacted LEW, LCSW, to speak with Mother about an adoption plan. Mother reported to LEW that Father was aware of the pregnancy and the Child's birth, but indicated that he wanted no contact with the Child and no further contact with Mother. Shortly after being informed of the Child's birth, Father packed his bags and vacated his apartment, leaving no information about where he was going. Mother made several additional attempts to contact Father in the weeks after the Child's birth, before finally receiving a message on May 29, 2019, that Father's number had been disconnected. Father failed to utilize the court system to establish and enforce his custody rights and his conversation with Mother and his behavior evidence the fact that he has no interest in doing so and, as such, there was no substantial and continuing contact with the Child. Father has provided no financial support for the Child since his birth. Father has never even met the Child.

This Court is satisfied that LEW, LCSW, on behalf of the proposed adoptive parents, has established by clear and convincing evidence that for a period of four months prior to the filing of the Petition for Involuntary Termination of Parental Rights, Father made absolutely no effort to maintain substantial and continuing contact with the Child, nor did he financially support the Child in any way. As the statutory grounds for

termination under 23 Pa.C.S. §2511(a)(6) have been met, the Court must next 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)).

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, termination of Father’s rights would not destroy an existing necessary and beneficial relationship as the Child was placed with the proposed

adoptive parents upon his discharge from the hospital as part of an adoption plan. The proposed adoptive parents have been providing for the Child's physical, developmental, and emotional needs since his birth. They are the only parents the Child has known and he is already an integral part of their bonded family unit.

The Court is satisfied that the proposed adoptive parents understand the rights and obligations associated with adopting the Child, and that termination of Father's parental rights is in the best interest of the Child.

Conclusions of Law

1. The Court finds that LEW, LCSW, on behalf of the proposed adoptive parents, has established by clear and convincing evidence that MA's parental rights to LPK should be involuntarily terminated pursuant to 23 Pa.C.S. §2511(a)(6).

2. The Court finds that LEW, LCSW, on behalf of the proposed adoptive parents has established by clear and convincing evidence that the developmental, physical and emotional needs and welfare of LPK will best be served by termination of MA's parental rights.

Accordingly, the Court will enter the attached Decree.

By the Court,

Joy Reynolds McCoy, Judge

Department of Human Services
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