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

IN RE ADOPTION OF: : NO. 6647

:

LPK, :

minor child :

#### **OPINION AND ORDER**

AND NOW, this 30<sup>th</sup> day of June, 2020, before the Court is a Petition for Involuntary Termination of Parental Rights filed by LEW, LCSW, on behalf of the Eckels Adoption Agency, on January 2, 2020. Said petition is with regard to the parental rights to LPK, born May 10, 2019. LEW seeks to terminate the parental rights of the child's biological father, MA, as a prerequisite to having the child adopted by her clients. MNK, the child's biological mother, signed a consent to adopt on May 16, 2019. A pre-trial conference on the Petition was held on February 14, 2020, and MA did not appear, despite being served with a copy of the Petition for Involuntary Termination of Parental Rights and notice of the time, date, and location of the pre-trial conference. Service was made by publication in both the Lycoming Reporter and the Williamsport Sun-Gazette on January 31, 2020. Following the pre-trial conference, an Order was entered scheduling a hearing on the Petition for Involuntary Termination of Parental Rights for March 27, 2020. On March 22, 2020, as a result of the Pennsylvania Supreme Court Order issued on March 18, 2020, closing the courts to the public for non-essential functions, the hearing on the Petition for Involuntary Termination of Parental Rights was continued until June 30, 2020. Notice of the time, date, and location of the hearing was re-published in the Williamsport Sun-Gazette and the Lycoming Reporter on

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

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#### **DECREE**

**AND NOW,** this **30**<sup>th</sup> day of **June**, **2020**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of MA held on June 30, 2020, it is hereby ORDERED and DECREED:

- (1) That the parental rights of MA be, and hereby are, terminated as to LPK;
- (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 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