

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

**IN RE:** : **NO. 6678**  
:   
**MD,** :   
:   
**Minor child** :   
:

**OPINION AND ORDER**

**AND NOW**, this 19<sup>th</sup> day of **August, 2020**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of GF ("Father") filed on December 30, 2019, with regard to MD ("Child"). A hearing on the Petition for Involuntary Termination of Parental Rights was held on July 28, 2020. Father was present and represented by W. Jeffrey Yates, Esquire. John Pietrovito, Esquire, Solicitor for the Agency, and Angela Lovecchio, Esquire, counsel for the Child, were also present at the hearing. LD ("Mother") signed a Consent to Adopt on July 23, 2019, and was not present at the hearing. Her counsel, Dance Drier, Esquire, did appear on her behalf and was subsequently excused from the proceeding.

**Findings of Facts**

MD was born on December 10, 2018. He is the child of GF, date of birth January 18, 1995, and LD, date of birth July 19, 1997. Mother and Father were not married at the time of the Child's birth.

The Child was placed in the emergency custody of the Agency on December 13, 2018, due to Mother's extensive mental health history and her inability to properly care for the Child in the hospital. At the time of the Child's birth, Father was incarcerated at the Lycoming County Pre-Release Center. (Ex. 1, 2). Following discharge from the

hospital, the Child was placed in the kinship care of the paternal grandmother, DF. A shelter care hearing was held on December 14, 2018, after which the Court found that allowing the Child to return to Mother's home would be contrary to the Child's welfare. Legal and physical custody remained with the Agency, and the Child remained in the kinship care of DF. (Ex. 4).

A Dependency Petition was filed on December 18, 2018, alleging that the Child was without proper parental care or control necessary for his physical, mental, and emotional health. (Ex. 5). A hearing was held on December 21, 2018, after which the Court found that clear and convincing evidence existed to substantiate the allegations set forth in the Petition. (Ex. 6). As the Court found that allowing the Child to remain in Mother's home would be contrary to his welfare and Father's incarceration precluded him from being a resource, legal and physical custody of the Child was to remain with the Agency and the Child was to remain the approved kinship home. Father was ordered to receive three visits per week upon his release from incarceration. (Ex. 6).

On February 11, 2019, the Agency filed an Emergency Motion for Modification of Placement, alleging that the Child had been removed from paternal grandmother's home due to her failure to meet the requirements under the resource parent guidelines. (Ex. 7). The Child was placed in the home of AB and AB on February 8, 2019, and the Court officially granted the Agency's request for the move on February 11, 2019. (Ex. 8).

A permanency review hearing was held on April 16, 2019. The Court noted that Father had only minimally complied with the permanency plan and had not been compliant with Agency services. Father had been released from the Pre-Release Center on January 2, 2019, and visitation was set up for three days a week at the Agency. On

February 2, 2019, Father requested that the Agency reduce the visits to two days per week due to his obligations associated with his participation in Drug Court, which required Father to attend the Partial Program at Crossroads Counseling and follow all Agency requirements. Father attended nine visits, no-showed one visit, and canceled four visits during this review period. Father completed the Partial Program but was incarcerated for a probation violation from March 13-19, 2019, for failure to meet Agency requirements. Father was re-incarcerated on April 1, 2019, for a Drug Court violation. The Court also found that Father had made minimal progress towards alleviating the circumstances which necessitated the Child's placement. Father had obtained his own housing but was evicted for non-payment. Father was referred for Outreach Services but attended only one appointment. Following the hearing, the Court reaffirmed dependency and the Child remained in the legal and physical custody of the Agency with continued placement in his foster care home. (Ex. 10).

A permanency review hearing was held on July 12, 2019. The Court found that there had been minimal compliance by Father with the permanency plan, and no progress towards alleviating the circumstances which necessitated placement. Father had not been cooperative with Agency services, including Outreach services which were closed due to his failure to cooperate. Father was released from incarceration on April 29, 2019, but again violated his probation and was re-sentenced to a 60 day evaluation at SCI Camp Hill. Prior to his incarceration during this review period, Father had scheduled three visits, but only attended two. Father was difficult to reach by telephone and failed to maintain contact with the Agency. The Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in his current foster home (Ex. 12).

A permanency review hearing was held on October 15, 2019. The Court found that Father had moderate compliance with the permanency plan since his release from incarceration in August of 2019. During this review period, Father was attending counseling, participating in Drug Court, and attending visits regularly. Father lived with his mother during this review period. The Court found that Father had done very well under the Drug Court program and probation supervision, and maintained contact with the Agency. During this review period, Father was reopened with Outreach services and was consistently visiting with the Child. However, the Court noted that there was minimal progress toward alleviating the circumstances which necessitated placement in that Father did not have stable housing or employment. The Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in his current foster home (Ex. 14).

The Agency filed a Petition for Involuntary Termination of Parental Rights on December 30, 2019. The Petition for Involuntary Termination alleged termination was warranted under 23 Pa.C.S. §2511(a)(1), (2), (5), and (8). The hearing on the Petition was originally scheduled for March 24, 2020, but was continued until May 1, 2020, and again until July 28, 2020, due to the Order issued by the Supreme Court of Pennsylvania declaring a judicial emergency.

A permanency review hearing was held on January 21, 2020. Father was incarcerated and did not attend the hearing. The Court found that there had been no compliance with the permanency plan, in that Father was arrested on new charges and incarcerated. Prior to his incarceration, Father was not regularly attending visits in this review period. Although the Court found that Father had demonstrated a loving and caring relationship with the Child, he had made little to no progress towards alleviating

the circumstances which necessitated the original placement given that he struggled with organization and follow through when not given direction. The Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in his current foster home. (Ex. 41).

A permanency review hearing was held on May 15, 2020. The Court found that there had been no compliance with the permanency plan, in that Father remained incarcerated. Father participated in visits while he was incarcerated prior to February 12, 2020, but Father did not contact the Agency to arrange for visits from February 12, 2020, when he was released from incarceration, to March 9, 2020, when he was reincarcerated. The Agency and the prison began the process to restart Father's visits with the Child when Father obtained the necessary behavior level at the prison; however, Father was unable to achieve said level prior to the COVID-19 pandemic, which ended the availability of visits through the remainder of the review period. Father entered in-patient rehab on February 20, 2020, but refused to sign a release for the Agency or his probation officer to obtain information about his treatment. Father was "kicked out" of rehab and reincarcerated on March 9, 2020. Although Father continued to advocate for the Child to be reunited with him, the Court found that his actions and choices did not match his words. The Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in his current foster home, where he was found to be thriving. (Ex. 45).

The hearing on the Petition for Involuntary Termination of Parental Rights was held on July 28, 2020, and Father was present for the hearing. As noted above, Mother signed a Consent to Adopt on July 23, 2019.

### **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 Father's parental rights, the Agency must prove by clear and convincing evidence one of the above subsections of 23 Pa.C.S. §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, 872 A.2d 1200 (Pa. 2005) citing **In re: D.J.S.**, 737 A.2d 283, 286 (Pa. Super. 1999). While Father has been very vocal about his desire to maintain a place of importance in his Child's life and to have the Child returned to his custody, Father's actions have belied those statements. Claudia Perry, visitation caseworker for the Agency, testified that Father was at the Pre-Release Center when his visits began in December of 2018 and they got off to a rocky start with some cancelations and some no-shows. On January 7, 2019, Father's visits were increased to 3 times per week for 1 hour each visit. However, by February 4, 2019, Father requested that they be reduced due to his participation in Drug Court, the requirements of which were very time consuming. On February 6, 2019, Father's visits were reduced to three times every two weeks due to his Drug Court schedule. Ms. Perry testified that from February 26, 2019, through March 28, 2019, Father had a streak of 10 good visits with the Child but was eventually reincarcerated. From September 5, 2019, through November 14, 2019, Father attended 24 out of 26 possible visits before absconding from probation and eventually being incarcerated again. Father's last visit with the Child was on February 11, 2020. Although visits were unable to be offered during Father's incarceration in the spring of 2020 due to Covid-19 restrictions, Father did not maintain contact with the Agency or inquire about the Child during his incarceration. Furthermore, Ms. Perry testified that she met with Father on June 4, 2020, at the Pre-Release Center and made sure he knew to call her when he

was released so that he could resume visits. Neither Ms. Perry nor the caseworker received a call from Father after he was released on June 10, 2020.

Given the fact that Father had a very inconsistent visitation attendance, and he failed to maintain frequent and regular contact with the Agency, and failed to take advantage of all the resources offered to him to help him maintain a bond with the Child, this Court is satisfied that he has demonstrated a settled purpose of relinquishing parental claim to the Child. Additionally, grounds for termination under 23 Pa.C.S. 2511(a)(1) may also be proven where a parent fails to perform parental duties for a period in excess of six months prior to the filing of the Petition for Involuntary Termination of Parental Rights.

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). The Child was placed in foster care upon his discharge from the hospital after his birth. For the duration of his time in foster care, the Child's greatest needs have been food, shelter, clothing, medical care, and comfort. Thus, in order to satisfy his obligation to perform parental duties, Father would have to feed the Child when he was hungry, provide stable housing, make and attend medical appointments, provide financial support for the Child, and comfort him when he was sick or scared. Father was incarcerated at the time of the Child's birth and has been incarcerated on and off for the duration of the time the Child has been in placement. While incarcerated, Father has performed none of these duties and the Child has had to rely on his foster family to provide for all of his physical and emotional needs.

Even when Father was not incarcerated, he struggled with organization and motivation, which often resulted in missed visits. Although Father had two periods during which he regularly attended visits and began to form a bond with the Child, Ms. Perry testified that Father would eventually "disappear" for lengthy periods and the Child would look at him like a stranger when they started visits again. Although Ms. Perry found Father to be "affectionate and attentive" to the Child when he attended visits, this is insufficient to satisfy Father's obligation to perform parental duties and to establish and maintain a place of importance in the Child's life. Father demonstrated an unwillingness/inability to be organized and responsible enough to maintain contact with his caseworker in order to ensure that visits continued uninterrupted. Without these regular visits, Father was unable to consistently perform parental duties for the Child and establish and maintain a bond with the Child. The Court hereby finds by clear and convincing evidence that the Agency has fulfilled the requirements of

23 Pa.C.S. §2511(a)(1) in that Father has both evidenced a settled purpose to relinquish parental claim to the Child *and* failed to perform his 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 Father, 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).

For the duration of the dependency case, Father has maintained that he wants the Child to be returned to his custody and care. However, Father has been incarcerated on and off throughout the dependency case, and has not been able to make any progress towards reunification with the Child. Lucas Mahaffey,

Father's Adult Probation Officer, testified that Father initially spread himself too thin with all of his Drug Court and Agency commitments, and that Father struggled with organization. Multiple times, Father was incarcerated for probation violations or new charges, and he was discharged from Drug Court, kicked out of rehab, and ultimately resentenced to his max-out date when he was removed from the American Rescue Workers program after just three weeks.

Mr. Mahaffey testified that after a year and a half on probation, Father was back to square one.

“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., 851 A.2d 967, 977 (Pa.Super. 2004). Aimee Gatzke, Agency caseworker, testified regarding the goals established for Father in the service plan and the level of progress Father made towards achieving those goals. Regarding the need for safe and stable housing, Ms. Gatzke testified that Father struggled to maintain stable housing and - including his places of incarceration - Father provided her with eight different addresses since the dependency action was instituted. Father made no progress on the goal to have enough finances to support housing for himself and the Child and to provide for basic necessities such as food, clothing, and transportation. Father lost at least one job due to his incarceration and failed to provide Ms. Gatzke with verification of any other employment. Regarding the goal to address his drug and alcohol abuse concerns, Father did successfully complete the Partial Program through Crossroads Counseling. However, once

Father was referred to the intensive out-patient counseling, his attendance slowly decreased to the point where he was discharged. Father entered rehab at White Deer Run; but he did not sign a release authorizing Ms. Gatzke to receive information about his treatment. Mr. Mahaffey testified that Father is very susceptible to negative influences and progressed from using marijuana to experimenting with meth while he was absconding from probation. Mr. Mahaffey believes this Father's drug use will likely continue to be a problem in the future. With regard to the service plan goal of establishing/maintaining a bond with the Child, Ms. Gatzke testified that this would have been done through consistent visits, attending medical appointments, and communication with the Agency. As has been discussed previously, Father's attendance at visits was subpar and he never reached out to the Agency to inquire about the well-being of the Child. Father's inconsistency and lack of initiative prevented him from ever developing a bond with the Child.

Although Father wants custody of the Child returned to him and may say he is willing to work towards reunification, "[i]t is not enough that Father pledges to do more in the future. Once the Father has abandoned parental control through his own actions, it is not enough for him to "promise" to do better to *regain* parental control in the future." **In re: J.L.C and J.R.C.**, 837 A.2d 1247, 1249 (Pa.Super. 2003). Father's own actions led to his repeated incarcerations, inability to achieve stable housing and be financially responsible for meeting the Child's basic needs, and continued drug use. Given Father's past history and his repeated conduct, this Court finds that he will be unable to remedy his incapacities which have prevented him from being reunified with the Child. This

Court is unwilling to further delay the Child's permanency based on Father's intentions to be an appropriate resource for the Child in the future. The Court finds by clear and convincing evidence that the Agency has fulfilled 23 Pa.C.S. §2511(a)(2) by demonstrating Father's repeated and continued incapacity has caused the Child to be without essential parental control or subsistence necessary for his physical and mental well-being.

"Termination of parental rights under Pa.C.S. § 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. § 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). "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.

The Court finds that the Agency has proven by clear and convincing evidence that grounds for termination of Father’s parental rights exist under both Sections 2511(a)(5) and (8). The Child entered Agency custody upon his discharge from the hospital and was in Agency custody for over one year at the time of the filing of the Petition for Involuntary Termination of Parental Rights. At each of the permanency review hearings for the Child, Father was found to have minimal to no compliance with the permanency plan and made no progress towards alleviating the conditions which necessitated the Child’s placement. As both Ms. Gatzke and Mr. Mahaffey testified at the hearing, Father’s repeated periods of incarceration inhibited his ability to meet his service plan goals and to be successful in Drug Court. Father has been unable to obtain safe, stable housing for himself and the Child, is not financially stable, has been unsuccessful in maintaining his sobriety, and has not attended visits frequently enough to establish a bond with the Child. In short, Father has not been able to provide for the Child’s basic needs. The Child has had his basic needs met by his resource family, who have also provided him with proper medical care, love, and support. It is clear to this Court that termination of Father’s parental rights would best serve the needs and welfare of the Child.

As the Court has found that statutory grounds for termination have been met under all four subsections of 23 Pa. C.S. §2511(a) contained in the Petition to Involuntarily Terminate Parental Rights, the Court must now 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 (Pa. Super. 2002). Bruce Anderson, Licensed Psychologist under contract with the Agency, attempted to conduct a bonding evaluation on Father and the Child during two regularly scheduled visits; however, Father did not attend the visits and the formal assessment could not be completed. It is clear to this Court that Father loves the Child, and desires to have him returned to his custody. However, 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, the Court feels strongly that although Father may love the Child, there is no relationship between the Child and Father. Father has been offered numerous services by both the Agency and through his involvement with the criminal courts. These services were designed to enable Father to gain stability, maintain sobriety, and learn basic parenting skills that he could put into practice during regularly scheduled visits. Unfortunately, Father participation in the services was minimal and his attendance at visits was inconsistent. Mr. Anderson testified that the Child, being so young, would have minimal attachment to a man with whom he has had minimal contact.

Although Father has maintained that he wants custody of the Child and is not willing to give up his parental rights, this desire cannot overcome the fact that Father is essentially a stranger to the Child and that there is currently no bond between the Child and the Father. A parent can best establish and maintain a healthy bond with a child by ensuring the child is fed when hungry, changed when needed, and comforted when hurt. As Father has been either incarcerated or incapacitated for all of the Child's life, he has never been able to provide for the Child's immediate physical and emotional needs, let alone with the consistency required to establish and maintain a bond between the Child and himself.

There was an abundance of testimony that the Child is very bonded with the foster family, and calls the foster parents "mommy" and "dada." The Child is currently in



a loving and stable home. He is in good health and is reaching his developmental milestones. The Child has been in this placement for approximately 20 months, and it will be 3 more months before Father is released from incarceration. When Father is incarcerated he is unable to perform even the most basic of parental duties and when he is not incarcerated he has proven he is incapable of doing what he needs to do to be a resource for the Child. The foster parents have provided everything the Child needs and this has naturally fostered a bond and attachment between the Child and the individuals caring for him. In order for the Agency to consider reunification, Father would need to demonstrate *at least* six consecutive months of stable housing, income, and visitation. Father's history may be the most accurate prediction of his future and the Child's permanency cannot and should not be delayed until Father decides to make tangible steps towards establishing a bond and being a resource for the Child. The Child is clearly bonded with the resource parents, who have provided for his physical and emotional needs for the majority of his life, and who are willing to offer him permanency. The Court is satisfied that termination of Father's parental rights would not destroy an existing bond or cause any trauma to the Child and that permanency in the form of adoption by those who have met his needs since February 8, 2019, is in the best interest of the Child.

**Conclusions of Law**

1. The Court finds that the Agency has established by clear and convincing evidence that GF, by conduct continuing for a period of at least six months immediately preceding the filing of the petition has evidenced a settled purpose to relinquish parental

claim to the Child and has failed to perform parental duties pursuant to 23 Pa.C.S. §2511(a)(1).

2. The Court finds that the Agency has established by clear and convincing evidence that GF, has exhibited repeated and continued incapacity, abuse, neglect or refusal which 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 him pursuant to 23 Pa.C.S. §2511(a)(2).

3. The Court finds that, the Agency has established by clear and convincing evidence that the child has been removed from GF's care for a period of at least six months, that the conditions which led to the removal or placement of the child continue to exist, that the conditions which led to the removal or placement of the child are not likely to be remedied within a reasonable period of time, and that termination of Father's parental rights would best serve the needs and welfare of the child pursuant to 23 Pa.C.S. §2511(a)(5).

4. The Court finds that, the Agency has established by clear and convincing evidence that the child has been removed from GF's care for a period of twelve months or more, that the conditions which led to the removal or placement of the child continue to exist, and that termination of Father's parental rights would best serve the needs and welfare of the child pursuant to 23 Pa.C.S. §2511(a)(8).

5. The Court finds that the Agency has established by clear and convincing evidence that no bond exists between GF and the Child and that the developmental,

physical and emotional needs and welfare of the Child will be best served by the termination of his parental rights pursuant to 23 Pa.C.S. §2511(b).

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. 6678**  
:   
**MD,** :   
:   
**Minor child** :   
:

**DECREE**

**AND NOW**, this 19<sup>th</sup> day of **August, 2020**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of GF, held on July 28, 2020, it is hereby ORDERED and DECREED:

- (1) That the parental rights of GF 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 father.

**NOTICE TO NATURAL PARENT**

**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 17105-17111  
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