

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

IN RE ADOPTION OF:	:	NO. 6659
	:	
SJB also known as	:	
SJM,	:	
minor child	:	

OPINION AND ORDER

AND NOW, this 10th day of **February, 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 November 15, 2019. Said petition is with regard to the parental rights to SJB, born July 4, 2019. The Court would note that the Child's name on the birth certificate is listed as SJM; however, this Court is satisfied that SJB and SJM are one and the same. LEW seeks to terminate the parental rights of the child's biological father, EAF, as a prerequisite to having the child adopted by her clients. AMB, the child's biological mother, signed a consent to adopt on July 9, 2019. A pre-trial conference on the Petition was held on December 6, 2019, and EAF 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. Following the pre-trial conference, an Order was entered scheduling a hearing on the Petition for Involuntary Termination of Parental Rights for February 5, 2019. The Order indicated that if EAF wished to participate in the hearing and have counsel appointed for him, he must notify this Court in writing by January 3, 2020. The Court did not receive any communication from EAF and the hearing on the Petition for Involuntary Termination of Parental Rights was held as scheduled on February 5, 2020. LEW, LCWS, appeared with Michael Collins, Esquire, on behalf of the proposed adoptive parents.

Finding of Facts

1. SJB also known as SJM (“Child”) was born on July 4, 2019. The Child was placed in the custody of the proposed adoptive parents on July 6, 2019, by the Eckels Adoption Agency.

2. The Child’s biological mother is AMB (“Mother”).

3. The Child’s biological father is EAF (“Father”).

4. At the time of the Child’s birth, Mother and Father were not married.

Mother has never been married.

5. Mother contacted LEW, LCSW, in February of 2019 to make an adoption plan for the Child.

6. When Mother first contacted the Eckels Adoption Agency, Father was aware that she was pregnant, and knew her due date. Father wanted Mother to get an abortion.

7. Mother contacted Father and requested that he contact the Eckels Adoption Agency, but Father refused.

8. Father sent Mother a text on June 24, 2019, that simply stated “Alyssa?”

9. On June 25, 2019, Father sent Mother another text, wherein he was very angry with her about a different matter. During that text conversation, Mother reiterated that she was pursuing adoption.

10. Mother personally chose the proposed adoptive parents for the Child. They attended her prenatal medical appointments and were present in the delivery room on July 4, 2019, when the Child was born.

11. A Report of Intent to Adopt was filed on August 5, 2019.

12. Father lives in Linden, Pennsylvania, Lycoming County, with his family.

13. Father knows where Mother lives, where she works, and where her grandparents live, yet he never attempted to make contact with Mother to inquire about the Child.

14. A Report of Intermediary was filed on November 8, 2019.

15. Father was served with a copy of the Notice of the pre-trial hearing on the Petition for Involuntary Termination of Parental Rights on November 29, 2019, via certified mail.

16. Father did not attend the pre-trial conference on December 6, 2019, but prior to the hearing he sent Mother a text that simply said “yo.”

17. Father did not respond to the Order directing him to contact the Court in writing if he wished to participate in the termination hearing and have counsel appointed for him.

18. Neither LEW, LCSW, nor Michael Collins, Esquire, have had any contact from Father during the pendency of this matter.

19. The proposed adoptive parents previously adopted 2 children.

20. The Child is developmentally on target and is well loved and cared for by the proposed adoptive parents and siblings.

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 no longer in a relationship at the time Mother contacted the Eckels Adoption Agency to create an adoption plan. Mother reported to LEW, LCSW, that Father was aware of the pregnancy and wanted her to get an abortion. Father refused to make contact with LEW so that he could participate in the adoption plan prior to the Child's birth, and his contact with Mother was limited to a text message a few days prior to the birth, at which time she reiterated her plans to place the Child for adoption. Despite knowing where Mother lived and worked, Father made no attempts to contact Mother in the months following the Child's birth. Father failed to utilize the court system to establish and enforce his custody rights 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 4 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 EAF's parental rights to SJB also known as SJM 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 SJB also known as SJM will best be served by termination of EAF's parental rights.

Accordingly, the Court will enter the attached Decree.

By the Court,

Joy Reynolds McCoy, Judge

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IN RE ADOPTION OF: : **NO. 6659**
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DECREE

AND NOW, this 10th day of **February, 2020**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of EAF held on February 5, 2020, it is hereby ORDERED and DECREED:

- (1) That the parental rights of EAF be, and hereby are, terminated as to SJB also known as SJM;
- (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