

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

IN RE: : **NO. 6687**
:
DD1, :
DD2, :
DD3, :
Minor children :

Date: November _____, 2020

OPINION IN SUPPORT OF THE ORDER OF OCTOBER 29, 2020,
IN COMPLIANCE WITH RULE 1925(a) OF THE
RULES OF APPELLATE PROCEDURE

KD, (hereinafter referred to as “Father”) has appealed this Court’s Decree entered October 29, 2020 terminating Father’s parental rights and the Opinion and Order dated on October 26, 2020. The Decree and Opinion were entered following three days of trial on a Petition for Involuntary Termination of Parental Rights held on May 27, 2020, September 2, 2020, and September 15, 2020. Father timely filed his Notice of Appeal on November 5, 2020.

The Court notes that this appeal has been designated a Children’s Fast Track appeal and, pursuant to the Rule of Appellant Procedure 1925, Appellant has filed his Concise Statement of Matters Complained of on Appeal contemporaneously with his Notice of Appeal. Father raises the following issues:

1. The court erred in terminating the parental rights of Appellant pursuant to 23 Pa.C.S. § 2511(a)(1) when Appellant has not failed to perform parental duties of a period of at least six months and made every effort to have a relationship with his children.

2. The court erred in terminating the parental rights of the Appellant pursuant to 23 Pa.C.S. § 2511(a)(2) when there was insufficient evidence that the child(ren) were without essential parental care, control or subsistence necessary and causes of the incapacity cannot or will not be remedied as Appellant made substantial progress to remedy the incapacity and provide the children with essential parent care, control and subsistence necessary.
3. The court erred in terminating the parental rights of Appellant pursuant to 23 Pa.C.S. § 2511(a)(5) in finding that (1) the child(ren) have been removed from parental care for at least six months; (2) the conditions which led to removal or placement of the children continue to exist; (3) and termination would best serve the needs and welfare of the children when Appellant has remedied the conditions and the needs and welfare of the children would not be best served by termination.
4. The court erred in terminating the parental rights of Appellant pursuant to 23 Pa.C.S. § 2511(a)(8) in finding that the child(ren) have been removed from parental care for twelve months or more from the date of removal;(2) the conditions which led to removal or placement of the children continue to exist and termination would best serve the needs and welfare of the children when Appellant has remedied the conditions and the needs and welfare of the children would not be best served by termination.
5. The court erred in terminating the parental rights of the Appellant pursuant to 23 Pa.C.S. § 2511(b), when there is a bond between the children and

Appellant and the best interests of the children would not be served by termination.

The Court's Opinion, Order, and Decree terminating Father's parental rights as well as the trial transcripts of May 27, 2020, September 2, 2020, and September 15, 2020, which are considered the Opinion of the Court in support of said Order, should be affirmed and Father's appeal denied. The Opinion and transcripts provide a comprehensive analysis of the Court's decisions and findings of fact, and are supported by the testimony from the hearings held on the above dates. This Court will rely on the transcripts and Opinion for this appeal.

Appellant has requested transcripts from the above dates of trial. The Court Reporter or Reporters responsible for preparation of transcripts so ordered are hereby advised that under the provisions of the Pennsylvania Rules of Appellate Procedure, the reporter is required to lodge the transcript with the Prothonotary, together with proof of service of notice of such lodgment, on all parties to the matter no later than fourteen (14) days after receipt of Appellant's order for transcript(s) and any required deposit therefor.

BY THE COURT,

Ryan M. Tira, Judge

RMT/ads

cc: Superior Court (Original +1)
Court Reporter (Erica Trimble)
Trisha Hoover Jasper, Esquire

Dance Drier, Esquire
John Pietrovito, Esquire
Angela Lovecchio, Esquire
Taylor Mulholland, Esquire
CASA
Gary Weber, Esquire (Lycoming Reporter)