

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

IN RE: : **NO. 2022-6812**
:
AL, :
:
Minor child :
:

OPINION AND ORDER

AND NOW, this 17th day of **January, 2023**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of CL ("Mother") filed on June 16, 2022, with regard to AL ("Child"). A hearing on the Petition for Involuntary Termination of Parental Rights was held on December 20, 2022. Mother failed to appear and was represented by Jeana Longo, Esquire. John Pietrovito, Esquire, Solicitor for the Agency, and Angela Lovecchio, Esquire, counsel for the Child, were also present at the hearings. CL ("Father") signed a Consent to Adopt on May 2, 2022, and was not present at the hearings.

Findings of Facts

AL was born on [redacted]. She is the child of CL, date of birth [redacted], and CL, date of birth [redacted]. Mother and Father were not married at the time of the Child's birth. Mother delivered the Child preterm at 31 weeks, after reportedly being pushed by her boyfriend, causing her amniotic fluid to rupture. Mother was discharged from the hospital on May 6, 2021.

On May 18, 2021, the Agency requested and was verbally granted emergency custody of the Child. At that time, an Order was entered authorizing the Agency to make medical decisions on behalf of the child, who was born with medical complications as a

result of her premature birth. She was diagnosed with cardiac issues including Tetralogy of Fallot and Mild Pulmonary Stenosis, and would require heart surgery before she was six (6) months old.

A Shelter Care hearing was held on May 20, 2021. Mother did not attend, despite the caseworker making arrangements to pick her up and bring her to the hearing. The Court determined there were concerns about mother's ability to understand the Child's medical complications and make decisions about medical care for the Child without help due to her intellectual limitations. The Child required emergency heart surgery on May 26, 2021. The hospital was unable to contact Mother to obtain parental consent and the Agency had to give approval for the surgery. Following the hearing, the Court found that sufficient evidence was present to prove that release of the Child to Mother was not in the Child's best interest.

A Dependency hearing was held on May 28, 2021, after which the Court adjudicated the Child dependent. As the Court found that allowing the Child to be released from the hospital to Mother's custody would be contrary to the Child's welfare, legal and physical custody of the Child was ordered to remain with the Agency. The Court noted that hospital personnel had voiced concerns that Mother was unable to understand the extensive needs of the Child and was not capable of parenting the Child. The Court Ordered that upon discharge from the hospital, she was to be placed in an approved resource home. The Child was discharged from the hospital on June 9, 2021, and placed in the home of [resource parents], who had spent considerable time at the hospital with the Child and had received specialized medical training relative to the Child's needs. Prior to the Child's discharge from the hospital, Mother had visited the Child only one time after her birth.

A permanency review hearing was held on September 1, 2021. The Court noted that there had been minimal compliance with the permanency plan, in that Mother was not cooperative with Outreach Services, was homeless, and had only attended two visits during the review period. Mother was found to have made no progress towards alleviating the circumstances which necessitated placement, and it was unclear whether she had the mental capacity to make any progress, as she had difficulty understanding simple directives. During this review period, Mother had a Targeted Case Manager, but those services, as well as the Agency's Outreach Services, were closed due to Mother's non-compliance. The Court directed that Mother complete an evaluation to assess her IQ level and determine her protective capacity with regard to her ability to care for a child. The Court authorized the Agency to make educational decisions for the Child, including her participation in Early Intervention. Additionally, the Court authorized the Agency to make all medical decisions concerning the Child. Following the hearing, the Court reaffirmed dependency and the Child remained in the legal and physical custody of the Agency with continued placement in her foster care home.

A permanency review hearing was held on December 23, 2021. The Court found that there had been no compliance with the permanency plan by Mother and no progress towards alleviating the circumstances which necessitated the original placement. During the review period, Mother was not cooperative with the Agency. She did not complete the psychological evaluation to determine whether she had or would be able to develop the protective capacity to keep the Child safe. Mother was staying at a shelter, and was not cooperative with Outreach Services. Mother attended only two out of eight available visits, and demonstrated very little understanding of how to care for a baby. Mother had very little physical interaction with the Child and did not work

toward establishing and maintaining a bond. Following the hearing, the Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in her current foster home.

A permanency review hearing was held on May 18, 2022. The Court found that Mother had minimal compliance with the permanency plan and made no progress towards alleviating the circumstances which necessitated the original placement. During the review period, Mother did complete an evaluation with Dr. Denise Feger at Crossroads Counseling on January 18, 2022. Dr. Feger testified at the hearing that in her professional evaluation, Mother would require assistance 24/7 with the Child. In light of the Child's special medical needs, the Child's primary caretaker would have to be someone capable of meeting those needs. The Court remained concerned about Mother's lack of cooperation with the Agency. Mother did not keep her appointments with Outreach Services. Mother did not consistently visit with the Child, and when she did, she only held the Child for a short period of time. Mother became pregnant again during this review period. Following the hearing, the Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in her current foster home.

A permanency review hearing was held on August 12, 2022. The Court found that Mother had minimal compliance with the permanency plan and made no progress towards alleviating the circumstances which necessitated the original placement. During the review period, Mother had almost perfect visitation attendance and was more cooperative with Outreach Services. However, Mother could be angry and inappropriate with her interactions with caseworkers, which sometimes resulted in the removal of the Child from visits because Mother was loud and could not calm down. Following the

hearing, the Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in her current foster home.

A permanency review hearing was held on November 30, 2022. The Court found that Mother had minimal compliance with the permanency plan and made no progress towards alleviating the circumstances which necessitated the original placement. Mother had been staying at a hotel with her paramour prior to being directed to leave for fighting with staff. Mother continued to have difficulty learning and understanding the material provided by Outreach Services. Mother attended 73% of her visits, but required hands on supervision for the entire visit to ensure the Child's safety. Following the hearing, the Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in her current foster home.

The Agency filed a Petition for Involuntary Termination of Parental Rights on June 16, 2022. A Petition for Change of Goal to Adoption was also filed. 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 held on December 20, 2022.

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 Mother'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 orphans' court must then consider the parent's explanation for his or her abandonment of the child, in addition to any post-abandonment contact. **In re Adoption of C.J.A.**, 204 A.3d 496, 503 (Pa. Super. 2019). When determining whether to terminate the rights of a parent, 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). From the time of the Child's birth, Mother has exhibited difficulty maintaining a place of importance in her Child's life. The Child was born several weeks premature and with a heart condition, and she remained in the hospital for several weeks after Mother was discharged. Due to the Child's precarious medical condition, her situation could change very rapidly and doctors needed to have someone available to make life-saving medical decisions on a moment's notice. The hospital staff had such difficulty communicating with Mother following her discharge that the Agency had to request emergency custody of the Child and the authority to make non-routine medical decisions. Mother did not attend the Shelter Care hearing, despite the Agency caseworker making arrangements to transport her to the hearing. Mother did not visit the Child in the hospital from the date of her discharge on May 6, 2021, until the date of the Child's discharge on June 9, 2021. During that time, the resource parents spent considerable time at the hospital with the Child, learning how to properly care for her and manage her heart condition in anticipation of her release.

Heather Goodbrod, visitation caseworker for the Agency, testified that Mother's visits are scheduled for one hour per week, and that she is on both call-in and check-in status, meaning that she must call the Agency by 8:30 a.m. on the morning of her visit to confirm that she will be attending and she must arrive one hour prior to the scheduled visit. Mother's visits have always been closely supervised and require an Agency staff member to be in the room with Mother and the Child at all times. Ms. Goodbrod testified that it took several visits for Mother to even hold the Child and she initially only wanted to take pictures. On visits where Mother held the Child, she would become frustrated as

soon as the Child cried and would not know what to do, and was unable to accept coaching by Agency staff to handle the situation.

Given the fact that Mother did not visit the Child in the hospital and has had inconsistent visitation attendance, this Court finds that she 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 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 Agency was granted emergency custody of the Child two weeks after her birth, due to continued

medical concerns for the Child and continuing concerns about Mother's mental health and her ability to care for a Child. Given her young age, the Child's greatest needs have been food, shelter, clothing, medical care, and comfort. The child has a severe heart condition, which requires significant medical care. In order to satisfy her obligation to perform parental duties, Mother would have to provide stable housing, learn about the Child's condition and how to manage it, make and attend medical appointments, provide financial support for the Child, and comfort her when she was sick or scared. The Child was removed from Mother's care because of concerns about her ability to perform these parental duties adequately and consistently enough to ensure her safety. Since she has been in care, Mother's performance of parental duties has been limited to a maximum of 1 hour per week while attending visitation at the Agency. Although Ms. Goodbrod testified that Agency staff has walked Mother through holding, feeding, changing a baby numerous times, Mother was only able to successfully complete a diaper change on two instances. Mother has never taken control of a situation or anticipated when it was time to feed or change the Child. As Mother's visits have not progressed beyond the "supervised" status, and they have never been expanded beyond one hour per week, Mother cannot be said to have performed her parental duties. 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 Mother has both evidenced a settled purpose of relinquishing parental claim to the Child and failed to perform her 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 Mother, 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).

On April 23, 2021, prior to the Child’s birth, a referral was made for Outreach Services for Mother. Jaclyn Hummer, Outreach caseworker, received the case on May 21, 2021, but testified that it was several months before she was able to meet face-to-face with Mother. Ms. Hummer testified that she had difficulty contacting Mother, especially when Mother was staying in hotels or cars. Ms. Hummer further testified that she had concerns for Mother’s ability to care for herself, as she exhibited poor hygiene and often struggled with remembering days and times of meetings.

Mother's goals were parenting and housing. With regard to housing, Mother had several address changes while Ms. Hummer was attempting to work with her. Her goal was to obtain independent, stable housing, but Mother was never able to achieve that. When Mother was residing at the YWCA she was somewhat stable due to the amount of support she had. However, Mother left that program when she met her current paramour and would jump from hotel to hotel, or car to car, and often change her phone number making it increasingly difficult for Ms. Hummer to meet with her.

With regard to parenting goals, Ms. Hummer testified that the Active Parenting curriculum was very difficult for Mother, even when she tried to simplify it for her and only discuss aspects that were pertinent to the Child's current stage. Mother could not answer questions about the Child's doctors, type of formula, diaper size, or dates of medical appointments despite that information repeatedly being conveyed to Mother by her ongoing caseworker. Mother never mentioned the Child's heart condition to Ms. Hummer. Mother would not ask for clarification for material that she did not understand; nor could she repeat or retain the information that Ms. Hummer discussed with her when they were able to meet. Ultimately, Mother made no progress towards either of the goals established for her.

On January 18, 2022, Dr. Denise Feger, Chief Operating Officer at Crossroads Counseling, performed an evaluation of Mother. The evaluation was a result of the Agency's attempts determine areas that needed to be addressed in order for a reunification to be successful. Dr. Feger testified at a permanency review hearing and indicated concerns about Mother's understanding about the

Child's medical needs and her long-term ability to provide a consistent, safe environment. Dr. Feger opined that Mother would require 24/7 assistance by someone else who would be the Child's primary caregiver, and that person would have to have knowledge of the Child's heart condition. In her report, Dr. Feger made several recommendations for Mother to assist her in being successful in reunification, including:

1. Engage in trauma focused out-patient therapy
2. Undergo domestic violence survivor treatment due to past abusive relationships
3. Medication management
4. Attend as many medical appointments as possible for the Child
5. Do not miss any available visits with the Child

"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). Mother did not follow through with any of the recommendations outlined by Dr. Feger. At the time of the termination hearing, Dr. Feger testified that Mother's lack of commitment was concerning, as it showed a lack of understanding of her circumstances and a lack of ability to resolve the issues which led to her current circumstances. Dr. Feger further testified that, even if Mother had done what was recommended, there would still be concerns about her ability to independently care for herself or her Child.

Heidi Porter, ongoing caseworker, echoed Dr. Feger's testimony that Mother had done nothing to comply with the recommendations in the evaluation. Mother had no evaluation or services with regard to trauma therapy or domestic violence survivor treatment. Mother made no appointments with a psychiatrist for medication management. Mother had a Targeted Case Manager but those services were terminated due to her non-compliance. Mother attended only one medical appointment for the Child and was very disruptive in the waiting room. Mother's visitation attendance record was poor, and when she did attend her visits were not productive as she did not implement any of the suggestions of the visitation caseworker or her Outreach caseworker.

The Child has been in placement nearly 20 months, and Mother has not been able to make any progress in addressing the incapacities which caused the Child to be removed from her care. Given Mother's continued inability to follow-through with actions necessary to address her own needs while simultaneously ensuring that the Child's needs would be met consistently and appropriately, this Court finds that she has not remedied these incapacities within a reasonable amount of time and will likely be unable to remedy them in the future. Although Mother does not appear to be intentionally malicious or abusive in her actions, there is significant concern about Mother's own mental health and her ability take any steps to be reunified with her Child, or to independently parent the Child. The Court finds by clear and convincing evidence that the Agency has satisfied 23 Pa.C.S. §2511(a)(2) by demonstrating Mother's repeated and continued incapacity has caused the Child to be without essential parental control or subsistence necessary for her 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 Mother’s parental rights exist under both Sections 2511(a)(5) and (8). The Child was placed in the legal and physical

custody of the Agency on May 18, 2021, and has been in Agency's custody ever since. The Child has never been in her Mother's care and had been in the care of the resource family for approximately 13 months 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, Mother was found to have no compliance with the permanency plan and made no progress towards alleviating the conditions which necessitated the Child's placement. As described above, Mother continues to experience the same difficulties with her own mental health and ability to meet her own needs and her Child's needs as she did at the time of placement, despite numerous attempts by the Agency to connect her with services designed to enable and empower her to do so. Meanwhile, the Child has had her basic needs and advanced medical needs met by her resource family, and has flourished with proper medical care, love, and support. It is clear to this Court that termination of Mother'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 children.” **In re: J.D.W.M.**, 810 A.2d 688, 690 (citing **In re: Children 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, the Child was placed in the legal and physical custody of the Agency prior to being discharged from the hospital. Mother did not visit the Child in the hospital. The Child spends one hour per week with Mother, when Mother attends visits, and their time together is always closely supervised. During those visits, Mother struggles to provide for even the most basic needs of the Child.

The Child is currently in a loving and stable home, where she has resided since her discharge from the hospital after her birth. The Child has a serious heart condition,

which requires surgery, frequent medical appointments, and ongoing advanced care. The Child's foster parents have made and attended all of the Child's medical appointments, and received special training regarding her care. This type of consistency and follow-through that has allowed the Child to thrive while in their care is exactly what Mother lacks the ability to achieve.

Mother has been offered numerous services by the Agency since her initial involvement prior to the Child's birth. These services were designed to assist Mother with obtaining stable housing and basic parenting. Mother was unable to complete either of her goals, and continues to struggle with her mental health and ability to meet her own needs. The foster parents have provided everything the Child needs and this has naturally established a bond and attachment between the Child the foster parents which is not present between the Child and Mother. There are significant concerns about Mother's ability to address her own needs and simultaneously establish a protective capacity to ensure a safe and secure environment for the Child. The Child's permanency cannot and should not be delayed. While the Court believes Mother loves the Child, the Court finds it is unlikely that Mother will ever be in a position to develop the skills necessary to independently and consistently provide appropriate care for the Child. The Child is clearly bonded with the resource parents, who have provided for her physical and emotional since her birth, and who are willing to offer her permanency. Given the age of the Child and the lack of a bond between the Child and Mother, he Court is satisfied that termination of Mother's parental rights would not cause irreparable harm to the Child. This Court further finds that permanency in the form of adoption by those who have met her needs since June 9, 2021, 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 CL, by conduct continuing for a period of at least six months immediately preceding the filing of the petition 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 CL, 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 her physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by her 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 CL'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 Mother'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 CL'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 Mother'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 the developmental, physical and emotional needs and welfare of the Child will be best served by the termination of Mother's parental rights pursuant to 23 Pa.C.S. §2511(b).

Accordingly, the Court will enter the attached Decree.

By the Court,

Ryan M. Tira, Judge

RMT/jel

c. John Pietrovito, Esquire
Jeana Longo, Esquire
Angela Lovecchio, Esquire
Children & Youth
CASA
Gary Weber, Esquire
Jennifer E. Linn, Esquire

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

IN RE: : **NO. 2022-6812**
:
AL, :
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Minor child :
:

DECREE

AND NOW, this 17th day of **January, 2023**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of CL, held on December 20, 2022, it is hereby ORDERED and DECREED:

- (1) That the parental rights of CL 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 mother.

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

By the Court,

Ryan M. Tira, Judge

RMT/jel

cc. John Pietrovito, Esquire
Jeana Longo, Esquire
Angela Lovecchio, Esquire
Children & Youth
CASA
Gary Weber, Esquire
Jennifer E. Linn, Esquire