

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

<b>IN RE:</b>	:	<b>NO. 2022-6821</b>
	:	
<b>LS,</b>	:	
	:	
<b>Minor child</b>	:	

**OPINION AND ORDER**

**AND NOW**, this **22<sup>nd</sup>** day of **February, 2023**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of CM ("Mother") and KS Sr. ("Father") filed on September 9, 2022, with regard to LS ("Child"). A hearing on the Petition for Involuntary Termination of Parental Rights was held on February 8, 2023. Mother failed to appear and was represented by Jennifer Ayers, Esquire. Father appeared personally and was represented by Trisha Hoover Jasper, Esquire. John Pietrovito, Esquire, Solicitor for the Agency, and Angela Lovecchio, Esquire, counsel for the Child, were also present at the hearings.

**Findings of Facts**

LS was born on [redacted]. She is the child of KS Sr., date of birth [redacted], and CM, date of birth [redacted]. Mother and Father were not married at the time of the Child's birth.

The Agency first became involved with the family in April of 2021, when the Child and her twin brother were seen playing alone on the playground after getting out of the home. On April 20, 2021, the children were later seen playing near and hanging out of an open 2<sup>nd</sup> story window, and were found home alone when Agency workers responded. At that time there was a bathtub in the home that was overflowing with

water. Mother claimed that Father was supposed to be in charge of the children at the time. At the hearing on the Petition for Involuntary Termination, Father testified that Mother asked him to drive her to the store and he assumed Mother's friend was in the home and would be responsible for the children. Father also testified, in an apparently conflicting manner, that he was contacted about this incident and when he arrived at the scene Mother asked him to lie and say he was there the entire time but stepped out to take the trash outside. A safety plan was implemented on June 2, 2021, wherein the paternal grandmother was to stay in the home and Mother was not to have unsupervised contact with the children. On July 1, 2021, Mother violated the safety plan by taking the children to Cumberland County without permission and without a supervisor named on the safety plan. On that date, the Agency was verbally granted emergency custody of the children.

A Shelter Care hearing was held on July 2, 2021. Both parents attended. Following the hearing, the Court found that sufficient evidence was present to prove that return of the Child to the home of the parents was not in the best interest of the Child. Legal and physical custody of the Child remained with the Agency and placement of the Child remained in Foster Care.

A Dependency hearing was held on July 21, 2021, after which the Court adjudicated the Child dependent. As the Court found that allowing the Child to be returned to either parent's home 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 both parents should work with their Outreach worker and caseworker, and comply with the Family Service Plan. The parents were specifically ordered to follow through

with any services or counseling offered with regard to their relationship as there was a history of domestic violence.

A permanency review hearing was held on December 8, 2021. The Court noted that there had been minimal compliance with the permanency plan on the part of Mother, in that she and Father were in an on again/off again relationship but she was not receiving domestic violence treatment. Mother was employed but it was not a consistent source of income. Mother had housing. Mother sporadically worked with Outreach Services. Mother was found to have made minimal progress towards alleviating the circumstances which necessitated placement, and had a 78% attendance rate at visits during the review period and her visits progressed from supervised to closely observed. Father was incarcerated for the majority of this review period and the Court found him to have no compliance with the permanency plan. Father had made no progress toward alleviating the circumstances which necessitated placement as he was not participating in domestic violence counseling. Father was released from incarceration on November 10, 2021, and had made no effort to resume visits with the children at the time of the permanency review. His attendance rate prior to his incarceration was approximately 50%. In its Order, the Court strongly emphasized the need for each parent to participate in counseling or other program to address the domestic violence that was prevalent in their relationship. Following the hearing, the Court reaffirmed dependency and the Child remained in the legal and physical custody of the Agency with continued placement in the foster care home.

On March 21, 2022, the Court granted the Agency's Motion to Modify the Child's Placement, as the resource parents relocated and were no longer able to be a resource for the Child. A permanency review hearing was held on March 25, 2022. The Court

found that there had been moderate compliance with the permanency plan by both Mother and Father. Mother completed her parenting goal with Outreach Services, was employed, and maintained housing. Mother was discharged from Diakon for not attending appointments. Mother attended 76% of her visits and the Court gave the Agency the discretion to expand the visits to community visits in the next review period. Father was residing with his sister and unemployed at the time of the review. Father was consistently late for his visits but did attend most of his visits and they reportedly went well. Mother was found to have made minimal progress and Father was found to have made moderate progress towards alleviating the circumstances which necessitated the original placement. Following the hearing, the Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in the current foster home.

A permanency review hearing was held on July 20, 2022. The Court found that Mother had minimal compliance with the permanency plan in that she was inconsistent in her participation with Outreach Services. Mother started domestic violence treatment with Wise Options but was discharged due to non-compliance. Mother also stopped attending counseling at Crossroads. Mother's attended only 61% of her visits, which was a decline from the prior review period. Father was found to have minimal compliance with the permanency plan in that he continued to reside with his sister instead of obtaining independent housing and he changed jobs several times. Father was not meeting with Outreach Services and only attended 45% of his visits. Father chose not to engage in domestic violence counseling because he and Mother were no longer in a relationship. The Court found that both Mother and Father had made minimal progress toward alleviating the circumstances which necessitated the original

placement. The Court noted it's concern with the progress made by Mother and Father in obtaining and maintaining suitable housing, and emphasized the need for both Mother and Father to act with urgency to obtain and maintain suitable housing and employment to be able to support the needs of the children, as the children had been in placement for over a year. Both parents requested community visits which the Court directed the agency to arrange if that parent attended at least 90% of his or her visits over the following four weeks. Following the hearing, the Court reaffirmed dependency and legal and physical custody of the Child remained with the Agency for continued placement in the current foster home. On August 5, 2022, the Court granted the Agency's Motion to Modify the Child's Placement, as the current resource parents were no longer able to be a resource for the Child.

A permanency review hearing was held on October 14, 2022. The Court found that Mother had minimal compliance with the permanency plan in that she had moved to Harrisburg, was inconsistent in meeting with her Outreach Services caseworker, and was not participating in any counseling. Mother attended only 40% of her visits during the review period. Mother's last in-person visit with the children was September 6, 2022. Father had no compliance with the permanency plan, in that he was not employed and did not have independent housing. Father did not participate in any Outreach Services or any type of counseling or domestic violence treatment. Father attended only 63% of his visits during the review period, and was frequently late when he did attend. Neither parent met the 90% attendance goal necessary to progress to community visits. The Court found that Mother and Father made no progress toward alleviating the circumstances which necessitated the original placement. The Agency filed a Petition for Involuntary Termination of Parental Rights for each parent 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 the current foster home. The Court approved another Petition for Modification of the Child's Placement on October 14, 2022, which resulted in the fourth resource home since the Child was placed in the legal and physical custody of the Agency.

The Petition for Involuntary Termination filed on September 9, 2022, alleges termination was warranted under 23 Pa.C.S. §2511(a)(1), (2), (5), and (8). The hearing on the Petition was held on February 8, 2023.

### **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 a parent'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).

Heather Goodbrod, visitation caseworker for the Agency, testified that Mother demonstrated affection for the children, brought snacks, and helped them work on things they were learning. Mother struggled at times with her tone when speaking to the children. However, Mother's greatest struggle was her attendance. When the children first came into care, Mother had two supervised visits per week for one hour each. On September 28, 2021, Mother's supervised visits were increased to two hours each while

Father was incarcerated and unable to take advantage of his visits. On October 21, 2021, the level of supervision of Mother's visits was lowered to "closely observed." However, on January 11, 2022, Mother was placed on "call-in status" due to having three no call/no shows. This required her to call between 8:00 a.m. and 8:30 a.m. on the morning of her scheduled visit to confirm her attendance. Mother has never shown enough consistency in her visits to be removed from "call-in status" and, in fact, has never achieved more than a 78% attendance rate in any review period. Mother's last in-person visit with the children was approximately September 6, 2022. Mother relocated to the Harrisburg area after which the Agency had little, if any, communication from Mother. Ms. Goodbrod testified that the Agency offered Mother assistance in the form of a bus ticket once every other week so she could attend visits with the children but Mother did not take advantage of the offer. Pompey Suggs, ongoing caseworker, testified that Mother has not inquired about the Child since her last visit on September 6, 2022.

Father's visits also started out as supervised, and occurred two times per week for one hour each until he was incarcerated on August 24, 2021. Father was released from incarceration on November 10, 2021, but did not contact the Agency to resume his visits until the Court ordered him to do so at the permanency review hearing on December 8, 2021. Father contacted the Agency on December 13, 2021, and resumed his visits on December 21, 2021. Father was placed on "call-in status" on April 5, 2022, and remains under that requirement today. Ms. Goodbrod testified that Father demonstrates love and affection for the children at visits, although in recent times he has not been as interactive with them as he was initially. Father's attendance has also been a concern, and when he did attend he often arrived late for the visit. At one point,



Father requested community visits, which the Court was willing to grant if he attended at least 90% of his scheduled visits over a 4-week period. Father was not successful in meeting this attendance goal.

Given the fact that Mother and Father did attend visits, albeit not always consistently, and demonstrated love and affection for the children in the six months prior to the Agency's filing of its Petition for Involuntary Termination of Parental Rights, this Court is hesitant to find that either parent demonstrated a settled purpose of relinquishing parental claim to the Child in the six months prior to the filing of the Petition for Involuntary Termination of Parental Rights. However, grounds for termination under 23 Pa.C.S. 2511(a)(1) may be 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). Given her young age, the Child's greatest needs have been food, shelter, clothing, medical care, and comfort. In order to satisfy their obligation to perform even the most basic parental duties, Mother and Father would have to maintain stable housing, maintain employment to financially support themselves and the Child, make and attend medical appointments, and comfort her when she was sick or scared. The Child has been in care for nearly half her life. Since the Child was adjudicated dependent, each parent has struggled to maintain consistent employment and housing. Mother attended one dental appointment in 2021, and Father attended two medical/dental appointments since the Child was removed from the home. Since July of 2021, the Child has depended on her resource parents to provide not only physical needs such as food, shelter, and clothing, but also for her emotional needs such as comfort and support.

Given that Mother and Father have missed a significant number of visits each review period, the visits have never progressed to community visits, and the vast majority of the Child's daily needs have been fulfilled by her resource parents, neither parent can be said to have performed his or her parental duties or "exerted himself to take and maintain a place of importance in the child's life" in the months preceding, and following, the filing of the Petition for Involuntary Termination of Parental Rights. **Id.** 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 and Father have failed to perform 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 and 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).

On May 27, 2021, a referral was made for Outreach Services for Mother. Jennifer Johnson, Mother’s Outreach caseworker, testified that the initial goals were parenting and housing, and that budgeting was later added. Ms. Johnson testified that Mother met with her frequently in the beginning but as time progressed her cooperation waivered. Following the adjudication of dependency, Mother’s level of cooperation temporarily increased. Mother completed the parenting goals, including 1, 2, 3 Magic, Building Your Family, and Active

Parenting. Mother struggled to maintain stable, independent housing and employment throughout the dependency case, which led to her being unable to complete those Outreach Services goals. Ms. Johnson testified that Mother also struggled with keeping other appointments and was, as a result, discharged from counseling and failed to complete a domestic violence program through Wise Options. Ms. Johnson noted that mother admitted to having mental health concerns including depression, which may have contributed to the fluctuation in her level of cooperation. The last time Ms. Johnson was able to meet with Mother was on August 18, 2022.

Father was referred for Outreach Services on June 18, 2021. The initial goal was parenting and then Father's caseworker, Corey Burkholder, added goals of stable housing and employment. Mr. Burkholder testified that initially Father showed a lot of promise in his efforts but he was incarcerated on August 24, 2021, and following his release and estrangement from Mother, his cooperation was marginal at best. Father did not display consistency in maintaining employment in one place, and Father resided with his sister for the majority of the time the children were in placement rather than seek independent housing.

"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). At each permanency review hearing, the Court reiterated that Mother and Father must obtain independent housing, steady employment,

consistently attend visits if they wished to be reunified with the Child. Additionally, at each permanency review hearing the Court emphasized the necessity of both Mother and Father attending domestic violence counseling. Not only were there ongoing concerns about domestic violence in their relationship, but also with domestic violence involving the children, as each parent has 6 indicated child abuse reports. Mr. Suggs testified that Mother began domestic violence counseling through Wise Options in March of 2022. However, she stopped attending by June of 2022 indicating that she no longer needed it as she and Father had terminated their relationship. Mr. Suggs testified that Father attended an initial evaluation and two sessions of the Men Against Abuse Program in March of 2022 but was discharged on May 18, 2022, due to his lack of attendance. Father testified that he felt grief counseling following the death of his mother would be more beneficial than domestic violence counseling. Father also testified that he stopped attending grief counseling not long after he enrolled because at the October 14, 2022 hearing, the Hearing Officer indicated that was not the type of counseling that had been directed by the Court. However, the Order issued from the October 14, 2022, hearing indicates that Father testified at that hearing he was considering starting grief counseling in the future but was in no counseling at that time. Father's testimony at the termination hearing directly conflicts with his testimony at the October 14, 2022, hearing. Father testified that he then attempted to re-enroll in domestic violence counseling but had a difficult time finding available options. When questioned by Attorney Pietrovito about the efforts he made, Father could not name any specific places he attempted to

contact and provided only vague responses about “calling around” and being told he was “64<sup>th</sup> on the waiting list.”

The Child has been in placement nearly 19 months, and neither Mother nor Father have been able to make measurable progress in addressing the incapacities which caused the Child to be removed from their care. Despite repeated attempts by their Outreach and Ongoing caseworkers to connect them with beneficial services, both Mother and Father have displayed an inability or refusal to follow-through with actions necessary to address their incapacities while simultaneously ensuring that the Child’s needs would be met consistently and appropriately. This Court finds that neither Mother nor Father has remedied these incapacities within a reasonable amount of time and will likely be unable to remedy them in the future. The Court finds by clear and convincing evidence that the Agency has satisfied 23 Pa.C.S. §2511(a)(2) by demonstrating Mother’s and Father’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 and Father’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 July 1, 2021, and has been in Agency’s custody ever since. At each of the permanency review hearings for the Child, Mother was found to have moderate or minimal compliance with the permanency plan and made no or only minimal progress towards alleviating the conditions which necessitated the Child’s placement. Mother appears to have abandoned her efforts to be reunified with the Child, as she has not made any attempts to visit with the Child since September 6, 2022, and her communication with the Agency since then has been almost non-existent.

Father had moderate compliance with the permanency plan during one review period and minimal or no compliance during the other three review periods. He made moderate progress towards alleviating the conditions which necessitated the Child's placement in one review period, but made minimal or no progress during the other three review periods. Although Father struggled to maintain consistent employment since the time the Child was placed in foster care, Father has been employed at the same company since October 3, 2022. On December 27, 2022, Father obtained independent housing for the first time since being released from incarceration in November of 2021. While the Court commends Father for finally accomplishing these very important reunification goals, there is concern with the length of time in which it took Father to achieve them. Father was unable to articulate specific reasons for the delay, but testified that he did not have much contact with the Agency since the last hearing due to being focused on his priorities such as housing and employment, and indicated that now that those have been accomplished he can focus on things that were "a little lower on the priority list." Father's recent acquisition of independent housing and consistent employment is not sufficient to have the Child returned to him, as Father has yet to address his domestic violence issues, which was a primary factor leading to the removal of the Child from the home and placement in foster care.

While Father took 15 months to obtain steady employment and almost 18 months to obtain independent housing, the Child had both her physical and intangible needs met by multiple foster families. Her current foster family is willing to offer her permanency. As neither parent has satisfactorily alleviated the



conditions which led to the removal or placement of the Child, it is clear to this Court that termination of Mother's and 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 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).

The Agency made a referral to Crossroads Counseling on October 10, 2022, for a bonding assessment for each parent. Attempts by Crossroads to schedule the evaluations were unsuccessful. Mother had relocated to the Harrisburg area and had ceased contact with the Agency and stopped visiting with the Child prior to the referral. Mr. Suggs testified that Father may have been having trouble with his phone around this time but indicated that he provided the information to Father again when he provided him with his new number. When Father testified, he indicated that he does not know what a bonding assessment is and that he did not recall having a conversation about it with Mr. Suggs.

When a child is removed from the home and placed in foster care, the scheduled visits become extremely important as they serve to allow the parent to maintain the parent/child bond as the parent works towards reunification. Both Mother and Father exhibited poor consistency in attending visits. Mother stopped attending visits altogether in September of 2022. When Father attended, he was often late, and had to be prompted to perform basic parental duties such as changing diapers or providing a snack. While Father initially was very engaged during visits, more recently his level of interaction with the Child has decreased. Although Father testified that the Child is happy to see him now that he is the only parent attending visits, this is not indicative of the existence of a beneficial bond.

The Child has been in four foster homes since being removed from her parents' care. The Child has been in the current foster home since October 14, 2022. The foster parents have provided everything the Child needs and this has naturally established a bond and attachment between the Child and the foster parents which is not present between the Child and Mother or Father. The Child's permanency cannot and should not be delayed, and any additional moves could cause further trauma to the Child. The Child is clearly bonded with the resource parents, who have provided for her physical and emotional needs and who have welcomed her into their family. Most importantly, they are ready, able, and willing to offer her permanency. Given the lack of a bond between the Child and Mother and Father due to each parent's poor attendance at visits and failure to consistently perform parental duties, the Court is satisfied that termination of Mother's and Father'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 consistently met his needs 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 KS, Sr. and CM, by conduct continuing for a period of at least six months immediately preceding the filing of the petition have 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 KS, Sr. and CM, have 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 them 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 KS, Sr. and CM'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 and 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 KS, Sr. and CM'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 and 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 the developmental, physical and emotional needs and welfare of the Child will be best served by the termination of Mother's and Father'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  
Trisha Hoover Jasper, Esquire

Jennifer Ayers, Esquire  
Angela Lovecchio, Esquire  
Children & Youth  
CASA  
Gary Weber, Esquire  
Jennifer E. Linn, Esquire

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ORPHANS' COURT DIVISION**

**IN RE:** : **NO. 2022-6821**  
:   
**LS,** :   
:   
**Minor child** :

**DECREE**

**AND NOW**, this **22<sup>nd</sup>** day of **February, 2023**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of KS, Sr., held on February 8, 2022, it is hereby ORDERED and DECREED:

- (1) That the parental rights of KS, Sr. 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,

Ryan M. Tira, Judge

RMT/jel

cc. John Pietrovito, Esquire  
Trisha Hoover Jasper, Esquire  
Jennifer Ayers, 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**

<b>IN RE:</b>	:	<b>NO. 2022-6821</b>
	:	
<b>LS,</b>	:	
<b>Minor child</b>	:	

**DECREE**

**AND NOW**, this **22<sup>nd</sup>** day of **February, 2023**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of CM, held on February 8, 2022, it is hereby ORDERED and DECREED:

- (1) That the parental rights of CM 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.



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By the Court,

Ryan M. Tira, Judge

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