

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

IN RE: : **NO. 2022-6841**
:
RRL, :
:
Minor child :
:

OPINION AND ORDER

AND NOW, this **22nd** day of **May, 2023**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of SL ("Mother") and RT ("Father") filed on December 13, 2022, with regard to RRL ("Child"). A hearing on the Petition for Involuntary Termination of Parental Rights was held on April 19, 2023. Mother failed to appear and was represented by Jeana Longo, Esquire. Father appeared personally and was represented by Tiffani Kase, 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

RRL was born on [redacted]. She is the child of RT date of birth [redacted], and SL, 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 on May 21, 2021, regarding parent/caregiver behavioral health concerns and inadequate basic needs. Mother was reported as presenting as paranoid and disorganized and there were concerns about lack of food in the home as Mother's food stamps were shut off. Outreach services were referred on May 26, 2021, but Mother denied help setting up STEP transportation,

mental health services, and parenting support. On June 13, 2021, another report was received regarding Mother's mental health issues. On that date, Mother called EMS as she felt there were spiders invading her apartment and crawling into her child's ears. When EMS arrived they found Mother had been spraying insecticide all over the apartment and had knives out on all the counters. On that date, Mother signed a voluntary agreement for inpatient treatment at Divine Providence Hospital and the Child was voluntarily placed in Agency custody. On June 21, 2021, Mother left her inpatient treatment despite doctors requesting she stay longer for treatment. Mother expressed her desire to revoke her voluntary placement of the Child, but due to her ongoing mental health issues the Agency sought approval for Emergency Protective Custody of the Child, which the Court granted on June 21, 2021.

A Shelter Care hearing was held on June 24, 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 2, 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 Mother was a good mother, and loved the Child and the only concern was her mental health. The Court ordered Mother to (1) continue to work with her Targeted Case Manager (TCM); (2) continue with medication management; (3) be evaluated by a psychiatrist; (4) attend a Family Group Decision Making meeting; (5) participate in

Outreach services; and (6) attend counseling at Diakon. A review hearing was scheduled for thirty days to discuss the return of the Child.

A permanency review hearing was held on August 9, 2021. The Court noted that there had been no compliance with the permanency plan and no progress toward alleviating the circumstances which necessitated the original placement on the part of Father, in that he had not had contact with the Agency and had not initiated any visits, although it was noted that his work schedule prohibited him from attending visits during the week. Father was reminded by the Court of its expectation that he take more responsibility for the Child by becoming more directly involved in her care. Mother was found to have total compliance with the permanency plan and made full progress toward alleviating the circumstances which necessitated the original placement, in that she had been taking her medication and her condition had stabilized. Mother was attending medication management and mental health counseling and was working closely with her TCM. There were no concerns with Mother's residence and she had attended every visit with the Child. Following the hearing, legal and physical custody of the Child was returned to Mother and Father but the Child remained under the protective supervision of the Agency.

A permanency review hearing was held on December 3, 2021. Mother attended in person and Father did not attend. The Court found that there had been no compliance with the permanency plan by Father in that he had no contact with the Agency. There was an incident that occurred at Mother's home where Father was drunk and disrespectful, broke several items, and the police were ultimately called. He had lost his housing at the American Rescue Workers and his residence was unknown. The Court found there had been moderate compliance with the permanency plan by Mother,

in that she continued to work with her TCM and caseworker, although there had been issues. The Court heard testimony that during the months the Child was in Mother's home, there had been a reduction in her engagement and affect, to the point where she showed no emotion. Mother's mental health deteriorated and her paranoia escalated during this review period and she was described as being very angry and frequently yelling. The Court found, in order to assure the Child's safety, she needed to be removed from Mother's home and placed in the legal and physical custody of the Agency for placement in a resource home. Following the hearing, the Court reaffirmed dependency and legal and physical custody of the Child was transferred to the Agency for placement in a foster home.

A permanency review hearing was held on April 22, 2022. The Court found that Mother had substantial compliance with the permanency plan in that she continued with medication management at Diakon and worked with her TCM. Mother was participating in Outreach services and attended 34 out of 35 visits and 2 out of 3 of the Child's medical appointments during the review period. Father was found to have moderate compliance with the permanency plan in that he had good communication with the Agency, attended visits regularly, worked full time and participated in Outreach services. The Court found that both Mother and Father had made minimal progress toward alleviating the circumstances which necessitated the original placement. Mother's mental health concerns were ongoing, and she was often reported to be paranoid or lack focus. 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 ordered Mother to undergo a psychological evaluation to

provide insight into her mental health issues, thereby allowing the Agency to provide her with more effective assistance.

On [redacted], Mother gave birth to another Child, PDL. That child was placed in the custody of the Agency on May 25, 2022, and adjudicated dependent on June 3, 2022. A permanency review hearing was held on August 24, 2022. Mother participated by telephone and Father attended in person. The Court found that there had been moderate compliance by Mother with the permanency plan but only minimal progress toward alleviating the circumstances which necessitated the original placement, in that she was discharged from medication management and counseling at Diakon due to no-shows. Mother did have an evaluation at Crossroads Counseling and continued to work with her TCM. Mother attended 27 out of 29 visits, but her attention and focus started to diminish at the end of the review period. The Court found that there had been moderate compliance by Father with the permanency plan but only minimal progress toward alleviating the circumstances which necessitated the original placement, in that Father had contact with the Agency and attended 23 out of 30 visits during the review period. Father was appropriate at visitation and remained involved with Outreach services. Father had full-time employment but suitable housing was not verified. 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 September 21, 2022, the Agency filed a Motion to Suspend Visitation, alleging the current visitation posed a grave threat to the Child in that Mother's mental health had been rapidly declining. Mother had made phone contact with several Agency staff and made allegations regarding staff acting inappropriately that were both physical and sexual in nature. Mother accused Agency staff of trying to have her murdered. A

hearing was held on September 28, 2022, after which the Court found that there were grounds to suspend Mother's visitations until Mother underwent mental health counseling.

A permanency review hearing was held on November 18, 2022. Father attended the hearing in person and Mother did not attend. The Court found that Mother had no compliance with the permanency plan and no progress toward alleviating the circumstances which necessitated the original placement in that she was not participating in Outreach, was not receiving medication management or counseling, and discharged her TCM. After Mother's visits were suspended on October 4, 2022, Mother did not maintain contact with the Agency despite repeated attempts by her caseworker to contact her. Father had no compliance with the permanency plan and no progress toward alleviating the circumstances which necessitated the original placement, in that he attended only 1 out of 17 visits and was not participating in Outreach or keeping in contact with the Agency. Father was employed, but did not have stable housing. 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 February 15, 2023. Neither Mother nor Father attended. The Court found that Mother had no compliance with the permanency plan and no progress toward alleviating the circumstances which necessitated the original placement in that she had no visitation with the Children pursuant to the Court Order. Mother had no contact with the Agency or her attorney and her whereabouts were unknown. Father had minimal compliance with the permanency plan and minimal progress toward alleviating the circumstances which necessitated the

original placement, in that he still had not attained stable housing. Father successfully completed inpatient treatment following a relapse with alcohol use and moved to a sober living home in Chester, Pennsylvania. However, at the time of the hearing, Father had been at the sober living house for more than two weeks and was unable to provide the name of his counselor or details of any counseling services in which he was participating. 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 Petition for Involuntary Termination filed on December 13, 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 April 19, 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).

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 the Child when she was sick or scared.

Claudia Perry, visitation caseworker for the Agency, testified that Mother initially was a warm and affectionate parent who interacted with the Child well and was very receptive to her suggestions. Mother had good attendance at the time and the Child was eventually returned to her care. However, Mother's mental health soon began to decline and her attendance at visits began to decrease. Mother would sometimes "zone out" during her visits, which caused visitation staff to have to intervene to ensure the

safety of the Child. Mother's paranoia and bizarre behaviors, including making allegations that Agency staff was exchanging sexual favors for children and conspiring to kill her, resulted in the Agency canceling four of her visits before the Court officially suspended her visitation on October 4, 2022. The Order clearly provided that Mother's visits could be resumed upon her addressing her mental health issues. Not only did Mother not address her mental health issues, she stopped participating in Outreach services and stopped responding to the Agency's attempts to contact her.

The last in-person contact Mother had with the Child was on September 8, 2022. (Agency Ex. 36). Prior to that, Mother's visits were limited to two times per week for two hours each. After the Child was returned to the legal and physical custody of the Agency, the level of supervision was never decreased nor did Mother ever progress to community visits. While Ms. Perry testified that Mother showed affection for the Child and provided a meal and diapers during those visits, this did not satisfy Mother's obligation to perform parental duties such as providing housing, clothing, bathing, feeding and comfort. The vast majority of parental duties from the time the Child entered care and *all* of the parental duties since September 8, 2022, were performed by the resource parents.

Although the Child was adjudicated dependent in June of 2021, Father did not contact the Agency to set up visitation until December of 2021. Ms. Perry testified that initially Father was very attentive to the Child and they had good interaction. However, Father struggled to follow basic rules and was extremely resistant to suggestions from visitation caseworkers, often ignoring them if they pointed out a safety issue. Most concerning, however, was Father's attendance. While Father initially attended 60 out of 71 visits with the Child, he had a series of no-shows which resulted in him being placed

on “call-in status.” When Father began visits with both children, he attended only 7 out of 57 visits for an overall attendance rate of 64% when accounting for the times Father was unavailable while in inpatient treatment. The last visit Father attended was on December 27, 2022.

The Child has been in placement for more than half of her life. Since at least December 13, 2021, the Child has depended on her resource parents to provide for not only her physical needs such as food, shelter, and clothing, but also for her emotional needs such as comfort and support. Given Father’s extremely poor attendance rate and the fact that Mother has not seen the Child since September of 2022, 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).

Mother had three different referrals for Outreach services. Tammy Bradley, Outreach caseworker, testified that the first referral was made on May 26, 2021, but Mother declined services indicating she did not want help. The second, made on August 4, 2021, was to connect Mother with community services and offer parenting support. Mother met with Ms. Bradley 4 times but felt she did not need services or parenting support. The final referral was made on November 3, 2021, and services lasted for a year but Mother’s engagement was sporadic. Mother’s mental health was a concern because it impeded her progress and her ability apply what she learned and to complete goals in a timely manner. Outreach services were closed on December 15, 2022, due to Mother’s failure to respond to the caseworker’s attempts to reach her to set up meetings.

Mother’s mental health has been a concern from the case’s inception. When Mother was seeing a counselor and participating in medication

management and engaging with her TCM, the Child was returned to her home. However, her mental health rapidly declined and the Child was again removed from her home. At each permanency review hearing Mother was instructed to continue to work with her TCM and continue with medication management. Mother was directed to participate in counseling.

By Order dated May 12, 2022, Mother was required to submit to a psychological evaluation. A Comprehensive Behavioral Health Evaluation was performed on August 23, 2022, by Crossroads Counseling. It was recommended that if Mother struggled to make progress in stabilizing her behavior, consideration should be given to an increase in level of care to a program such as partial hospitalization. Mother was also recommended to continue participation in medication management and case management services. Additionally, it was recommended that Mother complete a neuropsychological evaluation to determine what impact her traumatic brain injury has had and how it will continue to affect her functioning moving forward. Colleen Bolton, ongoing caseworker, testified that a neuropsychological evaluation was scheduled by the Agency to take place on September 21, 2022, but Mother did not attend. Ms. Bolton further testified that, despite repeated attempts by the Agency to connect Mother with mental health services, she did not follow through with any of the recommendations.

Mother's mental health declined so significantly that the Agency feared for the Child's safety and the safety of the Agency caseworkers to the point that it requested that Mother's visitation be suspended until she engaged in mental health treatment. A Court order dated October 4, 2022, granted this request.

Mother did not engage in any mental health services and, in fact, stopped responding to her caseworker, Outreach worker, and her attorney. Mother's refusal to address her mental health concerns has resulted in the Child being without parental care, control, or subsistence necessary for her physical and mental well-being.

With regard to Father, the failure to maintain stable employment and housing has been one of the Agency's primary concerns, as this has precluded him from being a resource for the Child. Ms. Bolton testified that Father had at least four different jobs since the Agency became involved with the family, and in a telephone call on March 28, 2023, Father informed her that he was not working because his sober living facility was not giving him enough employment options to choose from. At the hearing on the Petition for Involuntary Termination of Parental Rights, Father testified that he began working part time at a supermarket that week, earning \$13.00 per hour.

At every permanency review hearing, Father's housing issues were raised. When the Child came into care, Father was living at the American Rescue Workers but was soon removed from that program. Father indicated he was on the waitlist for housing through the Lycoming Housing Authority, but dropped from very high to very low on the priority list. Father testified that this had nothing to do with his removal from the American Rescue Workers program after he was accused of stealing but rather was due to him requesting a bigger apartment to accommodate his children and the Agency's failure to provide him with copies of the children's birth certificates and Social Security cards. Father continually blamed the Agency for his housing issues, accusing them of not doing enough to

help him. However, he was eligible for a one-bedroom apartment through the Lycoming Housing Authority and did not take advantage of the offer. At the time of the hearing on the Petition for Involuntary Termination of Parental Rights, Father testified that had been residing at a sober living facility since February 2, 2023. Father was unable to provide the Court with his anticipated length of stay, but indicated that the Children were not able to reside there with him. Father's inability to obtain and maintain stable employment and appropriate housing has caused the Child to be without essential parental care, control or subsistence necessary for her physical or mental well-being.

“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). The Child has been in placement for a total of 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 initially on June 21, 2021. After legal and physical custody was briefly returned to Mother and Father, she was again placed on December 3, 2021, and has been in Agency's custody ever since. Even when Mother was found to have moderate or better compliance with the permanency plan, she never made more than minimal progress towards alleviating the conditions which necessitated the Child's placement. Mother's inability or refusal to address her mental health issues led to her visitation being suspended, which resulted in her having no compliance with the permanency plan and making no progress toward alleviating the conditions which necessitated the Child's placement during the last several review periods. Mother appears to have abandoned her efforts to be reunified with the Child, as she has not visited with the Child since September 8, 2022, and her communication with the Agency since then has been almost non-existent.

Father had moderate compliance with the permanency plan during two review periods and minimal or no compliance during the remaining review periods. He never made more than minimal progress towards alleviating the conditions which necessitated the Child's placement. Father struggled to maintain consistent employment and housing since the time the Child was placed in foster care. Father's attendance at visitation was extremely poor. Father failed to take any accountability for the Child's initial and ongoing placement. At the

time of the hearing on the Petition for Involuntary Termination of Parental Rights, Father was still in no position to be a resource for the Child.

During the time the Agency was attempting to assist Mother and Father with services to remedy the circumstances that led to the Child's placement, the Child had both her physical and intangible needs met by her foster family. This foster family is ready, willing, and able 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).

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’s visits were suspended in October of 2022, and she did nothing to address her mental health concerns, which was a requirement of her visits resuming. Father’s attendance was poor, he was not receptive to the Agency’s suggestions, and he had to be prompted to perform basic parental duties such as changing diapers. Father’s last visit occurred on December 27, 2022. Given the young age of the Child, the length of time she has been in placement, and the length of time since she has had contact with either parent, the Court does not find that a bond exists between the Child and either Mother or Father.

The Child has been in the same foster home since being removed from her parents’ care. 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 or Father. Most importantly, they are ready, able, and willing to offer the Child permanency. Given the lack of a bond between the Child and Mother and Father due to each parent's poor attendance at visits, lack of performance of parental duties, and failure to address the conditions which necessitated the Child's placement, 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 SL and RT, 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 SL and RT, 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 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 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 SL and RT'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 SL and RT'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
Jeana Longo, Esquire
Tiffani Kase, 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. 2022-6841**
:
RRL, :
:
Minor child :

DECREE

AND NOW, this **22nd** day of **May, 2023**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of SL, held on April 19, 2023, it is hereby ORDERED and DECREED:

- (1) That the parental rights of SL 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

- c. John Pietrovito, Esquire
Jeana Longo, Esquire
Tiffani Kase, 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. 2022-6841**
:
RRL, :
:
Minor child :

DECREE

AND NOW, this **22nd** day of **May, 2023**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of RT, held on April 19, 2023, it is hereby ORDERED and DECREED:

- (1) That the parental rights of RT 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.

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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

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