

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

IN RE:	:	NO. 2023-6872
	:	
KT,	:	
	:	
Minor child	:	

OPINION AND ORDER

AND NOW, this 8th day of **February, 2024**, before the Court is Lycoming County Children & Youth Services' ("Agency") Petition for Involuntary Termination of Parental Rights of DT ("Father") filed on June 7, 2023, with regard to KT ("Child"). A hearing on the Petition for Involuntary Termination of Parental Rights was held on December 18, 2023. Father was present and was represented by Dance Drier, Esquire. John Pietrovito, Esquire, Solicitor for the Agency, Angela Lovecchio, Esquire, Guardian Ad Litem, and Trisha Hoover Jasper, Esquire counsel for the Child, were also present at the hearings. MS ("Mother") signed a Consent to Adopt on December 5, 2023. After the Agency placed a stipulation on the record regarding her consent, Mother and her counsel, Timothy Reitz, Esquire, were excused from the proceedings.

Findings of Facts

KT was born on [redacted]. She is the child of MS, date of birth [redacted], and DT, date of birth [redacted]. Mother and Father were not married at the time of the Child's birth.

On March 30, 2022, the Agency received a CPS report containing allegations of sexual abuse naming Mother's paramour as the alleged perpetrator and the Child who is the subject of this petition as the victim child. Mother was named as an alleged

perpetrator by omission. A safety plan was put into effect on the same date stating that the Child would stay with maternal grandmother, who would supervise contact with Mother and her paramour. A Due Process hearing was scheduled for April 1, 2022, at the request of Mother but was later cancelled due to the fact that the Agency was made aware that Mother and maternal grandmother failed to follow the safety plan and the Agency subsequently requested, and was granted, emergency custody of the Child. A Shelter Care hearing was held on April 1, 2022, at which time all parties stipulated that sufficient evidence existed that the Child should not remain in the home of Mother, and that she should continue to be in the emergency kinship home of a maternal aunt pending a hearing on the dependency petition.

A Dependency Hearing was held on April 11, 2022, at which time the Court found by clear and convincing evidence the Child was without proper care or control, subsistence, education as required by law or other care or control necessary for her physical, mental, or emotional health or morals. All parties stipulated that the Child was dependent. The Child's prior kinship home was no longer willing to be a resource and she was therefore placed in another kinship resource home, where she remains to this day. It was noted that Father was not able to be a resource for her but he hoped to have suitable living arrangements in the future. Following the hearing, the Child was adjudicated dependent and legal and physical custody remained with the Agency.

On June 29, 2022, the Child's Guardian Ad Litem filed a Petition to Suspend Visitation with Father, alleging that the Child had made allegations against Father regarding unlawful sexual contact which were reported to ChildLine. At the time, Father was having supervised visits with the Child at the Family Visitation Center on Monday and Wednesday evenings. The GAL's petition requested that visits be suspended until a

thorough investigation could be conducted regarding the allegations. A hearing on the petition was scheduled for August 1, 2022, but the Motion was later withdrawn by the GAL and the hearing cancelled.

A permanency review hearing was held on August 24, 2022. Father was found to have moderate compliance with the permanency plan, in that he attended twenty-four out of twenty-five visits with the Child and maintained full time employment. Father was found to have made moderate progress toward alleviating the circumstances which necessitated the original placement. Father was directed to sign authorizations for all service providers to release information to the Agency, and required Father to undergo a sexual offender evaluation prior to any unsupervised visitation being permitted. The Agency was directed to arrange for a weekly phone call between Father and 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 the kinship resource home.

On October 24, 2022, the Agency filed a Motion to Suspend Visitation similar to the one previously filed by the Guardian Ad Litem, and alleged that the visits posed a grave danger to her as they were significantly impacting her trauma symptoms. A hearing was held on November 1, 2022, at which time Geri Myers, the Child's therapist, testified that the Child displayed aggressive behaviors prior to and after the visits with Father and ongoing contact with someone she identified as a perpetrator of abuse would be counterproductive to her treatment and undermine any clinical progress she had made. By Order docketed November 2, 2022, the Court found grounds to suspend Father's visits, and directed Father to immediately begin the process of the previously ordered sexual offender evaluation, as well as any additional evaluation requested by

counselors at Crossroads and follow all recommendations in order to work toward any potential reunification with the Child. Father underwent the psychosexual assessment on November 4, 2022, with C. Townsend Velkoff, M.S., despite his visits being suspended. It is noted that Father emphatically denied engaging in any sexual abuse of the Child and the report did not give an opinion on whether Father posed a risk to the Child.

A permanency review hearing was held on April 5, 2023. Father had moderate compliance with the permanency plan, in that he obtained housing in Williamsport and maintained employment. However, he had not had visitation with the Child since the Court's Order of November 2, 2022, and had not obtained an evaluation to determine his protective capacities, which led the Court to find that he had made no progress toward alleviating the circumstances which necessitated the original placement. Father was ordered to reengage with services at Crossroads Counseling and within six (6) weeks, Crossroads was to provide a recommendation of whether Father should resume supervised visits with the Child at the Agency or through joint counseling at Crossroads. The Agency was directed to assist with the cost of counseling and Father was directed to sign releases authorizing Expectations for Women to provide information regarding his participation to the Agency. 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 kinship resource home.

The Agency's Petition for Involuntary Termination of Parental Rights was filed on June 7, 2023. The Petition for Change of Goal was filed on June 15, 2023.

A permanency review hearing was held on August 2, 2023. Father was found to have minimal compliance with the permanency plan, in that he continued to have

housing. He reported that he maintained employment but did not provide the Agency with verification. Father was again found to have made minimal progress toward alleviating the circumstances which necessitated the original placement, in that he had not had any visitation with the Child since the Court's Order docketed on November 2, 2022, which suspended his visits. Further, he failed to follow through with services by not attending appointments or discontinuing services. The Court kept in place the same services previously ordered and reiterated its expectation that Father engage in them. However, it was noted that at the time of the review hearing Father was incarcerated on drug offenses. 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 kinship resource home.

A permanency review hearing was held on November 15, 2023. Father was incarcerated for the entire review period and had no compliance with the permanency plan and made no progress toward alleviating the circumstances which necessitated the original placement. On November 17, 2023, Father pled guilty to three counts of Manufacture, Deliver, or Possession with Intent to Manufacture or Deliver a Controlled Substance, each a felony offense, and is scheduled to be sentenced on February 6, 2024. At the time of the last permanency review hearing, Father had not had visitation with the Child in over a year. The Termination of Parental Rights hearing was held on December 18, 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 Father'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).

Father was scheduled for 2 supervised visits per week for 1 hour each at the Visitation Center beginning on April 18, 2022. A weekly supervised video visit was added on October 4, 2022. Until the Court granted the Agency's Motion to Suspend Visits on November 1, 2022, Father attended nearly every visit available to him. The Visitation Court Report (Ex. 21) indicated that Father showed love and affection for, and actively interacted with, the Child and often brought a meal and activities for them to do together. Although the visits were suspended a little more than six months prior to the filing of the Petition for Involuntary Termination, Father remained vocal about his desire to resume visits and be reunified with the Child. For this reason, the Court cannot conclude that Father 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). At the time the Child was placed in the legal and physical custody of the Agency, there was a custody Order between Mother and Father. However, Father had not been exercising his periods of custody for a year prior to the Agency's involvement due to his lack of appropriate housing. The Child's greatest needs at her age are shelter, food, clothing, medical care, counseling, education, comfort, and support. In order to satisfy his obligation to perform even the most basic parental duties, Father would have to maintain stable housing, maintain employment to financially support himself and the Child, make and attend medical and counseling appointments, ensure she attends school, and comfort her when she was sick or scared. When Father was regularly attending visits, he was loving

and attentive and provided a meal or snack for her. However, even with a very high attendance rate, Father was able to perform parental duties for the Child for only 2 hours per week prior to his visits being suspended by the Court, and those parental duties were limited to what was able to be done within the confines of the visitation center during the scheduled visits. For the majority of the time since the Child has been in placement, and for the entirety of the time since November of 2022, the Child has depended on her resource parents to provide not only for her physical needs such as food, shelter, and clothing, but also for her emotional needs such as comfort and support.

Given the amount of time that the Child has been in placement and the length of time which has passed since Father last had a visit with the Child, Father can not be said to have performed his 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. Although Father’s visits were suspended, he made no efforts to maintain communication with the Agency to inquire about her well-being, send her cards or gifts, or support her financially. 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 Father has 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 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).

“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).

Additionally, Father’s drug use and activities have continued to cause significant concern for the Agency. Father has been incarcerated since July 28, 2023, on drug charges. On November 17, 2023, he pled guilty to multiple counts of delivery of a controlled substance. He will be sentenced in March of 2024 and although the exact amount of time he will be incarcerated is unknown, his guilty plea colloquy indicated that the terms of the plea agreement include 18-36

months in a state correctional institute. The Supreme Court of Pennsylvania has definitively held that “[i]ncarceration, while not a litmus test for termination, can be determinative of the question of whether a parent is incapable of providing ‘essential parental care, control, or subsistence’ and the length of the remaining confinement can be considered as highly relevant to whether the ‘conditions and causes of the incapacity, abuse, neglect, or refusal cannot or will not be remedied by the parent.’” **In re: Adoption of S.P.**, 47 A.3d 817, 830 (Pa. 2012).

Once Father has abandoned parental control through his own actions, it is not enough for him to “promise” to do better to *regain* parental control in the future.” **In re: J.L.C and J.R.C.**, 837 A.2d 1247, 1249 (Pa.Super. 2003). Father’s own actions, including being fired from a job for a positive drug screen, admitting to being seen using methamphetamines in a video obtained by the Guardian Ad Litem, and, most egregiously, pleading guilty to delivery of a controlled substance, have jeopardized the goals he did achieve such as housing and employment. Father is facing a lengthy prison sentence. Even if Father was permitted to have visitation with the Child, he is not in a position to be a resource for the Child and cannot even be considered as a resource until he completes his prison sentence.

This Court would like to emphasize that Father’s incarceration is not the sole factor in its determination that Father’s incapacities have caused the Child to be without essential parental care, control or subsistence necessary for her physical or mental well-being. Throughout the case, Father has argued that he has done everything the Agency and the Court has asked of him in an effort to remedy any alleged incapacities and be reunified with the Child. While Father did

accomplish the service plan goals of obtaining stable housing and employment for a period of time while the Child was in the legal and physical custody of the Agency, the Court does not find that Father was fully cooperative with the Agency in working towards the return of the Child. Heidi Porter, Ongoing Caseworker, testified that Father reported that he participated in parenting classes and other programming through Expectations. Father was Ordered to participate in the Men Against Abuse Program (MAAP) but stopped attending due to financial concerns. In April of 2023, the Court ordered Father to reengage in the program and services through Crossroads Counseling and directed the Agency to assist Father with funding. However, Father failed to do so prior to being incarcerated in July of 2023. Ms. Porter testified that Father never requested a referral for Outreach Services from the Agency despite the Court and the caseworkers encouraging him to take advantage of those services.

The Child has been in placement for approximately 22 months, and Father has not been able to make measurable progress in addressing the incapacities which caused the Child to be unable to be placed in his care when removed from the care of Mother. This Court finds that Father has not remedied his 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 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 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 March 31, 2022, as a result of the criminal actions perpetrated against her by Mother and her paramour, and has been in Agency’s custody ever since. Although Father’s counsel argued that the Child was

removed from Mother's care and not Father's care, at the time she was removed from Mother's home, Father was not in a position to be a resource for the Child and had not been exercising physical custody of the Child for approximately a year due to a lack of appropriate housing.

Father had moderate compliance with the permanency plan during the first two review periods and minimal or no compliance during the other review periods. He made moderate progress towards alleviating the conditions which necessitated the Child's placement in the first review period but made none in each subsequent review period. This, of course, takes into consideration the fact that he has not had a visit with the Child since November of 2022 and has been incarcerated since July 28, 2023. However, Father still does not have appropriate housing for the Child and will be unable to provide safe, stable housing in the immediate future. Additionally, Father's protective capacity remains questionable and he has not fully engaged in the services offered to him to help rectify the conditions which led to the Child's removal and inability to be placed with him.

While Father has been unable to be a resource for the Child, the Child had both her physical and intangible needs met by her resource family. They are willing to offer her permanency. As Father has failed to satisfactorily alleviate the conditions which led to the removal or placement of the Child, it is clear to this Court that termination of his 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. “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 this case, the Child has experienced a significant amount of trauma and victimization in her young life. Visits with Father were suspended by the Court in November of 2022 at the request of the Agency and with the support of the Child’s

therapist, who opined that the Child struggled to make progress in her treatment because she was continuing to have visits with an individual she identified as a perpetrator of abuse and would be retraumatized before, during, and after each visit. Although Father vehemently denies all allegations of abuse against the Child, the Child's therapist, Geri Myers, testified at the termination of parental rights hearing that any contact with Father would cause the Child to lose any progress she has made therapeutically and have a negative emotional impact on her because she does not feel safe with Father. In a "Treatment Update" letter authored on November 10, 2023, Denise E. Feger, PhD and Chief Operating Officer of Crossroads Counseling, indicated that attempts at reunification between Father and the Child had failed because Father had not engaged in the services deemed clinically appropriate to support that effort. (Agency Ex. 17). Geri Myers confirmed this at the termination hearing, testifying that she met with Father on only two occasions (May and June of 2023) and the office made several attempts to schedule additional appointments with Father and received no response. For these reasons, no formal bonding assessment was scheduled between Father and the Child but it is evident to the Court that in the eyes of the Child, any bond with Father is not a positive one nor is it necessary or beneficial to her.

While a parent's emotional bond with his or her child is a major aspect of the subsection 2511(b) best-interest analysis, it is nonetheless only one of many factors to be considered by the court when determining what is in the best interest of the child.

[I]n addition to a bond examination, the trial court can equally emphasize the safety needs of the child, and should also consider the intangibles, such as the love, comfort, security, and stability the child might have with the foster parent. **In re Adoption of C.D.R.**, 111 A.3d 1212, 1219 (Pa. Super. 2015) (quoting **In re N.A.M.**, 33 A.3d 95, 103

(Pa. Super. 2011)), *abrogated in part on other grounds by In re K.T.*, 296 A.3d 1085 (Pa. 2023).

The Child is currently in a kinship placement home, where she has been since April 11, 2022. Her half-brother is placed in the same pre-adoptive home. The foster parents have provided everything the Child needs including love and consistency and this has naturally established a bond and attachment between the Child the foster parents which is no longer present between the Child and Father. The Child has indicated to her counsel and to the Guardian Ad Litem that she feels safe in her current home and considers her resource parents “mom” and “dad.” The Child’s permanency cannot and should not be delayed. The Child is clearly bonded with the resource parents, who have provided for her physical and emotional needs and have been working with the Child’s therapists, medical professionals, teachers, and family members to heal her traumas. Most importantly, they are ready, able, and willing to offer her permanency. Given the lack of a bond between the Child and Father, the Court is satisfied that termination of 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 her 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 DT, 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 DT 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 him 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 DT'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 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 DT'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 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 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
- Dance Drier, Esquire
- Trisha Hoover Jasper, Esquire
- Timothy Reitz, 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. 2023-6872**
:
KT, :
:
Minor child :

DECREE

AND NOW, this 8th day of **February, 2024**, after a hearing on the Petition for Involuntary Termination of the Parental Rights of DT, held on December 18, 2023, it is hereby ORDERED and DECREED:

- (1) That the parental rights of DT 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

By the Court,

Ryan M. Tira, Judge

RMT/jel

- c. John Pietrovito, Esquire
Dance Drier, Esquire
Trisha Hoover Jasper, Esquire
Timothy Reitz, Esquire
Angela Lovecchio, Esquire
Children & Youth
CASA
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