

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN THE INTEREST OF: J.O., A MINOR

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: C.F., MOTHER

No. 2727 EDA 2013

Appeal from the Decree entered August 14, 2013,
in the Court of Common Pleas of Philadelphia County,
Family Court, at No(s): 51-FN-465253-2009;
CP-51-AP-0000573-2011; CP-51-DP-0000698-2010

BEFORE: BENDER, P.J., SHOGAN, and FITZGERALD,* JJ.

MEMORANDUM BY FITZGERALD, J.:

FILED APRIL 15, 2014

C.F. ("Mother") appeals from the decree entered in the Philadelphia County Court of Common Pleas on August 14, 2013, terminating her parental rights to her son, J.O. ("Child"), d.o.b. 7/27/10, and changing Child's goal to adoption. The trial court terminated Mother's parental rights pursuant to 23 Pa.C.S. § 2511(a)(1), (2), (5), (8), and (b) of the Adoption Act. We affirm.

The trial court set forth the factual and procedural history as follows.

The family became known to the Philadelphia Department of Human Services ("DHS") on October 5, 2006, as the result of a Child Protective Services ("CPS") report. The CPS report alleged that the father of [Child's] siblings, [G.N.], hit one (1) of [Child's] siblings with a belt, leaving bruises on that child's arms and thighs. This CPS report was indicated.

* Former Justice specially assigned to the Superior Court.

DHS' [sic] subsequent assessment of the family revealed that Mother had a history of drug use, that Mother was diagnosed with bipolar disorder with psychotic features and Attention Deficit Hyperactivity Disorder ("ADHD"), and that Mother had a history of domestic violence episodes with G.N. DHS also learned that four (4) of [Child's] siblings were truant.

On November 16, 2007, an initial Family Service Plan ("FSP") was developed for Mother. However, Mother failed to comply with her objectives.

On June 18, 2008, this court adjudicated four (4) of [Child's] siblings dependent.

On July 2, 2008, Mother's FSP was revised. However, Mother failed to comply with these revised FSP objectives.

On September 4, 2008, the Office of Supportive Housing ("OSH") held an eviction meeting regarding Mother. Mother had failed to comply with the housing program's requirements [in] that she did not meet with OSH's social worker, and save the requisite funds for housing. As a result of this eviction meeting, Mother was scheduled to be evicted within thirty (30) to sixty (60) days.

On September 16, 2008, DHS made an unannounced visit to the family's home. DHS observed that three (3) of [Child's] siblings were home without supervision. As a result of this visit, DHS obtained an Order of Protective Custody ("OPC") for these three (3) children.

On December 15, 2008, Mother's FSP was again revised. However, Mother failed to comply with these revised objectives.

On June 23, 2009, DHS received a CPS report alleging that Mr. Nicholson had been sexually abusing one (1) of [Child's] siblings for some time. The CPS report also alleged that this child had reported these incidents in the past, that Mother had forced the child to recant her story. The CPS report was indicated.

On July 27, 2009, the Achieving Reunification Center ("ARC") sent a letter to DHS indicating that Mother's case had been closed out due to Mother's failure to either contact the ARC or report to the ARC office.

On February 1, 2010, Mother's FSP was again revised. However, Mother failed to comply with these revised objectives.

On February 22, 2010, and March 22, 2010, Mother participated in a parenting capacity evaluation. Mother reported symptoms of depression such as sadness, hopelessness, and suicidal ideations. Mother admitted that she sometimes left her children alone while she sought treatment for herself. Mother was diagnosed with major depression.

On July 27, 2010, Mother gave birth to [Child] at Thomas Jefferson University Hospital, whereupon [Child] tested positive for suboxone, a methadone alternative. [Child] was subsequently treated for suboxone withdrawal in the Neonatal Intensive Care Unit.

On September 21, 2010, [Child] underwent surgery for placement of a gastrostomy tube ("G-tube"). On September 24, 2010, Mother failed to attend G-tube training. Mother requested to visit [Child] the next day, but failed to follow the hospital directive [sic] call to schedule the visit beforehand. On September 29, 2010, Mother attended G-tube training, but did not complete the program.

On September 30, 2010, DHS obtained an OPC for [Child], whereupon he was placed in a foster home through Episcopal Community Services ("Agency"). At the time of the OPC, the whereabouts of [Child's] father, E.O. [Father], were unknown to DHS.

On October 1, 2010, [Child's] shelter care hearing was held. This [c]ourt lifted the OPC, ordered the temporary commitment of [Child] to DHS to stand, and ordered that Mother be referred to the Clinical Evaluation Unit, ("CEU") for a forthwith drug screening and monitoring.

On October 14, 2010, this [c]ourt adjudicated [Child] dependent and committed him to DHS.

On November 15, 2010, three (3) of [Child's] siblings witnessed Mother attempt to jump from a moving vehicle, thereby causing the three (3) siblings to become emotionally distraught. Mother was subsequently admitted to Friends Hospital for mental health treatment. One (1) of [Child's] siblings also reported that Mother had attacked her, choked her, hit her several times, and attempted to evict that child from the home.

On November 17, 2010, Mother's FSP was again revised. However, Mother failed to comply with these revised objectives.

On November 22, 2010, DHS received a General Protective Services ("GPS") report alleging that Mother had a psychotic episode, hit one (1) of [Child's] siblings, and forced that child to leave the home. This GPS report was substantiated.

On January 5, 2011, the CEU generated a report of noncompliance for Mother. This report was based on the facts that Mother tested positive for amphetamines on October 18, 2010, that Mother missed her drug treatment appointment on November 1, 2010, and that Mother had failed to either re-engage in treatment or contact the CEU.

On January 12, 2011, a permanency review hearing was held for [Child]. Mother failed to attend this hearing. This [c]ourt ordered Mother to be re-referred to the CEU for an assessment and forthwith drug screen, and ordered Mother to submit to four (4) random drug screens prior to the next court hearing. However, Mother failed to comply with this [c]ourt's [o]rder.

On February 9, 2011, permanent legal custody of three (3) of [Child's] siblings was granted to their foster parent and their respective matters were discharged from court.

The quarterly report from the Agency for the time period of February 24, 2011, through May 24, 2011, noted that Mother attended one (1) of [Child's] medical

appointments during that quarter. The report also stated that Mother missed eight (8) of thirteen (13) visits with [Child] during that quarter, and that Mother never provided the Agency with any documentation of her drug treatment.

On August 3, 2011, Mother's FSP was again revised. However, Mother failed to comply with these revised objectives.

On August 10, 2011, this [c]ourt adjudicated [Child] dependent and fully committed him to DHS. This [c]ourt found that Mother had not visited [Child] since May of 2011. The CEU submitted a report of non-compliance as to Mother, and based on said report, this [c]ourt ordered that Mother be re-referred to the CEU for an assessment and forthwith drug screen. This [c]ourt also ordered that Mother's visits were to be decreased to bi-weekly if she missed even one (1) visit with [Child]. However, mother failed to attend this hearing.

On December 14, 2011, a permanency review hearing was held. This [c]ourt found Mother to be in minimal compliance with her FSP objectives. The CEU submitted a report of noncompliance as to Mother, and based on said report, this [c]ourt ordered that Mother be re-referred to the CEU for an assessment and forthwith drug screen. Further, this [c]ourt ordered a bonding evaluation to be scheduled forthwith. Mother attended this hearing.

On April 18, 2012, the termination of parental rights hearing was continued to afford Father the opportunity to have a paternity test. This [c]ourt found Mother to be in minimal compliance with her FSP objectives and further ordered Mother's bonding evaluation to be rescheduled forthwith. Mother did not attend this hearing.

On July 11, 2012, a permanency review hearing was held. This [c]ourt found Mother to be in minimal compliance with her FSP objectives. This [c]ourt also found that Mother had not visited [Child] in four (4) months and did not attend her parenting capacity evaluation appointment. This [c]ourt again ordered that Mother be re-referred to the CEU for an assessment and

forthwith drug screen, and further ordered Mother's parenting capacity evaluation to be rescheduled forthwith. Mother attended this hearing.

On November 7, 2012, the termination of parental rights hearing was continued due to Mother's absence grounded in her having been committed to an inpatient mental health facility. The CEU submitted a report of non-compliance as to Mother.

On March 15, 2013, the termination of parental rights hearing was continued due to improper service upon both Mother and Father. Mother did not attend this hearing.

On April 1, 2013, the termination of parental rights hearing was continued due to the procedural posture changing from an expected, relatively short "uncontested" hearing to a lengthy, time-consuming "contested" hearing; this [c]ourt wanted to afford all parties ample time to try their case without any time constraints, whereby the matter was schedules [sic] for a protracted listing. Mother attending this hearing.

On August 14, 2013, the termination of parental rights hearing was held, whereupon this [c]ourt terminated the rights of both parents as to [Child].

On September 11, 2013, Mother timely appealed this [c]ourt's August 14, 2013 [o]rder. . . . Simultaneous therewith, on September 11, 2013, Mother filed her Statement of Matters Complained of on Appeal.

Trial Ct. Op., 10/10/13, at 1-7.

Mother raises six issues for our review:

Whether the trial court erred and/or abused its discretion by involuntarily terminating [] Mother's parental rights and changing the goal to adoption where [DHS] failed to prove by clear and convincing evidence that [] Mother evidenced a settled purpose of relinquishing claim to the child or has failed to perform parental duties where Mother had maintained her mental health treatment for over a year and a half, completed parenting, obtained housing and

where no or very little efforts were provided to facilitate reunification.

Whether the trial court erred and/or abused its discretion by involuntarily terminating [] Mother's parental rights and changing the goal to adoption where [DHS] failed to prove by clear and convincing evidence that the child was without essential parental care and that this incapacity would not be remedied by [] Mother where Mother substantially complied with her objectives in that she completed a parenting program, maintained her mental health treatment for over a year and a half, obtained housing and where little or no efforts were provided to facilitate reunification.

Whether the trial court erred and/or abused its discretion by involuntarily terminating [] Mother's parental rights and changing the goal to adoption where [DHS] failed to prove by clear and convincing evidence that the conditions which led to the removal of the child continue to exist where Mother had substantially complied with her objectives as stated above and little or no efforts were provided by [DHS] to facilitate reunification.

Whether the trial court erred and/or abused its discretion by involuntarily terminating [] Mother's parental rights and changing the goal to adoption where [DHS] failed to prove by clear and convincing evidence that the conditions which led to removal of the child continue to exist and Mother cannot or will not remedy those conditions within a reasonable period of time where Mother had substantially complied with her objectives as stated above and little or no efforts were provided by [DHS] to facilitate reunification.

Whether the trial court erred and/or abused its discretion by involuntarily terminating [] Mother's parental rights and changing the goal to adoption where [DHS] failed to prove by clear and convincing evidence that the developmental, physical and emotional needs and welfare of the child had been fully considered and that it was in the child's best interests of the child [sic].

Based upon the trial court's opinion filed subsequent to [Mother's] 1925(b) statement, whether the trial court committed reversible error by relying on evidence outside of the record.

Mother's brief at 4-5.

Our standard and scope of review is well-established:

In an appeal from an order terminating parental rights, our scope of review is comprehensive: we consider all the evidence presented as well as the trial court's factual findings and legal conclusions. However, our standard of review is narrow: we will reverse the trial court's order only if we conclude that the trial court abused its discretion, made an error of law, or lacked competent evidence to support its findings. The trial judge's decision is entitled to the same deference as a jury verdict.

In re L.M., 923 A.2d 505, 511 (Pa. Super. 2007) (citations omitted).

In termination cases, the burden is on DHS to prove by clear and convincing evidence that its asserted grounds for seeking the termination of parental rights are valid.

We have previously stated:

The standard of clear and convincing evidence is defined as testimony that is so "clear, direct, weighty and convincing as to enable the trier of fact to come to a clear conviction, without hesitation, of the truth of the precise facts in issue." It is well established that a court must examine the individual circumstances of each and every case and consider all explanations offered by the parent to determine if the evidence in light of the totality of the circumstances clearly warrants termination.

In re J.L.C., 837 A.2d 1247, 1251 (Pa. Super. 2003).

In re R.N.J., 985 A.2d 273, 276 (Pa. Super. 2009).

A parent must utilize all available resources to preserve the parental relationship, and must exercise reasonable

firmness in resisting obstacles placed in the path of maintaining the parent-child relationship. Parental rights are not preserved by waiting for a more suitable or convenient time to perform one's parental responsibilities while others provide the child with his or her physical and emotional needs.

In re K.Z.S., 946 A.2d 753, 759 (Pa. Super. 2008) (citation omitted).

Before filing a petition for termination of parental rights, the Commonwealth is required to make reasonable efforts to promote reunification of parent and child. However, the Commonwealth does not have an obligation to make such efforts indefinitely. The Commonwealth has an interest not only in family reunification but also in each child's right to a stable, safe, and healthy environment, and the two interests must both be considered.

In re Adoption of R.J.S., 901 A.2d 502, 507 (Pa. Super. 2006) (citations omitted).

The trial court found that CYS presented sufficient grounds to terminate Mother's parental rights under the following provisions of Section 2511:

§ 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.

* * *

(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.

Section 2511 requires our courts to conduct a two-part test before terminating parental rights:

Initially, the focus is on the conduct of the parent. The party seeking termination must prove by clear and convincing evidence that the parent's conduct satisfies the statutory grounds for termination delineated in section 2511(a). Only if the court determines that the parent's conduct warrants termination of his or her parental rights does the court engage in the second part of the analysis pursuant to section 2511(b): determination of the needs and welfare of the child under the standard of best interests of the child. One major aspect of the needs and welfare analysis concerns the nature and status of the emotional bond between parent and child, with close attention paid to the effect on the child of permanently severing any such bond.

In re L.M., 923 A.2d at 511 (citations omitted).

This Court may affirm the trial court's decision regarding the termination of parental rights with regard to any one subsection of section 2511(a). ***See In re B.L.W.***, 843 A.2d 380, 384 (Pa. Super. 2004) (*en banc*).

As a prefatory matter, we note that Mother purports to appeal from the trial court's conclusion that DHS presented clear and convincing evidence that terminating her parental rights pursuant to Sections 2511(a)(1), (2), (5), (8), and (b) is in Child's best interest. However, review of Mother's appellate brief indicates that the gravamen of Mother's argument for her first through fourth issues on appeal is actually that DHS made little or no effort to reunify Mother and Child. Mother's Brief at 12-15. Mother acknowledges that a parent has an affirmative duty to cooperate in obtaining rehabilitative

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services necessary for the performance of parental duties and to work toward reunification, but also emphasizes that DHS has a duty and responsibility to make a dedicated effort to rehabilitate and reunify the family. **Id.** at 12, 14. Mother claims that, in this case, “no effort, let alone one that could be considered ‘dedicated’ or ‘reasonable’ was afforded this family.” **Id.** at 14. Mother claims she “managed to address her mental health issues, parenting and housing without any assistance from [DHS] (or knowledge from [DHS] as to what had been accomplished or could be accomplished).” **Id.** In her argument, Mother emphasizes the alleged paucity of services provided to her and DHS’s lack of familiarity with her case at the termination hearing as proof that DHS’s efforts were not reasonable. **Id.** at 13.

Notwithstanding Mother’s citation to the record and authority in support of this contention, we find Mother’s first through fourth issues waived. The trial court noted in its Rule 1925(a) opinion that Mother raised her “lack of reasonable efforts” claim for the first time on appeal. Trial Ct. Op. at 8 n. 2. Our review of the record confirms the trial court’s conclusion. Accordingly, because Mother’s claims of trial court error are predicated on her assertion that DHS failed to make reasonable efforts to help her achieve reunification, those claims are waived. **See In re C.P.**, 901 A.2d 516, 522 (Pa. Super. 2006) (holding issue on appeal waived when raised for the first time on appeal); **See also** Pa.R.A.P. 302(a).

Moreover, even if we did not find Mother's first through fourth issues waived, they would not merit relief. Because we may affirm the trial court's decision as to any subsection of Section 2511(a), we focus our analysis on whether the trial court properly terminated Mother's parental rights pursuant to Section 2511(a)(5).

Termination of parental rights under Section 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 Z.P., 994 A.2d 1108, 1118 (Pa. Super. 2010). Further,

[T]he trial court must consider the whole history of a given case and not mechanically apply the six-month statutory provision. The court must examine the individual circumstances of each case and consider all the explanations offered by the parent facing termination of his or her 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) (citations omitted).

"[A] parent has an affirmative duty to work towards the return of the child." ***In re Adoption of J.J.***, 515 A.2d 883, 890 (Pa. 1986) (citation omitted). At a minimum, that affirmative duty requires "a showing by the parent of a willingness to cooperate with the agency to obtain the rehabilitative services necessary for the performance of parental duties and responsibilities." ***Id.***

The trial court found the following:

Given the testimony of the [DHS Social Worker ("Luna")] and the [Agency Social Worker ("Chong")], it is clear to this [c]ourt that Mother did not act affirmatively to demonstrate a desire to exercise parental care and control over [Child]. In the instant case, Mother had ample time to comply with her FSP and ISP objectives. [Luna] testified that the initial FSP meeting was held around November of 2010, almost two (2) full years prior to the date of the termination hearing. [Luna] testified that FSP meetings were held at regular intervals throughout the case, and that Mother was sent notices of each FSP meeting. [Chong] testified that she has been assigned to [Child's] case "since the beginning," and that the ISP objectives mirror the FSP objectives. [Chong] testified that Mother understood what she needed to do to achieve the ISP objectives.

[Luna] testified that the FSP objectives have been substantially the same throughout the history of [Child's] case. Mother was given the FSP objectives of: continue mental health treatment; obtain appropriate housing; maintain appropriate supervision of her children; follow all recommendations of DHS and her treatment providers; remain drug-free; and maintain visitation with her [Child].

[Chong] testified that the only objective Mother achieved was housing. However, even the successful achievement of that objective is questionable, given that while Mother has informed DHS that she has housing, she has not kept DHS updated about her current address and has not asked DHS to evaluate her home. [Luna] testified that she tried to contact Mother by phone and left messages for Mother, but that Mother has never returned [her] calls. [Chong] corroborated [Luna's] testimony that Mother's current housing is not appropriate, and that all attempts to contact Mother about housing via mail have gone unanswered. [Chong] testified that the last time she spoke with Mother in April of 2013, Mother's house was "dark" and "very unkempt [sic]." [Chong] testified that she did not feel comfortable or safe in the home, and that Mother's home is not appropriate for a child.

[Luna] testified that mental health treatment was an FSP objective of Mother since Mother has a long history of

mental health diagnoses, including depression, ADHD, anxiety, and chronic pain. [Luna] testified that Mother received medication management for these mental health conditions, but that her participation in therapy and medication management has been inconsistent throughout the history of the case. The Intensive Case Manager from Mother's mental health treatment center, [], testified that Mother is inconsistent with her treatments, and that getting Mother to follow the Center's recommendations "sometimes" requires prodding. [Luna] testified that Mother only re-engaged in therapeutic services the day prior to the termination hearing. [Luna] testified that Mother has not been compliant with her FSP objectives of obtaining mental health treatment. [Luna] further testified that sometime around September of 2012 Mother was hospitalized twice at Friends' Hospital due to mental health crises.

[Chong] testified that Mother was offered bi-weekly visitation starting in January of 2012. [Chong] testified that Mother made six (6) of seventeen (17) visits between January and September of 2012, and then stopped visiting in September of 2012. [Luna] corroborated this testimony, stating that Mother has not visited with [Child] since September of 2012, almost one (1) full year prior to the termination hearing. Mother herself testified that she stopped visiting with [Child] because she felt uncomfortable with [Child's foster mother]. However, Mother did not inform anyone that she had these reservations about [Child's foster mother ("Foster Mother")]. [Chong] also testified that Mother did confirm visits then would never show up, leaving [Child] waiting on at least two (2) occasions. [Luna] corroborated this testimony, stating that Mother's visits with [Child] are inconsistent, and that despite Mother calling to confirm the visits with [Child], Mother "doesn't show up." [Chong] further testified that Mother was aware that she could receive tokens if transportation to and from visits was ever an issue.

[Luna] testified that Mother has not participated in services for [Child]. [Luna] also testified that Mother has been in inconsistent contact with DHS. [Luna] testified that the only time Mother contacted DHS was to report

complaints about the current foster parent; all of Mother's complaints about the foster parent were deemed unfounded, unsubstantiated, or were not indicated. [Luna] testified that both she and the previous DHS social worker on the case referred Mother to the ARC, but that Mother was non-compliant with her ARC referrals. [Luna] also testified that Mother has *never* been more than minimally compliant with her FSP objectives. (Emphasis in original).

This [c]ourt agrees with the estimations of [Luna] and [Chong] as it bears upon Mother's lack of compliance with her FSP and ISP objectives, respectively. Thus, this [c]ourt finds by clear and convincing evidence that DHS has met its burden as contemplated by 23 Pa.C.S. § 2511(a)(5).

Trial Ct. Op. at 17-21.

The trial court found the testimony of Luna and Chong to be credible. Based on that testimony, the trial court concluded that the conditions that led to Child's placement continue to exist and that termination of Mother's parental rights would be in Child's best interests. ***Id.*** at 21. Furthermore, the uncontroverted evidence of record indicates that Child has been removed from Mother's care since September of 2010, well in excess of the requisite six month statutory period. ***Id.*** at 20.

Our standard of review requires us to accept the findings of fact and credibility determinations of the trial court if they are supported by the record. ***In re Adoption of S.P.***, 47 A.3d 817, 826 (Pa. 2012). After review, we determine that the record supports the trial court's conclusion that DHS proved that Mother has not resolved the issues that led to Child's placement. As a result, we find no abuse of discretion in the trial court's

conclusion that termination of Mother's parental rights pursuant to Section 2511(a)(5) is appropriate. **See id.; In re L.M.**, 923 A.2d at 511.

Mother's fifth issue concerns the trial court's determination that termination of Mother's parental rights would best serve Child's "developmental, physical, and emotional needs and welfare" pursuant to Section 2511(b). **See** 23 Pa.C.S. § 2511(b). We note that, although Mother raised this issue in her statement of questions, Mother has presented no argument in her brief in support of this claim of error. Accordingly, we find this issue waived. **See** Pa.R.A.P. 2119(a).¹

Even if we did not find Mother's fifth issue waived, it would not merit relief. With regard to Section 2511(b), this Court has stated:

Once the statutory requirement for involuntary termination of parental rights has been established under subsection (a), the court must consider whether the child's needs and welfare will be met by termination pursuant to subsection (b). In this context, the court must take into account whether a bond exists between child and parents, and whether termination would destroy an existing, necessary and beneficial relationship.

Z.P., 994 A.2d at 1121 (citation omitted). This Court has explained that the focus in terminating parental rights under Section 2511(a) is on the parent, but it is on the child pursuant to Section 2511(b). **In re C.L.G.**, 956 A.2d 999, 1008 (Pa. Super. 2008).

¹ "The argument shall be divided into as many parts as there are questions to be argued." Pa.R.A.P. 2119(a); **see also Commonwealth v. Bullock**, 948 A.2d 818 (Pa. Super. 2008) (holding issue identified in appeal but not properly developed in brief waived).

The trial court rigorously analyzed the evidence presented concerning the bond between Mother and Child. It concluded that that no healthy bond exists between Mother and Child. Trial Ct. Op. at 26. The court noted that, “[Chong] testified that she is responsible for supervising visits between Mother and [Child].” **Id.** at 23. Further, Chong testified that “[Child] is ‘well bonded’ to [Foster Mother]” and that [Child] does not have any sort of relationship with Mother.” **Id.**

With respect to the effect of termination of Mother’s parental rights on Child, the trial court credited the testimony of Luna that, “[Child] would not suffer permanent or irreparable harm if Mother’s parental rights were terminated since [Child] ‘has not been in contact’ with Mother.” **Id.** at 27. Similarly, the trial court found credible Chong’s testimony that, “[Child] will not suffer irreparable harm if Mother’s parental rights are terminated.” **Id.**

The trial court also concluded that Child’s needs and welfare were best served by termination of Mother’s parental rights. **Id.** at 29. In doing so, it noted the following:

[Luna] testified that [Child] has been living with [Foster Mother] for over two (2) years. [Luna] testified that [Foster Mother’s] home is a preadoptive home for [Child].

* * *

. . . [Luna] testified that she has observed [Child] with [Foster Mother], and that [Child] is very attached to [Foster Mother]. [Luna] testified that [Foster Mother] provides “everything [Child] needs” including medical care, meals, and comfort. [Luna] testified that [Child] calls [Foster Mother] “Mother.” [Luna] also testified that

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[Foster Mother's] home is a kinship placement, that [Child's] siblings are in the same home, that the home is safe and appropriate, and that [Foster Mother] is willing to adopt [Child].

Id. at 28-29.

Thus, the trial court did not abuse its discretion in finding the lack of a bond, and terminating the parental rights of Mother pursuant to Section 2511(b). After a careful review of the record, we find that there was competent evidence in the record to support the trial court's termination of Mother's parental rights under Section 2511(a)(5) and (b). **See *In re L.M.***, 923 A.2d at 511.

For Mother's sixth issue on appeal, she claims the trial court committed reversible error by relying on evidence outside of the record when determining that termination of Mother's parental rights is in Child's best interest. Specifically, Mother claims the trial court referenced in its Rule 1925(a) opinion information not put on the record at trial about the family's history with DHS going back to 2006. Our thorough review of the trial court's opinion, however, reveals that the trial court did not rely on the historical information about Child's family when concluding that Mother's parental rights should be involuntarily terminated pursuant to Section 2511(a) or (b). Instead, the trial court conducted a thorough examination of the extensive testimony taken at the termination hearing regarding Mother's conduct relative to Child and the effect termination would have on Child in reaching its conclusion that termination is appropriate in this case. The trial

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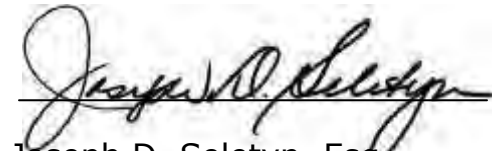
court's reference to Mother's history with DHS prior to Child's birth merely provides a context for this case and is relevant in that Child is now in kinship care with his siblings. Accordingly, we conclude this issue is meritless.

For all the foregoing reasons, we affirm the trial court's decree granting the petition to involuntarily terminate Mother's parental rights and change the goal to adoption.

Decree affirmed.

Judge Shogan concurs in the result.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 4/15/2014