

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN THE INTEREST OF: S.C., A MINOR,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
	:	
APPEAL OF: L.C., NATURAL FATHER,	:	
	:	Nos. 751 MDA 2013

Appeal from the Decree April 4, 2013
In the Court of Common Pleas of Luzerne County
Orphans' Court No(s): A-7991

IN THE INTEREST OF: L.Y., A MINOR,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
	:	
APPEAL OF: L.C., FATHER,	:	
	:	No. 755 MDA 2013

Appeal from the Decree April 4, 2013
In the Court of Common Pleas of Luzerne County
Civil Division No(s): A-7990

BEFORE: BOWES, OLSON, and FITZGERALD,* JJ.

MEMORANDUM BY FITZGERALD, J.:

FILED APRIL 23, 2014

L.C. ("Father") appeals from the decrees entered in the Luzerne County Court of Common Pleas on April 4, 2013, terminating his parental rights to his daughter, S.C., born in January 2011, and his son, L.Y., born in January 2010 (collectively "Children"), and changing Children's goal to

* Former Justice specially assigned to the Superior Court.

adoption. The trial court terminated Father's parental rights pursuant to 23 Pa.C.S. § 2511(a)(1) and (b) of the Adoption Act. We affirm.

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

Petitioner, Luzerne County Children and Youth Services ["CYS"]) filed [p]etitions for the [i]nvoluntary [t]ermination of [p]arental [r]ights ("Petitions") of the parents of the minor children, L.Y. and S.C. on December 11, 2012, in addition to conducting a goal change permanency hearing before the [c]ourt.

A hearing regarding the goal change of both parents took place on January 10, 2013. In addition, the hearing concerning Father's termination of parental rights was held on the same date. The hearing concerning Mother's parental rights occurred on April 4, 2013. At the conclusion of the April 4, 2013 proceedings, this [c]ourt issued decrees terminating the parental rights of both natural Father [] and natural Mother, pursuant to 23 Pa.C.S.[] 2511 (a)(1).^[1]

Father filed his [n]otice of [a]ppeal of record on April 25, 2013 without an accompanying [s]tatement of [m]atters [c]omplained of on [a]ppeal pursuant to Pa.R.A.P. 1925(a)(2). Father also filed with the Superior Court on or around April 17, 2013 a [p]etition to [p]roceed *in [f]orma [p]auperis*. The trial court entered an [o]rder on April 26, 2013 stating that the [c]ourt could not issue an [o]pinion as a result of [Father's] failure to file a [s]tatement of [m]atters [c]omplained of on [a]ppeal. On May 2, 2013, the Superior Court issued an [o]rder denying [Father] leave to proceed *in forma pauperis* without prejudice and directed that [Father] first request such relief in the trial court. On May 6, 2013, the Superior Court ordered Father to file a [s]tatement of [m]atters [c]omplained of on [a]ppeal with the Prothonotary of the Superior Court and to serve the [s]tatement on the trial judge and other parties. Father mailed a letter to the trial

¹ Mother has not appealed the termination of her parental rights to either child.

court written in the Spanish language titled "Statement of Matters Complained of Non Pro Tunc" [sic]. Said letter was dated April 10, 2013. The trial court mailed the letter to the Superior Court on June 12, 2013.

The Superior Court entered an [o]rder on June 3, 2013 stating the Court was unclear as to whether the trial court determined if [Father] was eligible for *in forma pauperis* status and whether [Father] was eligible for appointment of counsel in the termination matter. The Superior Court, therefore, directed the trial court to make a determination within fourteen (14) days of the date of the [o]rder as to whether [Father] was eligible for appointment of counsel. On June 7, 2013, the trial court entered an [o]rder scheduling a hearing for June 14, 2013, via video appearance of [Father], to address whether [Father] was allowed to proceed *in forma pauperis*.^[2] On June 14, 2013, the trial court held a hearing and entered an [o]rder finding [Father] eligible for *in forma pauperis* status, in addition to appointing Father counsel. On July 1, 2013, the trial court entered an [o]rder directing counsel for [Father] to file a [c]oncise [s]tatement of [m]atters [c]omplained of on [a]ppeal within seven (7) days from the date of the [o]rder's entry on the docket.

On July 8, 2013, Father, by and through his [c]ourt-[a]ppointed [c]ounsel, filed a [s]tatement of [m]atters [c]omplained of on [a]ppeal regarding the child, L.Y. On July 22, 2013, Father's counsel filed another [s]tatement of [m]atters [c]omplained of on [a]ppeal regarding the child S.C. Both [s]tatements of [m]atters [c]omplained of on [a]ppeal filed on behalf of each child contain the same language.

* * *

It is un rebutted that [Children] have been in placement and therefore removed from the care of Father and Mother, since January 4, 2012. Mother signed a voluntary placement due to her substance abuse relapse. Father was incarcerated at the time. Father has been

² We note that Father has been incarcerated since September, 2011.

incarcerated since September 2011. Since February 2012 until the present, [Children] have been in continuous placement with the foster parents [(“Foster Parents”)], T.M. and D.M.

Trial Ct. Op., 7/24/13, at 1-4.

As a prefatory matter, we note that although Father’s counsel raised five claims of trial court error in his Pa.R.A.P 1925(b) statement,³ his appellate brief is without a section entitled “Statement of Questions

³ Father raised the following issues in his counselled Rule 1925(b) statement.

Luzerne County [CYS] did not establish grounds for a [t]ermination of rights under Title 23 PA.C.S.A. [sic].

The [c]ourt abused its discretion, committed errors of law, and had insufficient evidentiary support for its findings in determining the Luzerne County [CYS] had met its burden under for [sic] a [t]ermination of [p]arental [r]ights.

The trial [c]ourt erred in finding that [CYS] proved the elements of termination with respect to 23 PA. C.S.A. section 2511(a) [sic], through clear and convincing evidence.

There was insufficient evidence presented at trial to establish termination on grounds of 23 PA. C.S.A. section 2511(a)(1) [sic], PA. C.S.A. section 2511(a)(5) [sic], PA. C.S.A. section 2511(a)(8) [sic] and PA. C.S.A. section 2511(b) [sic] through clear and convincing evidence.

The [t]rial [c]ourt erred in failing to provide [Father], appellant, a court appointed attorney before the [t]ermination of [p]arental [r]ights hearing proceeded.

Father’s Rule 1925(b) statement.

Involved” as required by Pa.R.A.P. 2116, and Appellant presents only one issue in the argument section of his brief.⁴ The argument advanced in Father’s appellate brief is as follows.

The conclusion of law by the lower court that the parental rights of [Father] to the minor children should be terminated was not supported by competent evidence and was an abuse of discretion

Father’s Brief at 2.

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:

⁴ In addition to these shortcomings, we note that Appellant’s counsel filed an extension of time to file his brief on October 9, 2013. Accordingly, this Court permitted counsel an additional fourteen days—until October 24, 2013— to file a brief on behalf of Appellant. However, Appellant’s counsel did not comply with this directive. Accordingly, on November 22, 2013, this Court remanded the matter to the trial court to ascertain whether counsel had abandoned Appellant. Following a hearing, on December 10, 2013, the trial court directed Appellant’s counsel to file a brief on Appellant’s behalf by December 18, 2013, or face sanctions. Counsel complied with the trial court’s order, albeit late, by filing a brief on December 20, 2013.

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).

“Where an incarcerated parent faces termination of parental rights, it is critical that the fact of incarceration and the practical limits it imposes on the parent/child relationship not obscure the focus of the statutory inquiry.”

In re P.S.S.C. and P.D.S.C., 32 A.3d 1281, 1285 (Pa. Super. 2011).

Furthermore, this Court has held:

“[U]nder 23 Pa.C.S.[] § 2511(a)(1), incarceration alone cannot support termination due to a parent’s failure to perform parental duties. Moreover, a parent’s absence and failure to support a child due to incarceration is not conclusive on the issue of whether the parent has abandoned the child. Nonetheless, a parent’s responsibilities are not tolled during incarceration, and therefore the court must inquire whether the parent utilized those resources available while he or she was in prison to continue a close relationship with the child.

Id. at 1286 (citations omitted).

Termination of parental rights is controlled by statute, specifically 23 Pa.C.S. § 2511, which sets forth a bifurcated analysis. ***Id.*** at 1286.

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 of the child of permanently severing any such bond.

In re L.M., 923 A.2d at 511.

The trial court found that CYS presented sufficient grounds to terminate Father’s parental rights under the following provisions of the 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.

* * *

(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.

23 Pa.C.S. § 2511(a)(1), (b).

Father argues that the trial court erred in finding by clear and convincing evidence that Father had evinced a settled purpose of relinquishing his parental rights by not performing his parental duties on behalf of Children pursuant to Section 2511(a)(1). In support of this argument, Father claims the trial court record contains “certain factors that indicate Father may not have been aware that [Children] were still in placement at the time of the termination hearing.” Father’s Brief at 3. Next, he suggests that the fact that “Father mailed a letter to the trial court

written in the Spanish [I]language titled 'Statement of Matters Complained of Non Pro Tunc'" indicates that Father was without counsel and "may not have fully understood the ramifications of what was happening to [Children]." **Id.** at 4. Father requests that this case be remanded to the trial court to determine whether his alleged lack of understanding of the English language and lack of counsel prevented him from participating in the termination process. **Id.** Finally, he alleges that his incarceration prevented him from being able to visit with Children. **Id.** at 3.

After reviewing Father's argument, we conclude only Father's issues concerning the trial court's application of Section 2511(a)(1) and whether the court erred in failing to provide Father court appointed counsel have been preserved for review as those issues were raised in Father's Rule 1925(b) statement. Accordingly, Father's claim that his lack of English language proficiency prevented him from participating in the termination process is waived.⁵ **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). Furthermore, Father's claim that his incarceration prevented him from being able to visit with Children is

⁵ Even if this issue were not waived, it would not merit relief. Father's claim that he was unable to understand and communicate with CYS is belied by the record. Ms. Tessitore testified that on November 20, 2012, Father sent her a letter **in English** inquiring about Children's whereabouts. Furthermore, following entry of the termination order on April 4, 2013, Father filed a *pro se* notice of appeal and petition to proceed *in forma pauperis* **in English**.

subsumed within his claim of error regarding the application of Section 2511(a)(1).

The trial court found the following:

The credible and uncontradicted testimony of Ms. Renee Tessitore, an ongoing caseworker at [CYS], was that Father was incarcerated in September of 2011, prior to the date of placement on January 2, 2012. From the date of placement until the present, Father did not have any contact with [Children]. Also, six (6) months prior to the filing of the [Petition], Father did not do any of the following: (a) request visits with [Children] or contact anyone requesting visits with [Children]; (b) communicate directly with [Children]; (c) support [Children] directly through Domestic Relations; (d) forward any money to [Foster Parents] or to [CYS] for the benefit of [Children]; (e) forward to [CYS] or [Foster Parents] any gifts in kind, such as clothing or food for [Children]; (f) make any attempts whatsoever to communicate with [Children] during that period of time; (g) telephone [CYS] to inquire about the welfare of [Children]; or (h) perform any parental duties.

Ms. Tessitore testified that Father had only sent one letter to [CYS] on November 20, 2012, addressed to Ms. Tessitore, inquiring on how [Children] were doing and requesting Mother's address. Father was also served with [n]otice of the termination petition. Mr. Jeff Sester testified that he personally served Father with the termination petition of parental rights on December 10, 2012 and a [c]ertificate of [s]ervice was filed of record. Upon receiving notice, Father did not contact [CYS] in order to participate in the hearings. Ms. Tessitore also testified that there was never a court [o]rder denying contact between Father and [Children]. Also, the agency did not deny any contact between the Father and [Children].

The [c]ourt finds Ms. Tessitore's testimony to be credible. The [c]ourt further finds that the Father had refused or failed to perform his parental duties since September of 2011.

Trial Ct. Op. at 7-8.

With respect to the impact of Father's incarceration, the trial court found the following:

. . . [] Father in the case at bar did not utilize his resources while in prison in pursuing a close relationship with [Children]. In fact, according to Ms. Tessitore, Father has not had any contact with [Children] since he was incarcerated in September of 2011 which is four months prior to the placement of [Children]. After placement of [Children] on January 4, 2012, Father did not make any effort or contact anyone in an attempt to speak to [Children] or even request to have visits with [Children]. The only time he inquired as to the welfare of [Children] is when he sent a letter to [CYS] on November 20, 2012, nine (9) months after [Children's] placement. Ms. Tessitore testified that in the letter he was trying to contact the Mother because he believed she had [Children]. However, in the event Father was not able to contact [Children] through the Mother, [] Father should not have waited nine (9) months after placement to contact [CYS] to inquire about the welfare of [Children].

Furthermore, Ms. Tessitore testified that Father was served with notice of the dependency proceeding and the termination hearing and Father did not contact [CYS] requesting to participate in the proceedings. Father could have requested to participate in the court proceedings via telephone or even by person in which he would be transported to the hearing. Father had every opportunity to be present and participate in his hearings, but he chose not to do so. Father also did not support [Children] in any manner. He did not send [Children] Christmas cards, birthday cards, gifts, or letters. He stopped all contact with [Children] since the date of placement on January 2, 2012. The [c]ourt finds that Father did not make any sincere efforts to place himself in [Children's] lives after placement

Id. at 13-14.

The trial court found the testimony of Ms. Tessitore and Mr. Sester to be credible. Based on that testimony, the trial court concluded that Father has refused or failed to perform his parental duties on behalf of Children since September of 2011. ***Id.*** at 8.

“[O]ur standard of review requires [u]s 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 CYS proved by clear and convincing evidence that Father failed to make any efforts to remain a part of Children’s lives at any time since his incarceration in September 2011. As a result, we find no abuse of discretion in the trial court’s conclusion that termination of Father’s parental rights pursuant to Section 2511(a)(1) is appropriate. ***In re P.S.S.C.***, 32 A.3d at 1285; ***In re R.N.J.***, 985 A.2d at 276.

Next we address whether the involuntary termination of Father’s parental rights would best serve Children’s “developmental, physical, and emotional needs and welfare” pursuant to Section 2511(b).⁶ ***See*** 23 Pa.C.S. § 2511(b).

⁶ In Father’s Rule 1925(b) statement, he claims the trial court erred in finding that CYS presented clear and convincing evidence in support of termination of his parental rights pursuant to Section 2511(b). It appears, however, that Father has abandoned this issue as his brief contains no argument in support of this claim of error. Notwithstanding, we review the issue. ***See Interest of B.C.***, 36 A.3d 601, 611 (Pa. Super. 2011)

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 parent, and whether termination would destroy an existing, necessary and beneficial relationship.

In re Z.P., 994 A.2d 1108, 1121 (Pa. Super. 2010) (citations 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 Adoption of C.L.G.***, 956 A.2d 999, 1008 (Pa. Super. 2008). In analyzing the parent-child bond, the court is not required to order that an expert perform a formal bonding evaluation. ***In re K.K.R.-S.***, 958 A.2d 529, 533 (Pa. Super. 2008).

The trial court considered Section 2511(b) and concluded that no healthy bond exists between Father and Children. The trial court found the following testimony credible.

According to Ms. Tessitore, [Foster Parents] meet all of [Children's] physical needs. They provide [Children] with food, clothing, shelter, and toys, in addition to insuring that all of their immunizations are up-to-date. [Foster Parents] also meet [Children's] developmental needs. They provide [Children] with age appropriate toys in the home. Both [C]hildren are delayed in their speech; therefore, [Foster Parents] work with early intervention

("Although Father does not challenge the termination of his parental rights relative to Section 2511(b), an evaluation of the needs and welfare of the child in this regard is central to our review.").

specialists and permit the therapist to come to the home once per week to work with [Children]. According to Ms. Tessitore, [Children's] speech has improved.

[Foster Parents] also meet [Children's] emotional needs. They are very loving toward [Children] and they provide comfort to [Children]. The foster dad [is able to work from] home. Therefore, Ms. Tessitore was able to observe [Foster Parents'] interaction with [Children] on a consistent basis.

Ms. Tessitore also testified that there is a strong bond between [Foster Parents] and [Children]. [Children] refer to [Foster Parents] as "mom" and "dad" and [Foster Parents] consider [Children] as their own. [Foster Parents] are very dedicated to [Children]. When S.C. was hospitalized for three to four days, the foster mom did not leave her side at the hospital, and the foster dad took care of L.Y. and the other two adoptive children. There was also a medical issue with L.Y. of which [sic] the foster dad addressed with the urologist.

Ms. Tessitore further testified that she does not believe there is a bond existing between [] Father and [Children]. She testified that [] Father has not had any contact with [Children] throughout the entire case. She did not believe that [Children] would recognize [] Father if they saw him. Ms. Tessitore further added that should the [c]ourt grant the [p]etition to terminate [] Father's parental rights, [Children] would not be affected by that decision in light of the fact that [Children] do not know [] Father. On the other hand, should [Foster Parents] adopt [Children], the adoption would have a positive effect on [Children] providing [them] with stability and permanency which would be in the [Children's] best interests. Ms. Tessitore further testified that should [Children] be removed from [Foster Parents], the removal would have a detrimental effect on [Children] since [Children] view [Foster Parents] as their "mom" and "dad."

Trial Ct. Op. at 10-12.

Thus, the trial court did not abuse its discretion in finding the lack of a bond between Father and Children. After careful review of the record, we find that there was competent evidence in the record to support the trial court's conclusion that termination of Father's parental rights best serves Children's developmental, physical, and emotional needs and welfare. **See R.N.J.**, 985 A.2d at 276; **In re L.M.**, 923 A.2d at 511.

Last, we consider Father's argument that the trial court erred in failing to provide Father court-appointed counsel.

With respect to an indigent parent's right to court-appointed counsel, 23 Pa.C.S. § 2313(a.1) provides:

The court shall appoint counsel for a parent whose rights are subject to termination in an involuntary termination proceeding, **if, upon petition of the parent**, the court determines that the parent is unable to pay for counsel or if payment would result in substantial financial hardship.

23 Pa.C.S. § 2313(a.1) (emphasis added).

This Court considered the appointment of counsel pursuant to Section 2313(a.1) in **In re Adoption of J.N.F.**, 887 A.2d 775 (Pa. Super. 2005). In that case, the incarcerated father claimed on appeal that the trial court abused its discretion by failing to appoint him counsel throughout the termination proceedings. **Id.** at 780. After consideration of the statutory mandate and the language of the termination petition served on the father, this Court concluded that the father's failure to request a court-appointed attorney or to contact the court administrator to obtain information

necessary regarding the appointment of counsel was fatal to his claim of error. ***Id.*** It was undisputed that the father did not petition the court for appointed counsel as required by Section 2313(a.1). Therefore, this Court found that, in the absence of an affirmative request by Father, the trial court did not abuse its discretion in not appointing the father counsel. ***Id.***

The trial court addressed this issue in its Rule 1925(a) opinion as follows.

[Father] alleges that the trial court erred in failing to provide his a court appointed attorney prior to the termination of [p]arental [r]ights hearing. Credible testimony was given by Mr. Sester that he personally served Father with the [p]etition for [t]ermination of [p]arental [r]ights. Father did not appear at the hearing. Father did not request that he participate in his hearing via telephone or request to be transported to the hearing. Had Father participated in the hearing in any manner, he would have had the opportunity to request counsel. Father also could have filed a [p]etition with the [c]ourt or written a letter to the [c]ourt requesting counsel. Father did none of those things.

* * *

It is clear in this case that Father did not petition the [c]ourt in any manner to request counsel. Father also did not contact [CYS] requesting counsel to represent him in the termination hearings. Father also knew to file a [n]otice of [a]ppeal with the trial court in addition to filing a [p]etition *in forma pauperis* with the Superior Court. Since Father was able to contact the court to appeal his case in addition to contacting [CYS] on November 20, 2012, Father could have requested to have counsel to represent him in the termination hearing.

Trial Ct. Op. at 16.

In this case, the original termination petitions contained a notice that stated the following:

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help. . . .

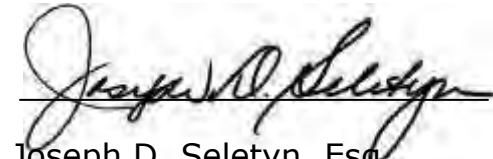
Pursuant to the holding in ***Adoption of J.N.F.***, we conclude Father's claim merits no relief. Section 2313(a.1) is clear that a parent must petition the court for the appointment of counsel in a termination proceeding. ***See*** 23 Pa.C.S. § 2313(a.1). Furthermore, the notice contained in the original terminations clearly informed Father that he was entitled to a lawyer and one would be provided to him in the event he could not afford one. There is no evidence of record that Father filed a petition with the trial court requesting that he be appointed counsel and Father does not claim he made any effort to seek assistance in filing such a petition. Accordingly, we find that the trial court did not err in not appointing Father counsel to represent him in the termination proceedings. ***See Adoption of J.N.F.***, 877 A.2d at 780.

For all the foregoing reasons, we affirm the trial court's decrees granting the petitions to terminate Father's parental rights and change the Children's goals to adoption.

Decrees affirmed.

J. S15031/14

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: 4/23/2014