

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN RE: ADOPTION OF: H.J.A.M. AND
M.F.M.

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: M.M., NATURAL FATHER

No. 103 WDA 2014

Appeal from the Order entered December 16, 2013,
in the Court of Common Pleas of Warren County, Orphans'
Court, at No(s): AN No. 7 of 2013

BEFORE: PANELLA, DONOHUE, and ALLEN, JJ.

JUDGMENT ORDER BY PANELLA, J.

FILED JULY 24, 2014

M.M. ("Father"), appeals the order entered on December 16, 2013, which granted the petition filed by the Warren County Children and Youth Services ("CYS") to involuntarily terminate Father's parental rights to his minor female child, H.J.A.M. (born in June of 2005), and to his minor female child, M.F.M. (born in September of 2006), (collectively "the Children"), pursuant to section 2511 of the Adoption Act, 23 Pa.C.S.A. § 2511(a) and (b).¹

On December 16, 2013, the trial court entered the order terminating Father's parental rights to H.J.A.M. and M.F.M. On January 15, 2014, Father filed a timely notice of appeal, but did not file his concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b) until January 16, 2014. However, we will not quash the appeal for the reason

¹ B.L.M.'s ("Mother") parental rights to H.J.A.M. and M.F.M. were also terminated on December 16, 2013. Mother has not appealed from the order.

that the concise statement was not filed with the notice of appeal. **See *In re K.T.E.L.***, 983 A.2d 745, 747 (Pa. Super. 2009) (“There is no *per se* rule requiring quashal or dismissal of a defective notice of appeal . . .”).

In his brief, Father raises the following issues:

I. Did the Trial Court abuse its discretion in concluding Dr. Peter VonKorff, the Children and Youth Services expert, saw termination and adoption in this particular case as a “net gain” for the children where Dr. VonKorff did not use that term and, in fact, did not offer an opinion on the ultimate issue of termination?

II. Did the Trial Court abuse its discretion in failing to consider the language of 23 Pa.S.C.A. 2511(b) which provides, “[t]he rights of a parent shall not be terminated solely on the basis of environmental facts such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent”[?]

III. Did the Trial Court abuse its discretion in failing to address Children and Youth Services[’s] [strong preference toward] Mother in providing services to promote reunification?

Father’s Brief, at 8.

The trial court opinion, filed on December 16, 2013, does not address the issues on appeal, either as stated in the brief or as framed in the concise statement. Thus, our appellate review is impeded, and we must remand the matter for the trial court to prepare and file an opinion, pursuant to Pa.R.A.P. 1925(a), within thirty days of this Order.

Appeal remanded to the trial court to prepare and file an opinion, pursuant to Pa.R.A.P. 1925(a), within thirty days of this Order.

Panel jurisdiction retained.