

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

IN RE: INTEREST OF C.L.V., A MINOR

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

APPEAL OF: E.V., FATHER

No. 54 WDA 2017

Appeal from the Order November 23, 2016  
In the Court of Common Pleas of McKean County  
Orphans' Court at No(s): 42-16-0112

BEFORE: LAZARUS, J., RANSOM, J., and STEVENS, P.J.E.\*

JUDGMENT ORDER BY LAZARUS, J.:

**FILED JUNE 19, 2017**

E.V. ("Father") appeals from the order, entered in the Court of Common Pleas of McKean County, terminating his parental rights to C.L.V., (DOB: August, 2013).<sup>1</sup> After our review, we affirm.

At birth, C.L.V. tested positive for opiates. Bucks County Children and Youth Services ("CYS") placed C.L.V. with paternal aunt and her husband ("Petitioners"). Petitioners reside in Kane, McKean County.

C.L.V. was adjudicated dependent on November 27, 2013, when she was three months old. C.L.V. has lived with, and has been exclusively parented by, Petitioners, since she was four days old.

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\* Former Justice specially assigned to the Superior Court.

<sup>1</sup> The court also terminated Mother's parental rights. Her separate appeal is docketed at 254 WDA 2017.

Father resided with Petitioners for some time after C.L.V.'s birth, but was incarcerated in October 2013 for a parole violation. Mother left the Kane area after C.L.V.'s birth. Father and Mother were never married; both have substance abuse and criminal histories.

On May 20, 2016, Petitioners filed a petition to terminate Father's parental rights. **See** 23 Pa.C.S.A. § 2512(a)(3).<sup>2</sup> Following a hearing on October 5, 2015, the court granted the petition. The order was docketed on November 23, 2016; a notation on the docket indicates that notice of the order was sent to the parties on November 29, 2016. Father filed his notice

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<sup>2</sup> **§ 2512. Petition for involuntary termination**

**(a) Who may file.**--A petition to terminate parental rights with respect to a child under the age of 18 years may be filed by any of the following:

(1) Either parent when termination is sought with respect to the other parent.

(2) An agency.

(3) *The individual having custody or standing in loco parentis to the child and who has filed a report of intention to adopt required by section 2531 (relating to report of intention to adopt).*

(4) An attorney representing a child or a guardian ad litem representing a child who has been adjudicated dependent under 42 Pa.C.S. § 6341(c) (relating to adjudication).

23 Pa.C.S.A. § 2512(a)(3) (emphasis added).

of appeal and Rule 1925(b) Statement of Errors Complained of on Appeal<sup>3</sup> on January 3, 2017.

Our rules of appellate procedure provide: "Except as otherwise prescribed by this rule, the notice of appeal required by Rule 902 (manner of taking appeal) shall be filed within 30 days after the entry of the order from which the appeal is taken." Pa.R.A.P. 903(a). Rule 108(b) designates the date of entry of an order as "***the day on which the clerk makes the notation in the docket that notice of entry of the order has been given as required by Pa.R.C.P. 236(b)***." Pa.R.A.P. 108(b) (emphasis added). ***See In re K.P.***, 872 A.2d 1227, 1230 (Pa. Super. 2005) ("An order (or decree) is 'entered' [when] it is entered on the docket and notation is placed in the record that ***the clerk of court or prothonotary delivered or mailed copies of the order to the parties.*** ***See*** Pa.R.A.P. 108(b))." (emphasis added).

Father's appeal was due to be filed within 30 days from November 29, 2016, or by December 29, 2016. This appeal, filed on January 3, 2017, is untimely, and this Court does not have jurisdiction. ***See*** Pa.R.A.P. 903(a).

Appeal quashed.

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<sup>3</sup> ***See*** Pa.R.A.P. 905(a)(2) ("If the appeal is a children's fast track appeal, the concise statement of errors complained of on appeal as described in Rule 1925(a)(2) shall be filed with the notice of appeal and served in accordance with Rule 1925(b)(1).").

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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: 6/19/2017