

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: R.L.S.C., A MINOR	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
APPEAL OF: N.J.S.C., FATHER	:	
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	:	No. 285 WDA 2026

Appeal from the Order Entered January 22, 2026
In the Court of Common Pleas of Somerset County
Orphans' Court at No: 30 Adoption 2025

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Appeal from the Order Entered January 22, 2026
In the Court of Common Pleas of Somerset County
Orphans' Court at No: 31 Adoption 2025

BEFORE: McLAUGHLIN, J., KING, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.:

FILED: SEPTEMBER 3, 2026

In these consolidated appeals, N.J.S.C. (Father) appeals from the orders granting the petitions filed by Somerset County Children and Youth Services

(the Agency) and terminating Father's parental rights to his twin sons, R.L.S.C. and R.D.S.C. (collectively, Children).¹ We affirm.

BACKGROUND

Children were born in March 2020. The Agency became involved with the family shortly thereafter, and "has been continuously involved with [C]hildren since the original referral in 2020." Orphans' Court Opinion (OCO), 1/22/26, at 2. In 2020, the Agency began providing Father and Mother with services to address drug and alcohol use, mental health concerns, and domestic violence. *Id.*

On December 19, 2023, the Agency obtained emergency custody of Children "due to repeated refusals to allow home visits to occur and the refusal to complete drug screens, which led to concerns about the safety of [C]hildren."² *Id.* The orphans' court explained:

On December 21, 2023, a shelter care hearing took place, and [C]hildren were placed with [A.G. (Foster Mother) and J.G. (Foster Father), collectively (Foster Parents)], a kinship placement, where they have remained. [C]hildren were adjudicated dependent on December 27, 2023.

Following the adjudication, goals were set for the parents for reunification to occur. [They] were to obtain and maintain stable housing and comply with all announced and unannounced Agency

¹ The orphans' court also terminated the parental rights of Children's mother, R.C. (Mother), who is not involved in this appeal.

² Father "refused a drug screen despite the referral indicating drug use," and "Mother submitted to a screen which was positive for suboxone, for which she had a prescription, though the sample was diluted." *Id.* at 3.

visits, to obtain a mental health evaluation and follow through with all recommendations, to obtain a drug and alcohol evaluation and follow through with all recommendations and submit to drug screens as requested and follow through with visits with [C]hildren. In addition, Father[was] to complete a parenting class, and ... implement the skills learned in parenting classes when interacting with [C]hildren.

Id. at 1, 3.

Father was incarcerated in March 2024, three months after Children's dependency adjudication, and has remained incarcerated.³ ***See*** N.T., 12/3-5/25, at 233. On March 5, 2025, Children's permanency goal was changed from reunification to adoption. ***Id.*** at 62.

On September 16, 2025, the Agency filed a petition to terminate Father's parental rights pursuant to 23 Pa.C.S. § 2511(a)(1), (2), (5), (8) and (b). The orphans' court held a hearing over two days, December 3 and 5, 2025.⁴ At the beginning of the hearing, Father's counsel presented an oral motion for the court's recusal. ***Id.*** at 2-3. The court denied the motion and the proceedings continued. At the Agency's request, the court took judicial notice of the record in Children's dependency case, and admitted exhibits from the dependency proceedings. ***Id.*** at 8-9.

³ Mother was also incarcerated in March 2024 and has remained incarcerated; similar to Father, she is serving a sentence of "7 to 14 years with an earliest release date of January 2032." ***Id.*** at 4.

⁴ After hearing from Children's guardian *ad litem* (GAL), the orphans' court found that the GAL could "also serve as legal counsel" because Children's "best interests and legal interests are not in conflict." ***Id.*** at 7.

The Agency presented two witnesses: licensed psychologist, Dr. Terry O'Hara; and the Agency's caseworker, Amber Salley. Father testified in opposition to termination and presented testimony from Mother. At the conclusion of testimony, Children's GAL advocated for termination of Father's parental rights.

Dr. O'Hara

Dr. O'Hara stated that he "was scheduled to conduct an evaluation of [Father on July 2, 2025, but Father] did not want to be evaluated at that time." ***Id.*** at 17-18. Dr. O'Hara "believe[d] there had been an attempt [to schedule another evaluation] at least one other time, which had failed." ***Id.*** at 18.

Dr. O'Hara conducted an evaluation of Children and Foster Parents, who "have the patience of a Saint." ***Id.*** at 35. He relayed that Children had exhibited behavioral issues and "have been involved in a variety of services."

Id. Dr. O'Hara stated:

What I observed was several positive parenting skills by [Foster Parents]. They encourage sharing and redirected [C]hildren. They are open to contact with the biological parents if the parents were to remain clean. They praise [C]hildren. They engage in appropriate activities with [C]hildren. They were calm, vocal, interactive, [and] playful. They gain compliance from [C]hildren, and [Foster Father] was able to calm [R.D.S.C.] as well during the evaluation. [C]hildren explored toys. They directed themselves to [F]oster [P]arents [and] referred to them as mom and dad.

Id.

When the Agency's counsel asked Dr. O'Hara: "Would there would be any negative effects on [C]hildren if they were removed from [F]oster

[P]arents and placed in another home?", Dr. O'Hara answered: "Without question." **Id.** at 39. Dr. O'Hara added that removing Children from Foster Parents "could be very detrimental psychologically to them." **Id.** at 40.

Ms. Salley

Amber Salley testified to being the family's caseworker since 2022. She stated that Father had been "incarcerated continuously since March of 2024," and was sentenced in February 2025 to serve 7½ to 17 years of incarceration. **Id.** at 60; 92. Ms. Salley noted that prior to his incarceration, Father had "a history of mental health concerns that have not always been addressed." **Id.** at 92. She also observed that Father had failed to obtain sobriety. **Id.** at 93. Ms. Salley testified that Father's most recent in-person visit with Children was in February of 2024, although he had virtual visits with Children from prison. **Id.** at 95; 99-100.

With respect to Children's placement, Ms. Salley explained that Foster Mother is "a previous friend of [Mother's and] had a relationship established with [C]hildren." **Id.** at 61. According to Ms. Salley:

It's like a typical family setting. You have [Foster Parents], and you have a bunch of kids in the home. [Children] feel at home with them. They refer to [Foster Parents] as mom and dad. They fit very well into that family.

[A]t times it could be a little chaotic when the kids are all getting home from school ... and are dumping their bookbags and are all trying to talk about how their day went, but I think [Foster Parents] handle it very well.

Id. at 101.

Ms. Salley opined that it would be in Children's best interests for Father's "rights to be terminated and to allow Children to be adopted. For them to finally have permanency and not be lingering in the system for years on end waiting for [Father, when he gets] released [from prison, to determine] if he can [parent]." **Id.** at 104. Ms. Salley reiterated that Father has "been working on the same goals for the twins since March of 2020." **Id.** at 105. She stated:

He's had a criminal record that is a mile long going back to 2020. He's demonstrated that he cannot efficiently parent – whether he shows up for a week at a time; that's not being a parent. Being consistent, being there day in and day out, not being incarcerated one week and being in rehab the other; that's not fair to [Children]. They need consistency.

Id.

Father

Father testified that he has been involved with Children "since they were born," but also conceded he has been "in and out of the boys' lives." **Id.** at 155. Father stated that he loves Children and wants "to be in [C]hildren's lives." **Id.** at 153, 166. He described Children's placement with Foster Parents as "a familiar place where they are loved and cared for," and said that he wants Children "to be happy and to be raised right while I'm incarcerated." **Id.** at 152. Father expressed his opposition to termination based on his concern that he would "never see [C]hildren again." **Id.** at 153-54.

Mother

When Father's counsel called Mother to testify, she stated that after Children's birth in 2020, and as a result of "previous CYS dealings," she retained

a lawyer to prepare documents for Foster Mother's guardianship of Children. **Id.** at 250. Mother stated that she provided the documents to the Agency, and that the guardianship was "revocable." **Id.** at 251, 254.

After testimony concluded, counsel made closing arguments and the GAL expressed his agreement with terminating Father's parental rights. The GAL stated:

[T]he heart of the matter is very much the time period of the incarceration [Father is] facing, which I take to be at least six [more] years....

[Father is] not going to be in a position to parent for a longer period of time than [C]hildren have been alive.

And [the Agency's counsel] referenced this, and I'm sure Your Honor is aware of this, but the case law overwhelmingly stresses the need for permanency for children, especially young children.
...

We simply cannot, I believe, practically, or under the case law, keep a dependency case open for another six years; and it's not even guaranteed to be six years, as we don't know for certain that [Father] would be paroled at [his] minimum or what the situation [would be].

Id. at 265. The GAL added that even if Father "had an assessment with Dr. O'Hara, and Dr. O'Hara concluded that there was some level of parental bond, my opinion would be the same." **Id.** at 267.

On January 22, 2026, the orphans' court terminated Father's parental rights pursuant to 23 Pa.C.S. § 2511(a)(1), (2), (5), (8) and (b). On February 13, 2026, Father filed a timely notice of appeal and concise statement of errors pursuant to Pa.R.A.P. 1925.

Father raises the following issues for review:

I. The [orphans' c]ourt abused its discretion when it denied [Father's] motion requesting that the [orphans' c]ourt Judge recuse himself from presiding over the termination proceeding.

II. The [orphans' c]ourt erred or abused its discretion when it held that [the Agency] met its burden of proof pursuant to 23 Pa.C.S. [§] 2511(a)(1), and (b) when the [c]ourt terminated [Father's] parental rights.

Father's Brief at 4.

DISCUSSION

I. Recusal

Father claims the orphans' court abused its discretion when it denied his request for recusal, "and as a result, Father was subjected to bias, hostility, and prejudice that impacted the ultimate determination in the termination proceeding." Father's Brief at 20. There is no support for Father's argument.

We review the denial of a recusal request for an abuse of discretion. ***Irish Holdings LLC v. EQT Prod. Co.***, 330 A.3d 455, 464 (Pa. Super. 2025). A party seeking recusal must provide evidence of the necessity for disqualification, and a trial judge should recuse when he has any doubt as to his ability to preside impartially. ***Id.*** Here, Father provided no evidence to support disqualification, and the orphans' court judge expressed no doubt about his ability to preside impartially. In requesting recusal, Father's counsel stated:

It's my understanding that you presided over both [M]other and [Father's] criminal trials. The specifics of that case — it's [Father's] position that it would influence Your Honor's impartiality in this particular instance.

It's my understanding that at the conclusion of one of the criminal proceedings, property was broken in this courtroom that ultimately had to be replaced at the expense of [Somerset] County. And being President Judge, I understand there's ... a certain rule that goes along with that in cooperation with the County.

Also, it's [Father's] position, and my understanding, that you presided over other cases involving [Mother and Father] as well, I believe, on the domestic end.

So as a result, it's [Father's] position [that] he would be subjected [to] bias, hostility, or prejudice at the very least. He believes there could be a suggestion [of] an appearance of impropriety in light of [the court's] possible impartiality towards [F]ather, particularly....

So, Your Honor, that is why we are making that preliminary motion ... to request that you recuse yourself from this case.

N.T. at 2-3.

In denying the motion, the orphans' court addressed Father directly.

The court stated:

[Father], you're not the first person that I've had to entertain an involuntary termination proceeding where I've also dealt with the same individual, whether it be in a criminal case or a domestic relations case, that happens very frequently actually. I've never recused myself in any of those other cases, and the reason I didn't recuse myself is because I believe I can still be fair and impartial.

I will treat your case like any other case that comes before me and decide it based on the facts and the law as presented, and I can assure you that I don't have any preconceived bias, hostility, or prejudice.

So I'm denying your motion.

Id. at 3.

The orphans' court judge was unequivocal in communicating his ability to preside impartially. ***Irish Holdings LLC***, 330 A.3d at 464. As Father

acknowledges, it “is up to the judge whose impartiality is questioned to decide whether he shall disqualify himself.” Father’s Brief at 17. Accordingly, we discern no abuse of discretion in the orphans’ court’s denial of Father’s request for recusal.

II. *Termination*

We review the termination of Father’s parental rights for an abuse of discretion, which is limited to a determination of whether termination is supported by competent evidence. ***In re Adoption of C.M.***, 255 A.3d 343, 358 (Pa. 2021). Appellate courts must accept the court’s findings of fact and credibility determinations if they are supported by the record. ***See Interest of S.K.L.R.***, 256 A.3d 1108, 1123 (Pa. 2021).

Termination is governed by 23 Pa.C.S. § 2511, which provides for a bifurcated analysis. Initially, the orphans’ court must consider a parent’s conduct and the grounds for termination enumerated in Section 2511(a). If the court finds clear and convincing evidence of grounds for termination under Section 2511(a), it must then assess the child’s needs and welfare under Section 2511(b). Notably, this Court need only agree with the orphans’ court as to any one subsection of Section 2511(a), in addition to Section 2511(b), to affirm the termination of parental rights. ***In re Adoption of B.G.S.***, 245 A.3d 700, 705 (Pa. Super. 2021).

Here, Father claims the orphans’ court abused its discretion by terminating his parental rights pursuant to subsection 2511(a)(1), but he does not challenge the court’s findings of grounds for termination under subsections

2511(a)(2), (5), and (8). Therefore, Father has waived his challenge to grounds for termination under Section 2511(a). ***See Krebs v. United Refining Company of Pennsylvania***, 893 A.2d 776, 797 (Pa. Super. 2006) (holding that an appellant waives issues which are not raised in his concise statement of errors and the statement of questions in his brief).⁵

Father also claims the orphans' court abused its discretion by finding that termination served Children's needs and welfare under Section 2511(b). This claim also lacks merit.

Section 2511(b) directs the orphans' court to "give primary consideration to the developmental, physical and emotional needs and welfare of the child." 23 Pa.C.S. § 2511(b). Our Supreme Court has explained:

[T]he determination of the child's particular developmental, physical, and emotional needs and welfare must be made on a case-by-case basis.

... [T]he law regarding termination of parental rights should not be applied mechanically but instead always with an eye to the best interests and the needs and welfare of the particular children involved. Thus, the court must determine each child's specific needs.

Moreover, the child's emotional needs and welfare include intangibles such as love, comfort, security, and stability.

Int. of K.T., 296 A.3d 1085, 1105 (Pa. 2023) (citations and quotation marks omitted). The court "should consider the matter from the child[ren]'s

⁵ In the absence of waiver, we would conclude that the record supports the orphans' court's findings of grounds for terminating Father's parental rights under Section 2511(a).

perspective, placing [their] developmental, physical, and emotional needs and welfare above concerns for the parent.” ***Id.***

Here, the orphans’ court found “a bond does exist” between Father and Children, but “terminating that bond will not be detrimental.” OCO at 10. The court explained:

[Children] are reported to be doing better behaviorally ... [and] any bond that existed between [C]hildren and ... Father [h]as deteriorated due to the limited, meaningful contact that has occurred over the past three years.

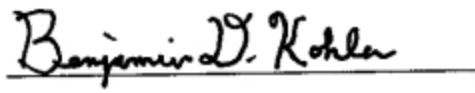
[C]hildren have formed a very strong bond with [F]oster [P]arents. [C]hildren refer to foster parents as Mom and Dad. [C]hildren look to [F]oster [P]arents as a source of love, support security and stability. [C]hildren are thriving in their foster home. The [c]ourt finds that [C]hildren would be negatively affected if there were any disruption of the bond that they have formed with the foster family. At this point, [Children] have spent almost half of their lives with the foster family.... Considering this, the [c]ourt finds that it is in the best interest of [C]hildren to have parental rights terminated and to allow them to be adopted into their foster family.

Id.

The record supports the orphans’ court’s reasons for finding that termination serves Children’s needs and welfare. Consequently, we discern no abuse of discretion in the termination of Father’s parental rights under Section 2511(b).

Orders affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 9/3/2026