

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN THE MATTER OF: J.P.E.J., A MINOR : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

APPEAL OF: J.P.J., FATHER

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No. 576 MDA 2026

Appeal from the Order Entered January 22, 2026
In the Court of Common Pleas of Adams County
Orphans' Court at No: RT-21-2025

IN THE MATTER OF: B.R.J., A MINOR : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

APPEAL OF: J.P.J.

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No. 577 MDA 2026

Appeal from the Order Entered January 22, 2026
In the Court of Common Pleas of Adams County
Orphans' Court at No: RT-20-2025

BEFORE: LAZARUS, P.J., STABILE, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.:

FILED SEPTEMBER 22, 2026

In these consolidated appeals, J.P.J. (Father) challenges the orders which granted the petitions filed by Adams County Children and Youth Services (the Agency) and terminated his parental rights to J.P.E.J. and B.R.J. (collectively, Children).¹ We affirm.

¹ Children's mother, V.L.J. (Mother), consented to the voluntary termination of her parental rights to Children. **See** N.T., 1/6/26, at 7.

Background

J.P.E.J. was born in August 2022 and B.R.J. was born in December 2023. They were adjudicated dependent on April 15, 2025. The orphans' court explained:

[The Agency] became involved with the family due to domestic violence between Father and Mother, physical abuse of B.R.J., and lack of supervision of [Children]. There were also environmental concerns with the parents' home. [Children] had developmental delays and needed early intervention services, but the parents did not follow through with the referral until Children were adjudicated dependent. Mother and Father were indicated for child abuse regarding B.R.J. ...

The following objectives for Father to achieve the permanency plan were identified and directed by the dependency court:

- a. Maintain contact and cooperate with the Agency, including providing 24-hour notice updates to any changes within the household, sign any requested releases required for case management, participate in family meetings for case planning and ongoing family finding efforts, meet with the agency and participate in any recommended services or evaluations and ensure own transportation for all appointments, visitation and case management needs.
- b. Ensure [C]hildren's basic needs and overall well-being, including ensuring housing, food, and clothing, meeting [C]hildren's medical and developmental needs and attend appointments and follow recommendations made by providers, provide a plan for safe reunification, participate and attend early intervention services for [C]hildren and follow all recommendations of the service provider(s), obtain and maintain safe and stable housing, obtain and maintain legal income, ensure timely reunification efforts.
- c. Ensure own emotional health/mental stability and overall well-being, including attending individual counseling, allow for collator [*sic*] contact, and follow all recommendations of the provider, attend anger management counseling through Phoenix Counseling and follow all recommendations of the provider.

d. Maintain a positive and nurturing relationship with [C]hildren including participating in meaningful visitation and show transfer of learning for skills obtained, engage [C]hildren in age-appropriate activities for skill development and learning, arrive on time and prepared with all items needed to ensure [C]hildren's basic needs during visits, provide support and affection to [C]hildren to build safety and security for [C]hildren, and participate in a bonding assessment with [C]hildren and follow all recommendations.

e. Exhibit parenting skills and understanding that meets [C]hildren's needs and development, including undergoing a psychological evaluation with a parenting component, IQ testing and a threat of harm evaluation and follow all recommendations of the service provider(s), participate in the nurturing parenting program through Justice Works and follow all recommendations of the provider, actively work on parental understanding and implement changes to parenting that best suit [C]hildren's needs, behaviors and development, show a transfer of learning related to skills learned to improve [C]hildren's well-being, ensure no physical discipline is used, participate in and attend all services that pertain to [C]hildren and demonstrate understanding and use of techniques to ensure [C]hildren's safety and well-being.

f. Ensure compliance with all legal matters, including addressing all outstanding criminal matters that interfere with child safety and reunification.

Orphans' Court Opinion (OCO), 3/9/26, at 5.

On November 12, 2025, the Agency filed petitions to terminate Father's parental rights to Children pursuant to 23 Pa.C.S. § 2511(a)(1), (2), (5) and (b). The orphans' court held a hearing on January 6, 2026.

The Agency provided testimony from ten witnesses: Father's mental health provider, Melissa Rosenberger; Father's stepfather, Tim Wickard; Father's mother, Michele Wickard; Children's service provider, Ann Sanders; Children's original caseworker, Donald Roth; parent educator, Meagan

Wilkens; visitation specialist, Caroline Brehm; Children's prior foster parent, Billy Shreves; Children's current foster parent, Krista Swartz; and Children's current caseworker, Sydney Frey.

Father testified in opposition to termination and presented testimony from his neighbor, Frank Anthony Varnauskas, III.

After testimony concluded, counsel made closing arguments and Children's counsel advocated for terminating Father's parental rights.²

On January 22, 2026, the orphans' court entered separate orders terminating Father's parental rights to Children pursuant to 23 Pa.C.S. § 2511(a)(1), (2), (5) and (b). Father filed notices of appeal and concise statements of errors pursuant to Pa.R.A.P. 1925.³

Father presents the following questions for review:

1. Did the [orphans'] court err in determining that the Agency demonstrated by clear and convincing evidence that [Father], for a period of at least six months preceding the filing of the petition, either has evidenced a settled purpose of relinquishing parental claim to [C]hildren or has refused or failed to perform parental duties, as set forth at 23 Pa.C.S. § 2511(a)(1)?
2. Did the [orphans'] court err in determining that the Agency demonstrated by clear and convincing evidence that [Father] caused [C]hildren to be without essential parental care, control

² The orphans' court determined Children's guardian *ad litem* could represent Children's legal interests. **See** N.T., 1/6/26, at 97 (Children's counsel stating, "it's very tough with children this age to try to grasp what they feel or what they would want and to relate that.").

³ After this Court found Father's original appellate counsel to be *per se* ineffective and directed the orphans' court to appoint new counsel, the orphans' court appointed Father's current counsel and granted *nunc pro tunc* relief allowing the appeal to proceed. **See** Order, 4/9/26.

or sustenance necessary for their physical or mental well-being by reasons of [Father's] repeated and continued incapacity, abuse, neglect or refusal, and that [Father] cannot or will not remedy this pursuant to 23 Pa.C.S. § 2511(a)(2)?

3. Did the [orphans'] court err in determining that the Agency proved by clear and convincing evidence that [C]hildren were removed from the care of [Father] for at least six months, that the conditions which led to the removal of [C]hildren still exist, that [Father] cannot or will not remedy the conditions which led to the removal within a reasonable period of time, that services and assistance available to [Father] are not likely to remove the conditions which led to the removal of [C]hildren within a reasonable period of time, and that termination of parental rights would best serve the needs and welfare of the children as set forth in 23 Pa.C.S. § 2511(a)(5)?
4. Did the [orphans'] court err in its decision that to terminate parental rights would best serve the developmental, physical and emotional needs and welfare of the children pursuant to 23 Pa.C.S. § 2511(b)?

Father's Brief at 4-5.

DISCUSSION

We review the orphans' court's termination of Father's parental rights for an abuse of discretion, which is limited to a determination of whether the decision is supported by competent evidence. ***In re Adoption of C.M.***, 255 A.3d 343, 358 (Pa. 2021). Appellate courts must accept the orphans' 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 the bifurcated analysis set forth in 23 Pa.C.S. § 2511. The orphans' court must first consider the parent's conduct and the grounds for termination enumerated in Section 2511(a). If the orphans' 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). 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, the orphans' court found grounds to terminate Father's parental rights pursuant to subsections 2511(a)(1), (2), and (5), which state:

(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.

23 Pa.C.S. § 2511(a).

We address subsection 2511(a)(1), as the orphans' court found that Father refused or failed to perform parental duties for a period in excess of six months prior to the filing of the termination petition. Father argues that he did not refuse or fail to perform parental duties, and if "there was a failure ... that failure was due to [Father's] cognitive and psychosocial limitations and his inability to perform parenting duties to the Agency's exacting demands." Father's Brief at 14. The Agency counters that Father "failed to establish the necessary capacity needed to ensure the safety of Children," and despite "extensive Agency and familial supports," Father failed "to progress in remedying the conditions and safety concerns that led to Children's placement." Agency's Brief at 7. The Agency's argument aligns with the orphans' court's findings.

The orphans' court explained:

Father made minimal progress in his ability to exhibit and implement parenting skills and understanding that meet Children's needs and development, [and] maintain a positive and nurturing relationship with Children ... in a safe and timely manner. Despite reasonable efforts by [the Agency], Father has been unable to ensure appropriate housing for [C]hildren. Initially, Father's main strength was the financial, emotional and physical support he received from [his mother, Michele Wickard] and [her husband]. They were willing to purchase a house for Father located ten minutes away from them, which would have enabled them to provide daily assistance to Father with Children upon reunification. [Mrs. Wickard] credibly testified that Father is not capable of taking care of Children or his home environment without regular daily assistance and monitoring. This is corroborated by the evaluations performed in this case and observations of [the Agency] staff....

In an unfortunate turn of events, Father assaulted [Mrs. Wickard] in October 2025 while she was helping him move things from his current residence to the residence she purchased for him. The subject of the dispute was that Father had been allowing Mother to stay at his residence, even after Father acknowledged that the relationship was toxic and there had been domestic violence between them.... As a result of Father's behaviors, [Mrs. Wickard] and [Mr. Wickard] completely withdrew their support.... At the time of the termination hearing, Father remained living in the home from which [Children] were removed, which was not environmentally appropriate for Children according to credible evidence from Agency staff and [Ms. Wickard].

To his credit, Father visited [Children] and usually came prepared for his supervised visits. He missed some visits, but his attendance was fairly good overall. He also regularly participated in video chats with [Children], to the extent [they] were able to engage with him. Foster parents facilitated and supported these communications. Father consistently struggled with keeping track of the whereabouts of [Children] during supervised visits in a public setting. He continued to be heavily reliant on direction, guidance and continuous prompting from Agency staff, service providers and [Mrs. Wickard] before she stopped supervising visits due to Father's assault. ...

Father made minimal progress toward alleviating the circumstances which necessitated the original placement. Despite participating in individual therapy, anger management therapy and nurturing parenting classes, he continued to struggle ... throughout his interactions with Children and has been observed to lack the ability to understand, retain and apply suggestions.

OCO at 6-8.

The evidence supports the orphans' court's finding that Father failed to perform duties for more than six months prior to the filing of the termination petition. For example, Mrs. Rickard testified that "safety is a big concern" and Father "is not appropriate to raise any children." N.T., 1/6/26, at 21-22. She relayed that when she visited Father's home on October 31, 2025, it was "filthy" and "so dirty." **Id.** at 22. She also stated that after Father "knocked

me off the porch, I said we're out of here, we're done, and that was it, and I have had no contact since and I will do nothing more for him, ever." **Id.** at 23.

In addition, the Agency caseworker, Sydney Frey, testified that she began working with the family in May 2025, and although Father participated in numerous services, the Agency was "still seeing a lot of the same frustrations during [Father's] visits toward the kids as well as after visits toward us." **Id.** at 68-69. Ms. Frey stated:

Father has needed ongoing support during all of the visitations. There hasn't been a visit that I have supervised where he has been fully independent throughout the entire visit and hasn't needed to rely on whatever support staff is there, whether it was myself or another caseworker, to ask questions and to make appropriate decisions.

Id. at 73.

As indicated above, the record supports the orphans' court's finding of grounds for terminating Father's parental rights pursuant to subsection 2511(a)(1). Therefore, we next consider the orphans' court's finding that termination best serves Children's needs and welfare pursuant to subsection 2511(b).

To support the termination of parental rights, an orphans' court "must conduct a full subsection [2511](b) analysis focused on the child." **Int. of K.T.**, 296 A.3d 1085, 1114 (Pa. 2023). Subsection 2511(b) requires that the orphans' court give primary consideration to a child's needs and welfare. 23 Pa.C.S. § 2511(b). Intangibles "such as love, comfort, security, and stability

are involved in the inquiry into the needs and welfare of the child.” ***In re C.M.S.***, 884 A.2d 1284, 1287 (Pa. Super. 2005) (citation omitted). The orphans’ court must consider any parent-child bond and the effect on the child of severing the bond. ***Id.*** “Notably, courts should consider the matter from the child’s perspective, placing [his or] her developmental, physical, and emotional needs and welfare above concerns for the parent.” ***Int. of K.T.***, 296 A.3d at 1105. The analysis must be made on a case-by-case basis, with the court considering each child’s special needs. ***Id.*** at 1105-1106. The Pennsylvania Supreme Court has explained:

The Section 2511(b) inquiry must also include consideration of other important factors such as: the child’s need for permanency and length of time in foster care consistent with 42 Pa.C.S. § 6351(f)(9) and [the federal Adoption and Safe Families Act], 42 U.S.C. §§ 675(5)(C), (E); whether the child is in a pre-adoptive home and bonded with foster parents; and whether the foster home meets the child’s developmental, physical, and emotional needs, including intangible needs of love, comfort, security, safety, and stability. These factors and others properly guide the court’s analysis of the child’s welfare and [the child’s] developmental, physical, and emotional needs.

Id. at 1113 (citation omitted). Orphans’ courts “have the discretion to place appropriate weight on each factor present in the record before making a decision regarding termination that best serves the child’s specific needs.” ***Id.***

Father disputes the orphans’ court’s finding that termination serves Children’s needs and welfare and specifically assails the court’s determination that Children have a primary parental bond with their pre-adoptive foster parents. Father states that Children “have not reached the age where they

have formed an attachment to the foster parents that would preclude attachment” to Father. Father’s Brief at 30. Father also claims Children “that age will call their care providers what they are told to call them.” **Id.** In contrast, the Agency argues that the orphans’ court properly decided that termination is in Children’s best interest because Children “have thrived in the foster home and made notable progress in their individual developmental needs.” Agency’s Brief at 9. Again, the Agency’s argument aligns with the orphans’ court’s analysis of the evidence. The orphans’ court explained:

Although Father understandably disagrees with the court’s decision, it is the province of the [orphans’] court to assess credibility and resolve conflicts in evidence and, in doing so, “is free to believe all, part, or none of the evidence presented.” **In re M.G. and J.G.**, 855 A.2d 68, 73-74 (Pa. Super. 2004) (citation omitted).

Based on the testimony and evidence presented, we concluded that there is a bond between [Children] and Father. To his credit, Father participated in regular supervised visits and video chats with [Children] and was usually appropriately prepared for those visits. [Children] appeared to be happy to see Father at supervised visits. They were also excited and happy to leave Father and return to the foster parents on their own accord when the visits ended. An important determination made by the undersigned, which is overwhelmingly supported by the evidence, is that the foster family’s bond with [Children], rather than Father’s, is the primary emotional support for [Children]. **See, In re K.M.**, 53 A.3d 781 (Pa. Super. 2012) (the child’s primary emotional attachment is a significant factor in evaluating the child’s developmental and emotional needs and welfare). [Children] are safe with the foster parents. The foster parents are meeting [Children’s] physical and emotional needs. [Children] call them “Mom” and “Dad.” The foster parents provide a stable and appropriate home for [Children]. There was credible testimony that [Children] have a significant bond with the foster parents. The foster parents are a pre-adoptive resource. Since removal, [Children] have made significant progress developmentally and

socially. [Children] have resided with the foster family for more than six months and there is a clear bond between [them] and the foster family. [Children] are thriving in the foster home. [Children's] guardian *ad litem* posited that termination is in [Children's] best interest.

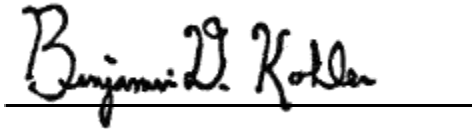
OCO at 11-12.

The evidence supports the orphans' court's decision regarding Children's needs and welfare. For instance, the parent educator, Meagan Wilkins, testified that testing and assessments of Father "indicate the potential for his actions to be considered abusive or neglectful towards his children." N.T., 1/6/26, at 40. Children's visitation specialist, Caroline Brehm, testified that after Children's visits with Father, "they would be more upset that they had to leave ... the toys and items in the library, but as soon as they saw foster parent, they were excited and willing to leave on their own accord." ***Id.*** at 54. Children's foster mother, Krista Swartz, testified that she and her husband love Children and that they "are basically like our kids." ***Id.*** at 66. She stated that Children call them "Mom and Dad." ***Id.*** at 64-66. She also testified that Children are "happy" and "have improved significantly" since being enrolled in programs to address their developmental delays. ***Id.*** at 62. In sum, the record supports the orphans' court's finding that termination serves Children's needs and welfare pursuant to Section 2511(b).

For the above reasons, we discern no error or abuse of discretion in the orphans' court's termination of Father's parental rights.

Orders affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is positioned above a solid horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 09/22/2026