

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: E.J.C., A MINOR	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
APPEAL OF: J.C., MOTHER	:	
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	:	
	:	No. 3034 EDA 2024

Appeal from the Decree Entered October 11, 2024
In the Court of Common Pleas of Northampton County Orphans' Court at
No(s): A2023-0049

IN RE: Z.K.-E.C., A MINOR	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
APPEAL OF: J.C., MOTHER	:	
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	:	
	:	No. 3035 EDA 2024

Appeal from the Decree Entered October 11, 2024
In the Court of Common Pleas of Northampton County Orphans' Court at
No(s): A2024-0003

BEFORE: BOWES, J., MURRAY, J., and STEVENS, P.J.E.*

MEMORANDUM BY STEVENS, P.J.E.:

FILED APRIL 29, 2025

Appellant, J.C. ("Mother") appeals from the October 11, 2024 decrees that involuntarily terminated her parental rights to her daughter, E.J.C., born

* Former Justice specially assigned to the Superior Court.

in November of 2011, and son, Z.K.-E.C. (collectively, “the Children”), born in November of 2010.^{1, 2} After careful review, we affirm.

The orphans’ court wrote separate opinions, one for each child, in which it set forth extensive factual findings. **See** Orphans’ Court Opinion (“O.C.O.”) (E.J.C.), 10/11/24, at ¶¶ 1-246; O.C.O. (Z.K.-E.C.), 10/11/24, at ¶¶ 1-253. Because the record supports the court’s factual findings, we adopt them herein.

By way of background, Parents share nine daughters and four sons. Parents’ parental rights to their six youngest children were involuntarily terminated following a hearing on February 12, 2024, based upon termination petitions filed by the Northampton County Children, Youth, and Families Division (“CYF” or “the Agency”).³ Mother appealed the six termination decrees, which a prior panel of this Court affirmed pursuant to 23 Pa.C.S.A. § 2511(a)(2) and (b) on November 19, 2024. **See *In re K.O.C.***, 2024 Pa. Super. Unpub. LEXIS 2908 (Pa.Super. 2024) (unpublished memorandum).

¹ The parental rights of C.C., the Children’s father (“Father”) (collectively with Mother, “Parents”), were also involuntarily terminated by separate decrees on October 11, 2024. Father appealed the termination decrees, which we address in a separate memorandum at 3004-05 EDA 2024.

² The Children, through their legal interest counsel, have also filed separate appeals from the decrees. We address the Children’s appeals in a separate memorandum at 3036-37 EDA 2024.

³ CYF did not file termination petitions as to the five oldest children based on their ages.

The prior panel of this Court set forth the following relevant factual and procedural history:

Prior to placement, all 13 children, the family's two dogs, and [Parents] lived in a one-bathroom Section VIII row home in Bethlehem. The family had no income and lived solely off government benefits.

On October 27, 2021, [CYF] received a Child Protective Services ("CPS") referral that the children's half-brother, D.G., had been sexually abusing several of his younger siblings. N.T. Termination Hearing (Vol. I), 2/12/24, at 65-66. CY[F] caseworker, Heather Major, who investigates child abuse allegations, visited Mother's home to discuss a safety plan with the family. *Id.* at 69-70. Mother told Major that she did not believe the sexual abuse allegations lodged against D.G. were true.⁴ *Id.* at 91. In forensic interviews, several of the [c]hildren disclosed to Major that D.G. had been sexually abusing them. *Id.* at 95-97.⁶ Major testified that "there [also] were concerns for the condition of the home." *Id.* at 71. Major stated that Mother's home was the worst home that she had ever seen in her professional capacity, describing it as "deplorable [and] unfit for a child or anybody to properly reside in." *Id.* at 89. . . .

As a result of Parents' lack of ability to control the [c]hildren or implement protective capacities, as well as the appalling state of the family home,⁷ CY[F] assumed legal and physical custody of [the c]hildren on October 28, 2021, via emergency protective orders. [The c]hildren were subsequently placed into foster care homes, together, in groups of two or three. *Id.* at 98. [The c]hildren were adjudicated dependent on November 8, 2021.

⁴ Mother allegedly installed cameras in the home, but the cameras apparently did not show any inappropriate sexual behavior occurring in the house. Mother also claimed to have put locks on the outside of her daughters' bedroom door[] at night to prevent anyone from entering.

⁶ Major testified that one of the older children Facebook messaged Mother several times telling her about the sexual assaults, but Mother told her “you can do what you want when you are 18. [D.G.] is not going anywhere. . . . go clean your room.” ***Id.*** at 107.

⁷ On October 29, 2021, the family home was condemned and Mother lost her Section VIII housing voucher.

Id. at *3-5 (some footnotes omitted).

D.G. admitted to the sexual abuse he inflicted upon nine of his siblings. ***See id.*** at n.8. He was subsequently arrested and charged with various crimes. ***See id.*** In November of 2022, D.G. pleaded guilty to seven counts of indecent assault on a person less than thirteen years of age. ***See id.*** Thereafter, D.G. was sentenced to seven to fourteen years in prison, followed by seven years of probation. ***See id.***

E.J.C. was one of the nine children subjected to sexual abuse by D.G. ***See*** Notes of Testimony (“N.T.”) (Vol. I), 2/12/24 at 99-104. Z.K.-E.C., while not subjected to sexual abuse by D.G., witnessed the sexual abuse of his siblings by D.G. ***See id.*** at 96. Mother was indicated as a perpetrator of abuse by omission as to seven of the children, including E.J.C.⁴

⁴ Mother has not indicated as to two of the children where the Agency determined the abuse occurred only before she was made aware. ***See*** N.T. (Vol. I), 2/12/24 at 99-104.

In November of 2021, Mother was arrested and charged with multiple criminal offenses for her failure to act once her older daughters told her about the sexual abuse. Mother was released on bail approximately two weeks later. As a condition of her release, she was ordered to have no visitation with the Children and their siblings.

In March of 2023, Mother also pleaded guilty to endangering the welfare of children and entered a ***nolo contendere*** plea to a separate count of intimidation of a witness. Mother received an “aggregate sentence of 8 months, 29 days to 23 months, 28 days incarceration,” followed by two years of probation. ***K.O.C.*** at n.9 (unpublished memorandum). As best we can discern, Mother began her incarceration shortly after she received her sentence.

Mother was released from prison on November 28, 2023, although she remained on probation at the time of the subject proceedings. Following her release, Mother began residing with Father in the home of the Children’s paternal grandmother.

Following the Children’s dependency adjudication in November of 2021, the court established their permanency goals as reunification with concurrent goals of adoption. In furtherance of reunification, Mother was ordered to, ***inter alia***: complete a comprehensive parenting capacity evaluation and follow all resulting recommendations; complete a mental health evaluation

and follow all resulting recommendations; and maintain legitimate, stable housing for a period of at least six months.

The record reveals that Mother began supervised visitation with the Children and their siblings sometime in early 2023. **See** N.T. (Amended Vol. II), 2/12/24 at 131-132, 134-135. The Agency facilitated large family visits with Parents, the Children, and all eleven of their siblings, along with smaller group visits that included Parents and a few of their children at a time. While Mother was incarcerated, she participated during Father's supervised visitation *via* telephone. There was a small group visit with five children, including Z.K.-E.C., at the prison in October of 2023. **See id.** at 180-181. Mother then participated in supervised visitation at the Agency in conjunction with Father upon her release from prison. **See id.** at 175, 179.

During E.J.C.'s dependency, the Agency transferred her placement approximately nine times due to behavioral problems, including an inappropriate sexual relationship with another child in a placement, which we discuss *infra*. At the time of the subject hearings, E.J.C. was residing in a group home. Z.K.-E.C. has remained in the same pre-adoptive foster home placement, with one of his brothers, since his removal in October of 2021.

On July 13, 2023, the Agency filed petitions to involuntarily terminate Mother's parental rights to the Children and their six younger siblings pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), (8), and (b). The petition with respect to E.J.C. additionally pleaded grounds for termination under Section

2511(a)(10). On February 9, 2024, the orphans' court appointed Brian Lawser, Esq., to represent the legal interests of the Children, who were then ages twelve and thirteen.⁵

The court held evidentiary hearings on the petitions on February 12 and April 24, 2024, and it re-opened the record for additional evidence on September 6, 2024. In each of the proceedings, the Children were represented by Attorney Lawser and their best interests were represented by their guardian ***ad litem*** ("GAL"), Leonard Mellon, Esq.

On February 12, 2024, Parents separately testified. CYF presented the testimony of Alyssa Lindahl, Psy.D., an expert witness in forensic psychological evaluation who evaluated Mother in January of 2022. Dr. Lindahl testified that, during the evaluation, she confirmed Mother's reported mental health diagnoses of post-traumatic stress disorder ("PTSD"), anxiety, depression, and a "hoarding" disorder. N.T. (Vol. I), 2/12/24 at 39, 41, 44. Dr. Lindahl recommended, ***inter alia***, that Mother participate in intensive outpatient supportive therapy, and continue treatment with her psychiatrist. ***See id.*** at 44-46.

⁵ Our Supreme Court has held that "appellate courts should engage in ***sua sponte*** review to determine if orphans' courts have appointed counsel to represent the legal interests of children in contested termination proceedings, in compliance with" 23 Pa.C.S.A. § 2313(a). ***In re Adoption of K.M.G.***, 663 Pa. 53, 240 A.3d 1218, 1235 (Pa. 2020). In this case, the court complied with the requirements of 23 Pa.C.S.A. § 2313(a).

CYF also presented the testimony of Ms. Major; Shakira Roseway, the Agency caseworker from July of 2022, through October of 2023; and Jennifer Lorah, the Agency caseworker from October of 2023, through the termination hearings.

According to Ms. Roseway, E.J.C. was opposed to adoption. **See** N.T. (Amended Vol. II), 2/12/24 at 147. However, Ms. Lorah, the current caseworker, clarified that E.J.C. desired to be reunified with her sisters. **See id.** at 170, 195, 207-208. Ms. Lorah testified that Z.K.-E.C. also expressed opposition to adoption. **See id.** at 172, 174, 194-195.

On April 24, 2024, CYF again presented the testimony of its caseworker Ms. Lorah. Parents again separately testified. The court did not issue an immediate ruling.

Upon the joint petition of Parents and the Children for “various reasons,” which was unopposed by the Agency, the court re-opened the record and held another evidentiary hearing on September 6, 2024. O.C.O. (E.J.C.) at 26; O.C.O. (Z.K.-E.C.) at 27. Father failed to appear for this hearing but was represented by his counsel. As one of the petitioning parties, Mother testified on behalf of Parents.⁶ CYF presented the testimony of Ms. Lorah, as well as Abbegail Carlin, who was E.J.C.’s counselor at her group home.

⁶ Mother testified regarding a lease agreement Parents entered into after the April 24, 2024 hearing. The court declined to consider it. As discussed **infra**, even if considered, the court explained that it would not have changed its (Footnote Continued Next Page)

By decrees dated and entered on October 11, 2024, the orphans' court involuntarily terminated Mother's parental rights to the Children pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), (8), and (b). In addition, the court terminated Mother's parental rights to E.J.C. pursuant to Section 2511(a)(10).

Mother timely filed notices of appeal and concise statements of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b). The orphans' court filed its Rule 1925(a) opinions on November 14, 2024, wherein it relied on its extensive, separate opinions for the Children, which accompanied the termination decrees. On December 11, 2024, this Court ***sua sponte*** consolidated Mother's appeals pursuant to Pa. R.A.P. 513.

On appeal, Mother presents the following issues for our review:

1. Did the [orphans'] court err in finding that [Mother] has been rendered incapable of parenting and has refused to parent and failed to satisfy the requirements of her permanency plan, leaving her children without the benefit of parental care and has failed to provide for their physical and mental well-being?
2. Did the [orphans'] court err in finding that [Mother] has failed to fulfill her parental duties, or to work toward fulfillment of her parental duties through engagement with and satisfaction of goals of her permanency plan for period in excess of six [] months?
3. Did the [orphans'] court err and/or abuse its discretion in failing to fully consider the evidence and testimony presented on

decision to involuntarily terminate Mother's parental rights. **See** O.C.O. (E.J.C.) at 31; O.C.O. (Z.K.-E.C.) at 31.

September 6, 2024 in reaching the decision to terminate the parental rights of [Parents] to the subject children[?]

4. Did the [orphans'] court err in failing to adequately consider the "Other [c]onsiderations" prong of 23 Pa.C.S.A. § 2511(b) in terminating parental rights solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing[,], and medical care if found to be beyond control of the parent[?]
5. Did the [orphans'] court err in finding that severing the parent-child relationship would not destroy an existing, necessary and beneficial relationship?
6. Did the [orphans'] court err in finding that termination of [Mother]'s parental rights is in the best interests of the subject children where the teenaged children have evidenced their refusal to consent to adoption and termination will render the subject children orphans in perpetuity?

Mother's Brief at 6.^{7, 8}

Our standard of review in this context is well-established:

The standard of review in termination of parental rights cases requires appellate courts to accept the findings of fact and credibility determinations of the trial court if they are supported by the record. If the factual findings are supported, appellate courts review to determine if the trial court made an error of law or abused its discretion. A decision may be reversed for

⁷ We have reordered Mother's issues for ease of disposition.

⁸ The Children's legal counsel filed a brief requesting that this Court reverse the subject decrees. In contrast, the GAL filed a brief advocating for this Court to affirm the decrees.

an abuse of discretion only upon demonstration of manifest unreasonableness, partiality, prejudice, bias, or ill-will. The trial court's decision, however, should not be reversed merely because the record would support a different result. We have previously emphasized our deference to trial courts that often have first-hand observations of the parties spanning multiple hearings.

The trial court is free to believe all, part, or none of the evidence presented and is likewise free to make all credibility determinations and resolve conflicts in the evidence. If the competent evidence supports the trial court's findings, we will affirm even if the record could also support the opposite result.

In re R.A.M.N., 230 A.3d 423, 427 (Pa.Super. 2020) (internal quotation marks and citations omitted).

The involuntary termination of parental rights is governed by Section 2511 of the Adoption Act, which calls for a bifurcated analysis that first focuses upon the eleven enumerated grounds of parental conduct that may warrant termination. **See** 23 Pa.C.S.A. § 2511(a)(1)-(11). If the orphans' court determines the petitioner has established grounds for termination under one of these subsections by "clear and convincing evidence," the court then assesses the petition pursuant to Section 2511(b), which focuses upon the child's developmental, physical, and emotional needs and welfare. **See *In re T.S.M.***, 71 A.3d 251, 267 (Pa. 2013); **see also** 23 Pa.C.S.A. § 2511(b).

This Court need only agree with the orphans' court's determination as to any one subsection of Section 2511(a), in addition to Section 2511(b), in order to affirm termination. **See *In re B.L.W.***, 843 A.2d 380, 384 (Pa.Super.

2004) (*en banc*). For the following reasons, we conclude that the certified record supports the orphans' court's determinations under 23 Pa.C.S.A. § 2511(a)(2) and (b), which provide as follows:⁹

(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:

...

(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.

...

(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.A. § 2511(a)(2), (b).

⁹ Given our disposition relative to Section 2511(a)(2), we need not review and make no conclusions as to the orphans' court's findings with respect to Section 2511(a)(1), (5), (8), and (10). *See B.L.W.*, 843 A.2d at 384.

In order to satisfy Section 2511(a)(2), the petitioning party must establish: “(1) repeated and continued incapacity, abuse, neglect or refusal; (2) that such incapacity, abuse, neglect or refusal caused the child to be without essential parental care, control or subsistence; and (3) that the causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied.”

In re Adoption of A.H., 247 A.3d 439, 443 (Pa.Super. 2021). The grounds for termination under Section 2511(a)(2) due to parental incapacity are not limited to affirmative misconduct; those grounds may include acts of refusal and incapacity to perform parental duties. ***See In re S.C.***, 247 A.3d 1097, 1104 (Pa.Super. 2021), ***abrogated on other grounds by Interest of K.T.***, 296 A.3d 1085, 1110 n.23 (Pa. 2023).

We have long recognized that a parent is required to make diligent efforts towards the reasonably prompt assumption of full parental responsibilities. ***See In re Adoption of M.A.B.***, 166 A.3d 434, 443 (Pa.Super. 2017) (citation omitted). At a termination hearing, the orphans’ court may properly reject as untimely or disingenuous a parent’s vow to follow through on necessary services when the parent failed to cooperate with the agency or take advantage of available services during the dependency proceedings. ***See In re S.C., supra*** at 1105 (citation omitted).

If the orphans’ court concludes that adequate grounds for termination exist pursuant to Section 2511(a), the court then turns to Section 2511(b), which requires that it “give primary consideration to the developmental,

physical and emotional needs and welfare of the child.” 23 Pa.C.S.A. § 2511(b); **see also T.S.M.**, 71 A.3d at 267.

Our Supreme Court has outlined this inquiry as follows:

[C]ourts should consider the matter from the child’s perspective, placing her developmental, physical, and emotional needs and welfare above concerns for the parent.

Accordingly, the determination of the child’s particular developmental, physical, and emotional needs and welfare must be made on a case-by-case basis. We have observed the 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. As further guidance, we have identified factors, *i.e.*, specific needs and aspects of the child’s welfare, that trial courts must always consider. The courts must consider whether the children are in a pre-adoptive home and whether they have a bond with their foster parents. And, if the child has any bond with the biological parent, the court must conduct an analysis of that bond, which is not always an easy task.

Interest of K.T., 296 A.3d at 1105-06 (internal citations, quotations, and footnotes omitted).

The Court further explained that “[i]t is only a necessary and beneficial bond, after all, that should be maintained.” **Id.** at 1109. The “severance of a necessary and beneficial relationship [is] the kind of loss that would predictably cause ‘extreme emotional consequences’ or significant, irreparable

harm.” **Id.** at 1109-10. Bond, permanency, stability, and all other intangible are “all of ‘primary’ importance in the Section 2511(b) analysis.” **Id.** at 1109. The extent of the “bond-effect analysis necessarily depends on the circumstances of the particular case.” **In re Adoption of J.M.**, 991 A.2d 321, 324 (Pa.Super. 2010).

Moreover, in considering the affection which a child may have for his or her natural parents, this Court has stated the following:

[C]oncluding a child has a beneficial bond with a parent simply because the child harbors affection for the parent is not only dangerous, it is logically unsound. If a child’s feelings were the dispositive factor in the bonding analysis, the analysis would be reduced to an exercise in semantics as it is the rare child who, after being subject to neglect and abuse, is able to sift through the emotional wreckage and completely disavow a parent. . . . Nor are we of the opinion that the biological connection between [the parent] and the children is sufficient in [and] of itself, or when considered in connection with a child’s feeling toward a parent, to establish a **de facto** beneficial bond exists. The psychological aspect of parenthood is more important in terms of the development of the child and its mental and emotional health than the coincidence of biological or natural parenthood.

In re K.K.R.-S., 958 A.2d 529, 535 (Pa.Super. 2008) (internal citations and quotation marks omitted).

It is within the province of the orphans’ court to “consider the totality of the circumstances when performing a needs and welfare analysis.” **Interest of M.E.**, 283 A.3d 820, 839 (Pa.Super. 2022). Further, this Court has clarified that it is “within the discretion of the orphans’ court to prioritize the safety

and security” of children “over their bonds with their parents.” ***Id.*** Thus, we will not disturb such an assessment if the orphans’ court’s factual findings are supported by the record. ***See id.***

We begin with Mother’s first issue, which is her challenge to Section 2511(a)(2).¹⁰ Mother argues that the evidence was insufficient to terminate her parental rights under this subsection. ***See*** Mother’s Brief at 21. Mother claims that the record is devoid of evidence relating to any incapacity, abuse, neglect, or refusal to care for the Children because she participated in services and pursued housing options. ***See id.*** at 21, 25. We disagree.

Relevant to this subsection, in its opinion accompanying the termination decrees, the orphans’ court found as follows:

Mother . . . [was] not able to protect [her c]hildren from repeated sexual abuse in [her] home, despite knowledge of the sexual abuse occurring.

¹⁰ We note with disapproval a procedural deficiency in Mother’s brief. Organizationally, the argument section of Mother’s brief improperly addresses the entirety of her issues together without separate discussion for each individual argument. ***See*** Pa.R.A.P. 2119(a) (“The argument shall be divided into as many parts as there are questions to be argued; and shall have at the head of each part—in distinctive type or in type distinctively displayed—the particular point treated therein, followed by such discussion and citation of authorities as are deemed pertinent.”). However, as we are able to discern the general issues raised and related arguments, and we perceive no prejudice, we proceed to address the merits of Mother’s appeal. ***See*** Pa.R.A.P. 2101 (stating, “Briefs and reproduced records shall conform in all material respects with the requirements of these rules as nearly as the circumstances of the particular case will admit, otherwise they may be suppressed, and, if the defects are in the brief or reproduced record of the appellant and are substantial, the appeal or other matter may be quashed or dismissed.”).

Mother . . . housed [her] thirteen [c]hildren in overcrowded, unsanitary, and unsafe conditions of absolute squalor. In the two and a half years since the Children were removed, Mother . . . [has] not been able to demonstrate that [she] has made progress towards correcting those issues.

. . .

Despite having completed the required protective parenting services required by the Agency, Mother... [has] failed to demonstrate that [she] would be able to protect [the] Children in a household with various adults and children.

O.C.O. (E.J.C.) at 32-33; O.C.O. (Z.K.-E.C.) at 33.

The orphans' court's findings are supported by the record evidence. E.J.C. was one of the nine children subjected to sexual abuse by D.G. **See** N.T. (Vol. I), 2/12/24 at 99-104. Mother was indicated as a perpetrator of abuse by omission as to E.J.C. and six more children. **See id.** Z.K.-E.C. was subjected to witnessing the abuse, as Ms. Major testified that "all [of] these children saw [the] other children being sexually abuse[d]." **Id.** at 96.

There is no dispute that Mother was notified of the sexual abuse in the summer of 2021. After being made aware of the sexual abuse, Mother ultimately allowed D.G., the alleged sexual abuser to continue to reside in the family home with all of Mother's younger children until the Agency intervened. **See id.** at 69-71, 91-93, 106-107. Doctor Lindahl and Ms. Major testified that Mother did not believe the sexual abuse allegations reported by her older daughters. **See id.** at 33-35, 42, 59, 91. Doctor Lindahl opined that Mother did not adequately protect her children from the sexual abuse. **See id.** at 43.

Notwithstanding, despite being indicated for child abuse and criminally charged for her failure to protect her children, Mother maintained during her testimony at the first date of the termination hearings that she “did everything possible as a mother to take care of my kids and protect my children.” N.T. (Amended Vol. II), 2/12/24 at 238.

Mother attended protective parenting sessions at Pennsylvania Forensics from June 15 to November 10, 2022, and successfully completed the program. N.T. (Amended Vol. II), 2/12/24 at 190, 200; Permanency Review Order (E.J.C.), 7/15/22 at 2; Permanency Review Order (E.J.C.), 12/2/22 at 2. However, Mother never progressed past supervised visitation due to ongoing concerns about her lack of supervision. **See** N.T. (Amended Vol. II), 2/12/24 at 156-157, 179, 183, 194-195, 202-203. Specifically, Ms. Lorah testified that Mother repeatedly failed to redirect inappropriate behavior between the Children and their siblings during the aforementioned large and small group supervised visits. **See id.** at 183, 194-195, 202-203. This inappropriate behavior included physical fighting and “tak[ing] videos of themselves in positions” which we infer from the record were sexual in nature. **Id.** at 194-195.

Further, Ms. Roseway testified to Mother’s continued refusal to acknowledge the gravity of D.G.’s actions by sharing an incident that occurred during a supervised visit while E.J.C. was going through Mother’s phone. **See id.** at 141. On the day in question, E.J.C. came upon a photo of D.G., her

sexual abuser, and asked Mother why she still had the photo of him. **See id.** Mother stated, "because he's my son," to which E.J.C. responded, "[N]ot a good son." **Id.** Mother replied, "[A]ll of you are not good sometimes, so should I take you out too? Should I ignore you?" **Id.**

Additionally, Ms. Roseway and Ms. Lorah testified that Mother's conversations with the Children during supervised visitation were inappropriate at times. **See** N.T. (Amended Vol. II), 2/12/24 at 145, 153-154, 179; N.T., 4/24/24 at 26. Mother would discuss false timelines for reunification and encouraged the Children to disobey rules in their foster homes. **See** N.T. (Amended Vol. II), 2/12/24 at 144-145, 154.

Regarding Mother's mental health, Dr. Lindahl confirmed Mother's diagnoses of PTSD, anxiety, depression, and a "hoarding" disorder. N.T. (Vol. I), 2/12/24 at 39, 41, 44. Ms. Lorah testified that Mother complied with the recommendations of her mental health evaluation and participated in all of the recommended treatments. **See** N.T., 4/24/24 at 30. There is no record evidence, however, as to Mother's progress with her mental health treatment or the status of her multiple diagnoses.

Dr. Lindahl testified that there was an entire bedroom devoted to Mother's hoarding items when the majority of the female children all shared another room. **See** N.T. (Vol. I), 2/12/24 at 41. Dr. Lindahl opined that this indicated that Mother's hoarded items "took precedent" over the space and comfort of the children. **Id.** Dr. Lindahl testified that Mother stated that she

did not believe she could overcome her hoarding behaviors and was not motivated to do so. **See id.** at 39-40.

Finally, as to Mother's inadequate housing, the CYF caseworkers testified that Mother resided with Father at the Children's paternal grandmother's home following her release from prison. **See** N.T. (Amended Vol. II), 2/12/24 at 136, 184-185, 188; N.T., 4/24/24 at 24. Ms. Roseway testified that the paternal grandmother's home was rented. **See** N.T. (Amended Vol. II), 2/12/24 at 137. Ms. Roseway and Ms. Lorah stated that, despite multiple requests, Mother never provided the Agency with the lease to demonstrate that she would be permitted to reside there with the Children. **See** N.T. (Amended Vol. II), 2/12/24 at 140, 187-189, 207; N.T., 4/24/24 at 41. Ms. Lorah testified that Mother's housing would not be considered stable without this verification, as the Agency required evidence of a "legally binding contract to live in that home." N.T., 4/24/24 at 58; **see also** N.T. (Amended Vol. II), 2/12/24 at 210.

Based on the foregoing, the record clearly supports the orphans' court's finding that Mother's repeated and continued incapacities, namely her lack of protective parental capacity, mental health concerns, and inadequate housing, has caused the Children to be without essential parental care, control, or subsistence. **See A.H.**, 247 A.3d at 443. Further, the record supports that Mother's incapacities cannot or will not be remedied, as she has not successfully remedied them in the approximately three years the Children

have been in CYF custody. **See id.** Therefore, we discern no abuse of discretion in the orphans' court's determination that termination of Mother's parental rights was warranted pursuant to Section 2511(a)(2).

Given our disposition relative to Section 2511(a)(2), we need not review Mother's second issue with respect to Section 2511(a)(1). **See B.L.W.**, 843 A.2d at 384. Therefore, we continue to her third claim.

In her third issue, Mother argues that the orphans' court abused its discretion and erred when it declined to consider the evidence she presented at the September 6, 2024 hearing. **See** Mother's Brief at 30-31. Specifically, Mother testified that Parents entered into a lease agreement on July 1, 2024, and that she was scheduled to begin a part-time job the week after the hearing, as a home health aide working six hours per week for \$13 per hour. **See** N.T., 9/6/24 at 8-11, 22. Mother asserts that the court did not consider the "full record" by not considering this evidence. Mother's Brief at 31. This issue does not merit relief.

Mother is correct insofar as the orphans' court declined to consider the evidence based upon the clause in Section 2511(b), which provides that "[w]ith 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.A. § 2511(b). The orphans' court incorrectly reasoned, however, that this provision applied to the entirety of its

Section 2511(a) analysis, as opposed to only its analyses pursuant to Section 2511(a)(1) and (8). **See** O.C.O. (E.J.C.) at 30-32; O.C.O. (Z.K.-E.C.) at 30-32. We recognize that this provision was not applicable to Parents' conduct analyzed under the other grounds alleged including, *inter alia*, Section 2511(a)(2). Thus, the evidence referenced by Mother was relevant to the termination of Mother's parental rights pursuant to Section 2511(a)(2).

Nevertheless, the court reasoned that, even if it had considered the evidence presented on September 6, it would not alter its decision to terminate Mother's parental rights. **See** O.C.O. (E.J.C.) at 31; O.C.O. (Z.K.-E.C.) at 32. Specifically, the court found that Mother's prospective job and recent housing had not ameliorated her financial instability and significant questions remained as to whether she could sustain these new developments. **See** O.C.O. (E.J.C.) at 30-32; O.C.O. (Z.K.-E.C.) at 30-33; **see also** N.T., 9/6/24 at 8-11, 20-21 (Mother's testimony that the lease is month to month and rent is \$1350 per month plus utilities; Mother's testimony as to her prospective employment; Mother's testimony that she had recently inherited \$19,000, but she had already spent approximately one-half of it). The orphans' court was within its discretion to reject the contention that Mother's new housing and employment was stable given the timing of these developments viewed against the overall length of the dependency proceedings. **See S.C.**, 247 A.3d at 1105.

In addition, we note that Mother's sole legal authority for her third argument is ***In re. J.E.F.***, 409 A.2d 1165 (Pa. 1979). Mother's reliance on this case is misplaced because ***J.E.F.*** held that the orphans' court erred when it refused to reopen the record to introduce new evidence after a termination proceeding. ***See id.*** at 1167. Instantly, the orphans' court did not preclude the introduction of new evidence. In fact, it reopened the record and held a supplemental hearing wherein Mother's evidence was presented. Rather, the court merely declined to credit the evidence presented on September 6, 2024. Accordingly, Mother is not entitled to relief for her third claim.

We now turn to Mother's fourth and fifth issues, which we address together as they both implicate to Section 2511(b). Mother baldly asserts that her love for the Children, along with her attempts to comply with the Agency's requirements, "outweigh" the orphans' court's finding that termination best serves the needs and welfare of the Children. Mother's Brief at 26. Mother also argues that because the record does not include evidence of the effect on the Children of severing their parental bonds, the court could not terminate her parental rights. ***See id.*** at 28. Mother contends that the orphans' court erred in its analysis under this subsection because she claims it "improperly weighed the environmental conditions . . . over any concerns about the best interest of [the Children]." ***Id.*** at 29-32. We disagree.

Mother's bald assertion that her love and personal considerations should take precedence over the needs and welfare of the Children under this

subsection is blatantly contrary to our case law. ***See In re Z.P.***, 994 A.2d 1108, 1121 (Pa.Super. 2010) (“A parent’s own feelings of love and affection for a child, alone, do not prevent termination of parental rights.”) (internal citation omitted); ***K.T.***, 296 A.3d at 1105 (“[C]ourts should consider the matter from the child’s perspective, placing her developmental, physical, and emotional needs and welfare **above concerns for the parent.**”) (emphasis added).

Upon thorough review, we conclude that the court did not abuse its discretion under Section 2511(b). We emphasize that the court found that the bonds between Mother and the Children, who were ages twelve and thirteen by the time the proceedings concluded, were “unhealthy.” O.C.O. (E.J.C.) at 45-46; O.C.O. (Z.K.-E.C.) at 44-45. The orphans’ court’s findings are well-supported by the record evidence.

Initially, we note that the Children have been placed apart from each other since the time of their initial removal in October of 2021. With respect to E.J.C., she had been moved through multiple placements during this time period. The record reveals that, in the last three years, E.J.C. had been placed in five different foster homes, one residential facility placement, one shelter placement, one hospitalization, and resided in her current group home at the time of the subject proceeding. ***See*** CYF Exhibit, 4/24/24, [E.J.C.] 1. These placement transfers were due to E.J.C.’s poor behavior, which included assaulting teachers at school, physical aggression against another child in a

placement, an inappropriate sexual relationship with another child in a placement, destroying placement property, and running away from placements. **See** CYF Exhibit, 4/24/24, [E.J.C.] 1; N.T., 9/6/24 at 27. In contrast, Z.K.-E.C. has remained in one consistent, pre-adoptive foster home. **See** N.T., 4/24/24 at 55.

The record reveals that Mother's supervised visitation with the Children began over a year after their removal. **See** N.T. (Amended Vol. II), 2/12/24 at 131-132, 134-135. Ms. Roseway testified that the Children's foster parents reported behavioral concerns after supervised visitation with Mother, which only started after Mother's visitation commenced. **See id.** at 154-156. Specifically, Ms. Roseway confirmed that thirteen-year-old Z.K.-E.C. had suffered from bedwetting throughout his dependency, which increased once visitation with Mother began. **See id.** at 155. Ms. Lorah testified that there were additional "behavioral concerns" with regard to Z.K.-E.C. after he attended a visit with Mother at prison in October of 2023. **Id.** at 180-181.

Ms. Roseway testified that Mother would tell the Children "things that were not exactly true" during supervised visits. N.T. (Amended Vol. II), 2/12/24 at 145, 153-154. For example, Mother would provide the Children false timelines on when they would return to her care and telling E.J.C. that she "had to be with her family" when she would express that she wanted to remain in foster care. **Id.** at 136, 144-145, 147. Ms. Roseway stated that the Agency received reports that Mother told the Children to be "disruptive"

in their foster homes and that they did not have to listen to their foster parents. ***Id.*** at 154.

Ms. Lorah corroborated observing similar issues when she supervised visits with Mother and the Children. ***See*** N.T. (Amended Vol. II), 2/12/24 at 179; N.T., 4/24/24 at 26. She reported that Mother's discussions with the Children included telling them that they would have cell phones and different rules than their foster homes if they reunified. ***See*** N.T. (Amended Vol. II), 2/12/24 at 182. Ms. Lorah confirmed that these types of conversations constituted Mother making "false representations" to the Children, which was "confusing" for them and would negatively impact them. ***Id.*** at 179-180, 206-207.

Ms. Roseway testified that the Children were not engaged with Mother during visits, and their interactions were "very limited," inasmuch as the Children primarily focused on each other and their siblings during visits. ***Id.*** at 135, 146, 151. Indeed, Ms. Roseway stated that the Children were upset to leave each other and their siblings at the end of visits. ***See id.*** at 151-152.

With respect to E.J.C.'s preferences regarding the involuntary termination of Mother's parental rights, Ms. Roseway testified that although twelve-year-old E.J.C.'s desires initially wavered between wanting to reunify or stay in foster care, she did not want Mother's rights terminated and did not want to be adopted. ***See id.*** at 147. However, Ms. Lorah, who was the Children's most current caseworker, testified that E.J.C. did not report specific

wishes as to termination, but unequivocally wanted to be reunified with two of her sisters. **See id.** at 170, 195, 207-208.

As to Z.K.-E.C., the record revealed that he repeatedly expressed his opposition to adoption. **See** N.T. (Amended Vol. II), 2/12/24 at 172, 174, 194-195; N.T., 4/24/24 at 27, 44-45, 48. Nevertheless, Ms. Lorah testified that this opposition was because he did not want to change his last name. **See** N.T., 4/24/24 at 55. In addition, Ms. Lorah further testified that Z.K.-E.C. did not want Mother to “have a say” in making decisions for him and did not want to be forced to “go back home” or attend visitation. N.T. (Amended Vol. II), 2/12/24 at 172, 174, 195-196. Z.K.-E.C. wanted to either stay in his foster placement with one of his brothers, or live with his paternal grandmother because his minor uncle, who was Z.K.-E.C.’s age, resided with her. **See** N.T. (Amended Vol. II), 2/12/24 at 195-196; N.T., 4/24/24 at 26, 44.

Moreover, Ms. Roseway testified that Z.K.-E.C. told her that he “doesn’t want to be around” Mother. N.T. (Amended Vol. II), 2/12/24 at 148. Similarly, Ms. Lorah testified that Z.K.-E.C. reported that he would “go out of his way to avoid” Mother during visits. **Id.** at 194. She explained that Z.K.-E.C. experienced anxiety about being separated from his foster home, “even for a brief respite visit.” N.T., 4/24/24 at 54. Ms. Lorah testified that, when asked to list the people he was closest to in his life, Z.K.-E.C. indicated his foster mother. **See id.** at 56.

To the extent that the Children's expressed desires were in opposition of termination of Mother's parental rights, the record evidence supports the court's decision that termination would best serve the Children's needs and welfare.¹¹ As discussed above, the Children's opposition to adoption did not stem from their bonds with Mother. Further, the orphans' court considered the Children's desires in its analysis of their needs and welfare, as follows:

The [c]ourt has considered [the Children's] relayed wishes, but we must make our determination based upon the Child[ren]'s best interests, even if that means being unable to grant [their] stated wishes.

O.C.O. (E.J.C.) at 33; O.C.O. (Z.K.-E.C.) at 34.

The certified record supports the orphans' court's conclusion that the bond between Mother and the Children was not "necessary and beneficial," as to preclude termination of her parental rights. ***K.T.***, 296 A.3d at 1109-1110. Further, Mother's biological connection or any affection that the Children may hold for her, despite the sexual abuse that they endured and/or witnessed due to her failure to protect them, does not establish the type of bond as to preclude termination of her parental rights. ***See K.K.R.-S.***, 958 A.2d at 535 (reiterating a child's feelings are not a "dispositive factor" when assessing a

¹¹ We have further observed that the GAL filed an appellate brief advocating for affirmance of the decrees. The GAL argues that the orphans' court correctly prioritized the Children's needs and welfare over the Children's preferences. ***See generally*** GAL's Brief. Further, the GAL asserts that the Children do not share a necessary and beneficial bond with Mother. ***See id.*** at 4-8.

bond and the “psychological aspect of parenthood” trumps a biological connection). With respect to Mother’s argument regarding specific evidence of the effect of termination on the Children, we note that she presents no legal authority for such and reiterate that the extent of the bond analysis “necessarily depends on the circumstances of the particular case.” **J.M.**, 991 A.2d at 324.

The orphans’ court was well within its discretion to prioritize the Children’s safety and security after nearly three years in placement. **M.E.**, 283 A.3d at 839. Despite Mother’s claim, the orphans’ court was within its discretion to consider Mother’s housing with respect to the needs and welfare of the Children as part of the “totality of the circumstances” in its Section 2511(b) analysis. **M.E.**, 283 A.3d at 839. Accordingly, we discern no error or abuse of discretion in the orphans’ court’s conclusion that the Agency met its evidentiary burden pursuant to Section 2511(b).

We now turn to Mother’s final issue, wherein she contends that the record shows that the Children will not consent to adoption pursuant to 23 Pa.C.S.A. § 2711. **See** Mother’s Brief at 32-34; **see also** N.T., 9/6/24 at 78-80 (the Children’s legal counsel arguing on the record in open court that termination would “essentially mak[e] legal orphans of [the C]hildren” because they were opposed to adoption, to which Mother’s counsel “concur[red]”). Therefore, she argues that the court erred and abused its discretion in terminating her parental rights. **See id.** We disagree.

Section 2711 provides in pertinent part, as follows:

§ 2711. Consents necessary to adoption.

(a) General rule. – Except as otherwise provided in this part, consent to adoption shall be required by the following:

(1) The adoptee, if over 12 years of age.

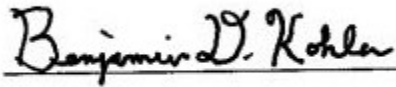
23 Pa.C.S.A. § 2711(a)(1).

Significantly, Mother provides no statutory authority or case law, and we are aware of none, to support her proposition that the Children's consent to adoption is a required element to the involuntarily termination of parental rights under Section 2511(a) and (b). Since the Agency filed the underlying termination petitions in the above-captioned cases, there was no requirement that an adoption need be contemplated. **See** Pa.C.S.A. § 2515(b)(3). In this case, Section 2511 set forth the relevant grounds required for termination, which does not include Section 2711 consent. Indeed, since no adoption petition was pending before the orphans' court, the Children were not even "adoptees" under the statute cited by Mother.

In addition, the record is devoid of evidence that the Children would not consent under Section 2711 following the termination of parental rights. As such, Mother's argument is purely speculative and legally specious. Accordingly, as Mother's arguments lack factual and legal merit, this issue fails. Thus, we affirm the decrees that involuntarily terminated Mother's parental rights to the Children pursuant to 23 Pa.C.S.A. § 2511(a)(2) and (b).

Decrees 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: 4/29/2025