

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: A.H., A MINOR

: IN THE SUPERIOR COURT OF
: PENNSYLVANIA

APPEAL OF: A.K., MOTHER

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: No. 543 WDA 2026

Appeal from the Order Dated March 27, 2026
In the Court of Common Pleas of Allegheny County
Orphans' Court at No: CP-02-AP-0000085-2025

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

MEMORANDUM BY STABILE, J.:

FILED: September 10, 2026

A.K., ("Mother"), appeals from the March 27, 2026, order terminating her parental rights to A.H. ("Child"). We affirm.

Child¹ was born in early 2016 and was ten years old as of the filing of this appeal. By an emergency custody order of December 19, 2022, she was removed from the custody of Mother and M.H. ("Father") and placed under the care of the Allegheny County Office of Children, Youth, and Families ("CYF"). She was adjudicated dependent on March 8, 2024, and returned to the custody of Mother that same day. On May 21, 2024, the orphans' court issued another emergency order placing Child with CYF. Child never returned to Mother's care afterward. CYF filed a termination of parental rights ("TPR")

¹ Child was represented by Aimee L. Burton in this matter. Margaret Gold served as Child's guardian *ad litem*.

petition against Mother and Father on August 12, 2025. The orphans' court conducted a hearing on February 20, 2026, and issued the order on appeal on March 27, 2026. The orphans court found that termination of Mother's parental rights was warranted under 23 Pa.C.S.A. § 2511(a)(2) and (8) and § 2511(b).² This timely appeal followed.³

The party seeking termination of parental rights must establish by clear and convincing evidence the grounds for doing so. ***In re E.M.***, 908 A.2d 297, 303 (Pa. Super. 2006). The most important consideration is the needs and welfare of the child. ***Id.*** The orphans' court also must consider the extent of the bond between the parent and child. ***Id.*** These principles are set forth by statute in 23 Pa.C.S.A. § 2511. We will confine our analysis to the orphans' court's finding that termination of Mother's parental rights was warranted in this case under 23 Pa.C.S.A. § 2511(a)(2) and (b):

(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.

² The court entered a corresponding order changing her dependency goal from reunification to adoption.

³ Father did not appeal from the TPR order.

[...]

(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.

23 Pa.C.S.A. § 2511.

Our appellate standard of review is as follows:

When reviewing an appeal from a decree terminating parental rights, we are limited to determining whether the decision of the trial court is supported by competent evidence. Absent an abuse of discretion, an error of law, or insufficient evidentiary support for the trial court's decision, the decree must stand. Where a trial court has granted a petition to involuntarily terminate parental rights, this Court must accord the hearing judge's decision the same deference that it would give to a jury verdict. We must employ a broad, comprehensive review of the record in order to determine whether the trial court's decision is supported by competent evidence.

E.M., 908 A.2d at 303. We need only agree with the orphans' court that termination is appropriate under one subsection of § 2511(a). **Id.** at 306.

In this case, we begin with an analysis of the orphans' court's decision that termination was appropriate under § 2511(a)(2), under which the party seeking termination must prove:

(1) the parent's 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 necessary for his physical or mental well-being; and

(3) the causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied.

In re K.M.G., 219 A.3d 662, 672 (Pa. Super. 2019) (*en banc*), *affirmed*, 240 A.3d 1218 (Pa. 2020). “The grounds for termination under Section 2511(a)(2) are not limited to a parent’s affirmative misconduct, but rather a parental incapacity that a parent cannot remedy.” ***Id.*** Parents have an affirmative duty to work toward reunification with their children by cooperating with children and youth agencies and, among other things, completing any assigned rehabilitative services. ***Id.*** A parent is not afforded an unlimited amount of time to reunite with a child under § 2511(a)(2). ***Id.*** The parent must make diligent efforts to resume parental duties within a reasonable amount of time after the child’s adjudication of dependency. ***Id.*** at 672-73. Finally, § 2511(a)(2) “emphasizes the child’s present and future need for essential parental care, control or subsistence necessary for his physical or mental well-being[, ... and the] child’s need for a stable home and **strong, continuous parental ties.**” ***Id.*** at 673 (emphasis in original).

Child was removed from Mother’s care in this case due to Mother’s continued abuse of alcohol, and Mother’s inability to establish the boundaries and behaviors appropriate to a parent/child relationship. Christina Moran, of CYF, testified that intimate partner violence and alcohol use were problems that brought Child into CYF’s care. N.T. Hearing, 2/20/26, at 81. Child had regular absences from school. ***Id.*** at 83. As noted above, Child was returned to Mother’s care briefly from March to May of 2024, but was removed when

Mother admitted to relapsing on her alcohol abuse and described her own mental health as “spiraling.” ***Id.*** at 84.

Regarding the intimate partner violence, Dr. Patricia Pepe, a licensed psychologist who testified as an expert, said that Child, while living with Mother, witnessed multiple instances of “partner violence,” including witnessing Mother stab her boyfriend. ***Id.*** at 53-54. These incidents contributed to Child suffering from Post Traumatic Stress Disorder (“PTSD”). ***Id.***

To reunify with Child, Mother was ordered to complete intimate partner counseling, to address her mental health, to undergo drug and alcohol screens, to complete a parenting program, and to address some criminal matters. ***Id.*** at 86. Mother successfully completed intimate partner counseling and addressed her underlying criminal issues. ***Id.*** at 86-87.

Mother was not successful, however, in addressing her alcohol use and her other mental health issues. Mother completed a drug and alcohol program in 2023, but had persistent relapses thereafter. ***Id.*** at 88. Mother began behavioral health treatment with Jefferson Behavioral Health in July of 2022, but had discontinued treatment as of late 2024. ***Id.*** at 90-91.

Mother also did not succeed in establishing a healthy parent/child relationship with Child. Melia Chandler of TRAC⁴ Services began working with

⁴ The acronym is derived from “Three Rivers Adoption Council.”

Mother and Child once a week for 90 minutes in December of 2024. **Id.** at 11-12. The goals were to work on organization, routine structure, communication, and healthier boundaries. **Id.** at 12. Initially, they made progress. **Id.** at 13. Progress stopped when Mother gave birth to twins. **Id.** at 13. Subsequently, Mother arrived at a session intoxicated on April 28, 2025. **Id.** at 13-14. At that session, Mother admitted to struggling with substance abuse. **Id.** Child appeared heartbroken at the regression in Mother's progress that was evident during that April 28, 2025, session. **Id.** at 36. In July of 2025, TRAC Services discharged Mother with a recommendation to join a support group and enroll in substance abuse rehabilitation. **Id.** at 15-16.

Moran testified that one of the goals for TRAC Services had been for Mother to work on appropriate parenting, and in particular setting appropriate boundaries and having age-appropriate interactions between Mother and Child. **Id.** at 121. At the beginning of Child's placement, Mother would divulge age-inappropriate information to Child about her interactions and fights with her boyfriends or paramours. **Id.** at 122. Mother also dressed Child in age-inappropriate tight clothing that sexualized her. **Id.** But, as noted just above, Mother was discharged from TRAC Services to address her alcohol abuse before she addressed these concerns.

Moran also testified that, for Mother's CYF-supervised visits with Child, Mother had "bouts of consistency, but there were also times when she would

cancel or no show.” ***Id.*** at 92. In the year leading up to the termination hearing, phone calls between Mother and Child were initially two times a week, then once per week, then discontinued because of Mother’s lack of participation. ***Id.*** at 120. Child did not request visits with Mother during Moran’s visits to the foster home. ***Id.*** at 92.

Based on the foregoing, we conclude that competent evidence supports the orphans’ court’s finding that Mother has exhibited an ongoing incapacity to serve as Child’s parent; that Mother’s incapacity deprived Child of essential parental care and control, leading to a placement of more than two years; and that Mother’s incapacity will not be remedied. We note, in particular, Mother’s continued relapses into alcohol abuse, and her ongoing inability to complete services designed to help her establish a healthy relationship with Child. For these reasons, the strong, continuous parental ties that the law requires were not evident between Mother and Child in this case, and the record does not support a conclusion that such ties will exist in the future. The orphans’ court did not err in concluding that termination of Mother’s parental rights was appropriate under § 2511(a)(2).

We now turn to § 2511(b), which requires the court to “give primary consideration to the developmental, physical and emotional needs and welfare of the child.” 23 Pa.C.S.A. § 2511(b).

Subsection 2511(b) focuses on whether termination of parental rights would best serve the developmental, physical, and emotional needs and welfare of the child. Intangibles such as love, comfort, security, and stability are involved in the inquiry

into the needs and welfare of the child. In addition, [...] the trial court must also discern the nature and status of the parent-child bond, with utmost attention to the effect on the child of permanently severing that bond. However, in cases where there is no evidence of a bond between a parent and child, it is reasonable to infer that no bond exists. Accordingly, the extent of the bond-effect analysis necessarily depends on the circumstances of the particular case.

In re A.H., 247 A.3d 439, 444–45 (Pa. Super. 2021) (internal citations and quotation marks omitted), *appeal denied*, 258 A.3d 1144 (Pa. 2021). “Importantly, the question is not merely whether a bond exists, but whether termination would destroy this existing, necessary and beneficial relationship.” ***Id.*** at 445.

Dr. Pepe testified that Mother failed to appear for her evaluation, which was scheduled for November 20, 2025. N.T. Hearing, 2/20/26, at 49-51. Dr. Pepe observed that Child’s interactions with her foster family were positive and healthy. ***Id.*** at 50-51. During Child’s evaluation, she told Dr. Pepe she wished to remain with her foster family permanently. ***Id.*** at 52. Child believed Mother was trying to manipulate her, including by whispering about Child’s foster parents, and Child therefore asked for reduced visits with Mother. ***Id.*** at 52, 66. Child said she had no bond with her Mother, and Dr. Pepe believed she was afraid of Mother because of the violence she had witnessed at home. ***Id.*** at 57-58. Dr. Pepe testified that Child’s loss of her relationship with her foster parents would result in a significant psychological regression for her. ***Id.*** at 59.

Moran testified that Child, in her current placement, is as secure as Moran has ever seen her. **Id.** at 93. Child interacts well with other children in the foster home. **Id.** at 94. Moran observed a bond between Child and her foster parents in the form of positive interactions with them, referring to them as “mom and dad,” and trusting them to do things for her such as make meals. **Id.** at 95-96. With Mother, Child’s demeanor was more akin to that of an adult, and she acted as though she had to assume adult responsibilities. **Id.** at 94-96. Moran testified that, during the course of her placement, Child’s perception of Mother changed. In the beginning, Child was very protective of Mother, to the point of serving as Mother’s caregiver. **Id.** at 124-25. During Mother’s pregnancy with twins, for example, Child was giving Mother injections that Mother was afraid to do on her own, and Child did not understand that this was not a common thing for a young child to do for a parent. **Id.** at 125. With her foster family, according to Moran, Child understands “what a family looks like when adults are in charge and children are children.” **Id.** at 126. With her current foster family, Child’s demeanor is appropriate to a child her age. **Id.** Moran testified that it was in Child’s best interest to remain in the foster home. **Id.** 97. Moran believed Child was well-bonded with her foster family and that removal from the foster family would be “damning.” **Id.** at 132.

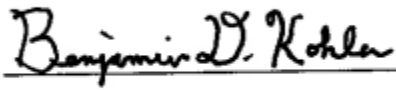
Madison Mancini, Child’s caseworker at Adoption Connection, testified that she visits Child in her foster home every two weeks. **Id.** at 70-71. Child

was doing “exceptionally well” with her foster family. ***Id.*** at 71. Child began listening better and doing better in school over the course of her time with her foster family. ***Id.*** at 73-74.

In summary, competent evidence supports the orphans’ court’s finding that Child’s needs and welfare are best met in her current foster home. We note, in particular, the evidence of Child’s emotional development and her development of age-appropriate family interactions and relationships subsequent to her removal from Mother’s home and placement with her current foster family. The evidence reflects that the bond between Mother and Child has diminished or no longer exists, and that when it existed it was not a healthy one. Considering the evidence of record in light of the applicable law, we discern no error in the orphans’ court’s conclusion that Child’s needs and welfare would be best met by termination of Mother’s parental rights so that Child can remain with her pre-adoptive foster family, and that there exists no bond between Mother and Child that would require a different result.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler". The signature is written in a cursive style with a large, stylized "B" and "K". It is positioned above a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

9/10/2026