NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: N.J.B., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: B.B., FATHER	:	
	:	No. 448 WDA 2026

Appeal from the Decree Entered March 13, 2026
In the Court of Common Pleas of Beaver County
Orphans' Court at No: 3012-2025

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

MEMORANDUM BY STABILE, J.: **FILED: November 19, 2026**

B.B. ("Father") appeals from the March 13, 2026, decree which involuntarily terminated his parental rights to his daughter, N.J.B. ("Child"), born in October 2023.[1] We affirm.

We gather the relevant factual and procedural history of these proceedings from the certified record. In October 2023, Beaver County Children and Youth Services ("CYS" or "the Agency") received a report alleging that Child and Mother had both tested positive for fentanyl and marijuana at the time of Child's birth. ***See*** N.T., 10/14/25, at 19. At this time, Father was

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[1] On the same date, by separate decree, the orphans' court terminated the parental rights of Child's mother, M.S. ("Mother") (collectively with Father, "Parents"). Mother filed a notice of appeal which we address in a separate memorandum.

participating in a drug and alcohol program due to his addiction to fentanyl. ***See id.*** at 19-20.

CYS implemented a safety plan wherein Child initially remained in Parents' care. ***See id.*** In pertinent part, the Agency requested that Father continue his drug and alcohol treatment and submit to monthly drug screens.[2] ***See id.*** at 19-20, 64.

Between October 2023, and June 2024, Father was enrolled in substance abuse treatment and appeared for monthly drug screens. ***See id.*** at 19-20. The certified record reflects, however, that he was unsuccessful at addressing his problems with addiction. Specifically, Father admitted that, in January 2023, he began abusing suboxone that was prescribed to him as part of his treatment regimen. ***See*** N.T., 9/23/25, at 72. Furthermore, Father tested positive for fentanyl in February 2024. ***See id.*** at 73.

On June 7, 2024, Child, then eight months old, nearly drowned while being bathed by Parents. ***See*** N.T., 10/14/25, at 17. Parents called 911, and Child was ultimately "life-flighted" to Children's Hospital of Pittsburgh ("CHOP") where she also tested positive for fentanyl and xylazine. ***Id.*** at 17. The accident was categorized as a near-fatality. ***See id.***

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[2] At this time, a dependency case existed in Allegheny County with respect to Father's older son, K.D.B. Father's parental rights to K.D.B. were involuntarily terminated on June 23, 2025. ***See Int. of M.B.***, 354 A.3d 524, at *7 (Pa. Super. 2026) (unpublished memorandum) (affirming the involuntary termination of Father's parental rights to K.D.B.).

We note that Parents' explanation for what caused Child to nearly drown has changed over time. In addition, Parents never provided an explanation for how Child had consumed fentanyl and xylazine. ***See*** N.T., 12/12/25, at 141-42; N.T., 10/14/25, at 18, 34-35; N.T., 9/23/25, at 72-73. Further, the record reveals that, at the time of Child's near-fatality, Father was on parole in Allegheny County stemming from a prior conviction for endangering the welfare of children ("EWOC") with respect to another biological child, R.B., who is not in his custody or directly implicated in these proceedings.

On June 10, 2024, the juvenile court placed Child in the emergency protective custody of CYS. On June 13, 2024, following a shelter care hearing, the court maintained the legal and physical custody of Child with CYS. The record reveals that CYS also filed a dependency petition and a motion seeking a finding of aggravated circumstances in June 2024. In July 2024, Father again tested positive for fentanyl, and, thereafter, he revoked the Agency's authorization to view the records from the screening provider. ***See id.*** at 73-74. On August 29, 2024, Father was arrested and charged in Beaver County with a separate count of EWOC in connection with Child's near-fatality. ***See*** N.T., 10/14/25, at 21; N.T., 9/23/25, at 88.

Following hearings in Child's dependency case, by order dated September 30, 2024, the court adjudicated Child dependent and determined that Child was a victim of child abuse as defined by 23 Pa.C.S.A. § 6303. By separate order, the court found that aggravated circumstances existed as to

Parents and stated that "[n]o efforts are to be made to preserve the family and reunify Child with [Parents]." Aggravated Circumstances Order, 10/2/24; ***see also*** 42 Pa.C.S.A. §§ 6341(c.1), 6302.

Nevertheless, the record reveals that, in late October 2024, the juvenile court issued a permanency review order that established Child's permanency goal as reunification with a concurrent goal of adoption and directed CYS to resume providing reunification services to Father. In furtherance of reunification, the juvenile court ordered Father to, *inter alia*: undergo a drug and alcohol evaluation and comply with all resulting recommendations and attend supervised visitations with Child.

In July 2025, Father entered a guilty plea to the Beaver County EWOC charge. ***See*** N.T., 9/23/25, at 88, 91. The criminal court sentenced Father to one year less one day to two years less one day of incarceration, followed by four years of probation. ***See id.*** at 82. Father remained incarcerated in Beaver County Jail through the completion of the subject termination hearings, with an anticipated release date of April 2026. ***See id.*** at 90. However, the record does not reveal what Father's potential sentence may be regarding his still-pending parole violation in Allegheny County. ***See*** N.T., 10/14/25, at 46.

Regarding his permanency goals, as noted above, Father was unable to maintain sobriety or address his problems with substance abuse prior to his incarceration in August 2024. However, the parties do not dispute that Father

was maintaining his sobriety in the cloistered environment of prison. ***See*** N.T., 12/12/25, at 24-25. With respect to supervised visitation, visits occurred for one hour on alternating weeks at Beaver County Jail. ***See*** N.T., 9/23/25, at 107.

On June 16, 2025, CYS filed a petition to involuntarily terminate Father's parental rights to Child pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), and (b). In compliance with Section 2313(a) of the Adoption Act, the orphans' court appointed legal interest counsel for Child.[3] The orphans' court also appointed a separate guardian *ad litem* ("GAL") to represent Child's best interests. Contemporaneously in July 2025, the juvenile court entered an order that changed Child's permanency goal to adoption, which Father did not appeal.

The orphans' court conducted termination hearings on September 23, October 14, and December 12, 2025, at which time Child was two years old. The Agency presented the testimony of Ms. Barnhart and also called Parents as witnesses during CYS's case in chief. Father, who was represented by counsel, also separately testified on his own behalf. In addition, CYS and

[3] On October 21, 2025, Child's legal interest counsel requested to withdraw her representation of Child, which the orphans' court granted. The court subsequently appointed new legal counsel for Child. ***See*** Order, 10/27/25.

Father each introduced documentary exhibits.[4] Prior to the commencement of the first termination hearing, Father's counsel filed a motion requesting a formal bonding evaluation, which the orphans' court denied following a brief argument on September 23, 2025. ***See*** N.T., 9/23/25, at 20.

On March 13, 2026, the orphans' court entered a decree that granted the Agency's petition and involuntarily terminated Father's parental rights pursuant to 23 Pa.C.S.A. § 2511(a)(2), (5), and (b). On April 2, 2026, Father timely filed a notice of appeal and concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b). The orphans' court filed a responsive Rule 1925(a) opinion on May 1, 2026.

On appeal, Father presents the following issues for review:

> I. Whether the orphans' court abused its discretion and/or erred as a matter of law in terminating Father's parental rights under 23 Pa.C.S.A. § 2511(a)(2), where the evidence was insufficient to establish by clear and convincing evidence that Father's repeated and continued incapacity, abuse, neglect, or refusal caused Child to be without essential parental care, control, or subsistence necessary for her physical or mental well-being?

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[4] We note with displeasure that these exhibits were not included in the certified record. While this omission does not meaningfully hamper our review, we pointedly remind counsel that appellants bear "the responsibility to make sure that the record forwarded to an appellate court contains those documents necessary to allow a complete and judicious assessment of the issues raised on appeal." ***Commonwealth v. Wint***, 730 A.2d 965, 967 (Pa. Super. 1999) (citations and internal quotation marks omitted); ***see also*** Pa.R.A.P. 1921 Note ("Ultimate responsibility for a complete record rests with the party raising an issue that requires appellate court access to record materials.") (citation omitted).

II. Whether the orphans' court abused its discretion and/or erred as a matter of law in terminating Father's parental rights under 23 Pa.C.S.A. § 2511(a)(5), where the evidence was insufficient to establish by clear and convincing evidence that the conditions which led to Child's removal or placement continue to exist?

III. Whether the orphans' court abused its discretion and/or erred as a matter of law in terminating Father's parental rights where it failed to properly consider Father's compliance with the permanency plan and progress toward alleviating the circumstances which led to placement?

IV. Whether the orphans' court abused its discretion and/or erred as a matter of law by denying Father's request for a bonding assessment to be conducted prior to the conclusion of the termination of parental rights hearing?

V. Whether the orphans' court abused its discretion and/or erred as a matter of law in terminating Father's parental rights pursuant to 23 Pa.C.S.A. § 2511(b) where the evidence was insufficient to establish that termination best serves the developmental, physical, and emotional needs and welfare of Child?

VI. Whether the orphans' court abused its discretion and/or erred as a matter of law under 23 Pa.C.S.A. § 2511(b) where it failed to consider less drastic alternatives to termination that would preserve the parent-child relationship while ensuring Child's safety and stability?

Father's Brief at 13-15 (cleaned up).[5]

We review decrees involuntarily terminating parental rights for an abuse of discretion. ***See Interest of M.E.***, 283 A.3d 820, 829 (Pa. Super. 2022). This Court has explained our inquiry, as follows:

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[5] In lieu of a brief, the GAL filed a letter in this Court on behalf of Child indicating her support for affirming the subject decree. Child's legal interest counsel did not file a brief in this appeal.

> In cases concerning the involuntary termination of parental rights, appellate review is limited to a determination of whether the decree of the termination court is supported by competent evidence. When applying this standard, the appellate court must accept the trial court's findings of fact and credibility determinations if they are supported by the record. Where the trial court's factual findings are supported by the evidence, an appellate court may not disturb the trial court's ruling unless it has discerned an error of law or abuse of discretion.
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> An abuse of discretion does not result merely because the reviewing court might have reached a different conclusion or the facts could support an opposite result. Instead, an appellate court may reverse for an abuse of discretion only upon demonstration of manifest unreasonableness, partiality, prejudice, bias, or ill-will. This standard of review reflects the deference we pay to trial courts, who often observe the parties first-hand across multiple hearings.
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> In considering a petition to terminate parental rights, a trial court must balance the parent's fundamental right to make decisions concerning the care, custody, and control of his or her child with the child's essential needs for a parent's care, protection, and support. Termination of parental rights has significant and permanent consequences for both the parent and child. As such, the law of this Commonwealth requires the moving party to establish the statutory grounds by clear and convincing evidence, which is evidence that is so clear, direct, weighty, and convincing as to enable a trier of fact to come to a clear conviction, without hesitance, of the truth of the precise facts in issue.

Id. at 829-30 (internal citations and quotation marks 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. ***Id.*** at 830; ***see also*** 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. ***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 M.E.***, 283 A.3d at 830 (citing ***In re B.L.W.***, 843 A.2d 380, 384 (Pa. Super. 2004) (*en banc*)).

Our analysis in this case will focus upon 23 Pa.C.S.A. § 2511(a)(2) and (b), which provide, as follows:

> **(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:
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> (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.
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> **(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).

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).

Further, this Court has stated that

> incarceration, while not a litmus test for termination, can be determinative of the question of whether a parent is incapable of providing "essential parental care, control or subsistence" and the length of the remaining confinement can be considered as highly relevant to whether "the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent," sufficient to provide grounds for termination pursuant to [Section 2511(a)(2)].

In re Adoption of S.P., 47 A.3d 817, 830 (Pa. Super. 2012) (citations omitted). When "a parent has demonstrated a continued inability to conduct his . . . life in a fashion that would provide a safe environment for a child, whether that child is living with the parent or not, and the behavior of the parent is irremediable as supported by clear and competent evidence, the

termination of parental rights is justified" pursuant to Section 2511(a)(2). ***In re Z.P.***, 994 A.2d 1108, 1118 (Pa. Super. 2010). Overall, we emphasize that "[p]arents are required to make diligent efforts toward the reasonably prompt assumption of full parental duties." ***A.H.***, 247 A.3d at 443.

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 directed that a Section 2511(b) inquiry must include consideration for the bond between the parent and the child. ***See In re E.M.***, 620 A.2d 481, 485 (Pa. 1993). With respect to the bond analysis, we have explained:

> The orphans' court must determine whether the parent and child share an emotional bond and assess whether the bond is necessary and beneficial to the child, such that maintaining the bond serves the child's developmental, physical, and emotional needs and welfare. If a bond exists, the court must ascertain the effect upon the child of severing the bond. Because the severing of any parent-child bond may be emotionally painful for a child, the orphans' court cannot preclude termination based solely on evidence of an adverse or detrimental impact to the child. Instead, focusing upon the child's development, and mental and emotional health, the orphans' court should assess whether severing the bond is the kind of loss that would predictably cause extreme emotional consequences or significant, irreparable harm to the child.

In re Adopt. of G.W., 342 A.3d 68, 90 (Pa. Super. 2025) (*en banc*) (internal citations and quotation marks omitted). 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).

Nevertheless, the Section 2511(b) analysis does not end with the evaluation of the parent-child bond. ***See G.W.***, 342 A.3d at 91. The orphans' court must also consider:

> the child's need for permanency and length of time in foster care . . .; 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.

Id. These considerations are all of "'primary' importance in the Section 2511(b) analysis" and "may contribute equally to the determination of a child's specific developmental, physical, and emotional needs and welfare." ***K.T.***, 296 A.3d at 1109. Indeed, the orphans' court's discretion includes placing "appropriate weight on each factor present in the record" when conducting "a full [Section 2511](b) analysis focused on the child." ***Id.*** at 1113-14.

With respect to Section 2511(a)(2), Father contends that his conduct did not warrant termination insofar as he has maintained his sobriety while incarcerated, and, therefore, he has remedied his drug addiction. ***See*** Father's Brief at 20. In the alternative, Father contends that the orphans' court failed to consider that, upon his release, Father promised to attend inpatient substance abuse treatment. ***See id.*** at 19-22; ***see also*** N.T., 12/12/25, at 81. Father also assails the court for failing to acknowledge that

he completed various programs while incarcerated. ***See*** Father's Brief at 21-22.

In support of its conclusion that Father's parental rights should be terminated pursuant to Section 2511(a)(2), the orphans' court reasoned, as follows:

> Father has struggled with the use of illicit substances since 2016. Over time, he has entered at least three inpatient treatment [programs] which have all been unsuccessful. While this case was pending, and before he was incarcerated in August of 2024, he was undergoing treatment at Freedom House. This treatment also was unsuccessful as Father continued to use. Father's drug use, while he was undergoing obviously unsuccessful treatment, continued during a time that he was involved in dependency cases in [Allegheny County for K.D.B. and Beaver County for Child], at a time when a court found aggravating circumstances existed due to his actions in exposing Child to drugs to such an extent that only life savings measures of first responders and then CHOP staff kept her alive, and when it was exponentially clear that continued use of fentanyl was, as stated by Father, "death [] knocking at the back door." Even worse, his continued use of drugs was the very same conduct that invited "death" into their home to call upon Child on June 7, 2024.
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> No prognosis is given or arises out of the evidence that the ongoing drug addiction of [Father] will change anytime soon. The drug use of [Father] is unimpacted by any efforts at treatment and has persisted. . . .
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> The court acknowledges that [] Father [has] participated in prison programs. This is commendable, but it cannot be the decisive factor under these circumstances. . . .
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> In this case, the lifestyle of [Father] which included rampant drug use while [he was] on probation in Allegheny County and continuing to commit criminal acts that endangered the welfare of

> Child[] culminated in periods of incarceration for [Father]. Child was only ten months old when Father was incarcerated . . . . She is now 25 months old. Therefore, [Father has] been in jail for [over] one-half of her life. [Father] wasted the valuable resources that could have been used to preserve the parental relationship. Instead, it was [his] own conduct that squandered the rehabilitation opportunities and it was [his] conduct that led to [his] predictable incarceration.
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> . . . Notably, a "parent's vow to cooperate, after a long period of uncooperativeness regarding the necessity or availability of services, may properly be rejected as untimely or disingenuous." ***In re Z.P.***, 994 A.2d 1108, 1118 (Pa. Super. 2010) (citation omitted). The orphans' court has done that by finding that the testimony of [] Father in that regard was not credible. . . .

Orphans' Court Opinion, 5/1/26, at 54-60, 62 (cleaned up). Our review of the certified record fully supports the orphans' court's findings.

Father acknowledged that his fentanyl abuse began in 2016. ***See*** N.T., 9/23/25, at 71. He reported that since 2023, he has unsuccessfully attempted three inpatient drug and alcohol rehabilitation programs. ***See id.*** at 76-77. Father testified that, since January 2023 through the time of his incarceration in August 2024, he had been abusing suboxone, which was then prescribed through a substance abuse program. ***See id.*** at 72. In fact, Father conceded that by the time of his incarceration he was in a "full blown relapse." ***Id.*** at 86. Indeed, Ms. Barnhart testified that, in July 2024, Father tested positive for fentanyl, naloxone, xylazine, and marijuana. ***See*** N.T., 10/14/25, at 34. Father thereafter revoked the Agency's authorization to view the results from the drug screen provider. ***See*** N.T., 9/23/25, at 73-74. However, at that

time, Father submitted to a dual diagnosis evaluation at Freedom House but admitted that he was not forthcoming during the evaluation, stating that he only provided "surface level" responses. ***Id.*** Ultimately, Father testified that he required a new evaluation to determine appropriate treatment for his drug addiction. ***See*** N.T., 12/12/25, at 86-87.

Although the certified record reflects that Father has abstained from drug use during his incarceration, the court acted well within its discretion in finding incredible Father's claims that he will maintain his sobriety upon his release given his long history of rehabilitation failures up through and including the time of his incarceration. Further, we agree with the orphans' court that Father did not present any evidence with respect to his prognosis and risk of relapse upon his release from incarceration. It is a fundamental principle that the orphans' court was free to believe all, part, or none of the evidence presented by the parties. ***See In re R.A.M.N.***, 230 A.3d 423, 427 (Pa. Super. 2020) (stating that 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.").

Finally, Father testified that he would complete his Beaver County incarceration in April 2026. ***See*** N.T., 9/23/25, at 90. However, his sentence required him to complete an additional four years of probation, and Father intended to reside in a halfway house upon his release. ***See*** N.T., 12/12/25, at 81. In addition, Ms. Barnhart testified that Father's parole violation in

Allegheny County remained pending at the time of the termination hearing. ***See*** N.T., 10/14/25, at 46. Father conceded that, after his release from prison, he did not know when he would be in a position to assume care and custody of Child. ***See*** N.T., 12/12/25, at 81; N.T., 9/23/25, at 85.

Based upon the foregoing, we conclude that the record sufficiently establishes that Father's repeated and continued incapacity due to his criminal sentence in Beaver County and pending charges in Allegheny County and his history of illegal drug addiction has caused Child to be without essential parental care, control, or subsistence necessary for her physical or mental well-being. Furthermore, the record supports the orphans' court's conclusion that Father's incapacity cannot or will not be remedied. Therefore, we discern no abuse of discretion in the orphans' court's decision to involuntarily terminate Father's parental rights pursuant to Section 2511(a)(2). Father's first issue fails.

Father's second and third issues relate to Section 2511(a)(5). Because we have concluded that the orphans' court did not abuse its discretion with respect to Section 2511(a)(2), we need not consider these issues. ***See M.E.***, 283 A.3d at 830 (citing ***In re B.L.W.***, 843 A.2d 380, 384 (Pa. Super. 2004) (*en banc*)).

We now address Father's fourth and fifth issues, which challenge the orphans' court's holding pursuant to Section 2511(b). Primarily, Father argues that the court erred in denying his motion for a bonding assessment

between him and Child. ***See*** Father's Brief at 30-31. Father further asserts that the Agency did not provide any evidence regarding the impact on Child of involuntarily terminating his parental rights. ***See id.*** Father contends that he shares a "close bond" with Child despite his incarceration, and, therefore, the court erred in involuntarily terminating his parental rights pursuant to Section 2511(b). ***Id.*** at 32-35. We are not persuaded by Father's arguments.

Initially, we find no merit in Father's suggestion that the orphans' court erred in failing to order a formal bonding assessment. As aptly stated by the orphans' court, it is well settled that "[w]hen conducting a bonding analysis, the court is not required to use expert testimony. Social workers and caseworkers can offer evaluations as well. Additionally, Section 2511(b) does not require a formal bonding evaluation." ***In re Adoption of C.P.D.***, 324 A.3d 11, 27 (Pa. Super. 2024) (citing ***In re Z.P.***, 994 A.2d 1108, 1121 (Pa. Super. 2010)). Here, the court acted within its discretion by relying on the testimony of Ms. Barnhart, and, as discussed *infra*, the orphans' court's findings are well supported in the certified record.

With respect to Section 2511(b), the orphans' court found that Child did not share a necessary and beneficial bond with Father. Rather, the court found that Child shared a parental bond with her paternal grandparents, with whom she has been placed since her removal from Parents' custody, and who desire to adopt her. The court reasoned, as follows:

> Child is thriving while being cared for by her current foster family, paternal grandparents. Child's needs are being met in the current

foster placement and that placement provides a stable and secure environment where she is loved and bonded with paternal grandparents. That family is a permanency option for Child.

. . .

Child is loving and outgoing. She has a relationship with the caseworker that brings Child to the visits and that bond with the caseworker is at least as strong as the bond that Child has with . . . Father. In that relationship with the caseworker, Child happily asks the caseworker to play games or to play certain music.

At the conclusion of visits, Child exchanges a hug and kiss with [Father], and then walks away with the caseworker in anticipation of reuniting with her paternal grandparents.

The court also acknowledges that Father has a bond with Child that is similar to the bond that she has with other people. That bond appears to be no different than the bond that Child has with the caseworkers and that bond does not approach the bond between Child and her paternal grandparents. Father's visits since August 29, 2024[,] have been limited to one hour every other week in a cell at the Beaver County Jail. Child has never displayed sadness when leaving the one hour visits with Father and her departure after the visits did not ever lead to negative behaviors resulting from that separation. Father has no special bond with Child from which Child would incur harm if the bond was severed.

. . .

Focusing upon Child's development, and mental and emotional health, the orphans' court finds that the limited bond that Child has with [Father], if severed, will not be the kind of loss that would predictably cause extreme emotional consequences or significant, irreparable harm to Child. Child departs from her visits with [Father] without any evidence of sadness. There are no negative or adverse changes in Child after the visits end. Child looks forward to returning to her home and seeing the foster parents when visits end. The foster parents are the individuals that Child looks to for real love, stability, necessities, care, and all of her other needs. She has blossomed to a healthy toddler because her paternal grandparents have taken care of her emotional and physical needs completely. They accepted Child into their home only days after she nearly died from a combination of drowning

> and exposure to fentanyl and they carefully and with love have taken care of her since that time.

Orphans' Court Opinion, 5/1/26, at 66-69 (cleaned up). Our review indicates that the orphans' court's findings are sufficiently supported by the certified record.

Ms. Barnhart testified that Father attended supervised visits with Child for one hour every two weeks while incarcerated in Beaver County Jail. ***See*** N.T., 10/14/25, at 27. Ms. Barnhart reported that, at the conclusion of visits with Father, Child was "ready to go" and never exhibited any sadness upon leaving Father. ***Id.*** at 36, 53-54. Ms. Barnhart also testified that although Child would hug and kiss Father, Child displayed the same affection toward Ms. Barnhart. ***See id.*** at 48-49.

Ms. Barnhart offered a markedly different picture with respect to Child's paternal grandparents. Specifically, she testified that Child loves her grandparents and exhibited excitement to return home following visitations with Father. ***See id.*** at 28, 48-49. Ms. Barnhart testified that the paternal grandparents provide Child with love, stability, and safety, and thus, Child has been thriving in their care. ***See id.*** at 48-51; ***see also*** N.T., 12/12/25, at 50-51, 53. Ultimately, Ms. Barnhart testified that involuntary termination of Father's parental rights is in Child's best interests. ***See id.*** at 51.

Based upon the foregoing, the record evidence clearly demonstrates that Child does not share a necessary and beneficial bond with Father, and that her developmental, physical, and emotional needs and welfare are best

served by termination of Father's parental rights. Therefore, we discern no abuse of discretion with the orphans' court's findings regarding Section 2511(b).

In his sixth and final issue, Father contends that the orphans' court was required to consider less severe alternatives to involuntary termination "where alternatives [are] plainly available[.]" Father's Brief at 35-36. Father assails the court for failing to provide analysis "concerning less restrictive alternative[s.]" ***Id.*** at 37-38. We disagree. Indeed, neither Section 2511(a) nor (b) requires that the involuntary termination of parental rights be predicated upon a "less restrictive alternative." Rather, this argument is relevant to the court's establishment of the permanency placement goal under the Juvenile Act, which is not before this Court. ***See Interest of S.S.***, 252 A.3d 681, 688 (Pa. Super. 2021) (recognizing that dependency proceedings and termination proceedings are two separate, distinct proceedings "with their own docket numbers, records, and divisions within the Court of Common Pleas."). Thus, as a matter of justiciability, we cannot address Father's claim for relief.

As such, we discern no error or abuse of discretion by the orphans' court involuntarily terminating Father's parental rights pursuant to Section 2511(a)(2) and (b). Accordingly, we affirm the decree involuntarily terminating Father's parental rights.

Decree affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/19/2026