NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37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: M.S., MOTHER	:	
	:	No. 508 WDA 2026

Appeal from the Decree Entered March 13, 2026
In the Court of Common Pleas of Beaver County
Orphans' Court at No: 3012 of 2023

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

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

M.S. ("Mother") appeals from the March 13, 2026 decree that involuntarily terminated her parental rights to her daughter, N.J.B. ("Child"), born in October 2023.[1] Upon review, we affirm.

We glean the following factual and procedural history from the certified record. This family first became known to Beaver County Children and Youth

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[1] By separate decree, also entered on March 13, 2026, the orphans' court involuntarily terminated the parental rights of Child's biological father, B.B. ("Father") (collectively with Mother, "Parents"). We address Father's appeal in a separate memorandum.

We further note that by decrees entered on June 23, 2025, the Allegheny County Court of Common Pleas involuntarily terminated Mother's parental rights to her two other children, M.B., born in January 2020, and K.D.B., born in June 2021, whom she shares with Father. ***See Int. of M.B.***, 354 A.3d 524, at *7 (Pa. Super. 2026) (unpublished memorandum) (affirming the involuntary termination of Mother's parental rights to M.B. and K.D.B.).

Services ("CYS") upon receipt of a report in October 2023, alleging that Child and Mother had both tested positive for fentanyl and marijuana at the time of Child's birth.[2] ***See*** N.T., 10/14/25, at 19. Following Child's discharge into Parents' custody, CYS implemented a safety plan requesting that Mother participate in a parenting course and begin attending a drug and alcohol treatment program, including drug screens. ***See id.*** at 19-20. From October 2023 until June 2024, Mother did not test positive for any illicit substances at monthly screens. ***See id.*** at 20. During this time period, Mother also successfully completed a parenting course. ***See*** N.T., 9/23/25, at 60.

On June 7, 2024, Parents contacted emergency services because Child, who was then eight months old, nearly drowned while they were bathing her. ***See*** N.T., 10/14/25, at 17. Child was "life-flighted" to Children's Hospital of Pittsburgh ("CHOP") where she also tested positive for fentanyl and xylazine. ***Id.*** at 17. This incident was categorized as a near-fatality. ***See id.***

Three days later, on June 10, 2024, CYS sought, and the juvenile court granted, emergency protective custody of Child. Following a shelter care hearing on June 13, 2024, the court maintained legal and physical custody of Child with CYS. The court placed Child with her paternal grandparents, C.M. and P.M. ("Paternal Grandparents"), who are a pre-adoptive resource.

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[2] There is no indication in the certified record that Mother possessed a medical marijuana card.

On September 30, 2024, the court adjudicated Child dependent and also determined that Child was a victim of child abuse as defined by 23 Pa.C.S.A. § 6303. By separate order entered on October 2, 2024, 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. In late October 2024, however, the juvenile court established Child's permanency goal as reunification with a concurrent goal of adoption and directed CYS to resume providing reunification services to Parents. ***See*** Order, 10/29/24.

In furtherance of reunification, the juvenile court ordered Mother to, *inter alia*: submit to a drug and alcohol evaluation and follow all the resulting recommendations, complete a parenting education course, and consistently attend supervised visitation with Child. Overall, the certified record reflects that Mother did not fully comply with these directives or make meaningful progress toward reunification with Child. ***See*** N.T, 10/14/25, at 19-21.

At the time of these events, Mother was on parole in Allegheny County due to a prior conviction for endangering the welfare of children ("EWOC") as to Father's son from a former paramour. ***See*** N.T., 9/23/25, at 28; N.T., 10/14/25, at 46. Stemming from Child's near-fatality, Mother was arrested and charged in Beaver County with a separate count of EWOC. ***See*** N.T., 10/14/25, at 21; N.T., 9/23/25, at 27. Although Mother was initially released

from incarceration, she was re-arrested in November 2024 in Allegheny County in connection with a parole violation arising from the Beaver County EWOC charge. ***See*** N.T., 10/14/25, at 21, 46; N.T., 9/23/25, at 29-30. During the course of these proceedings, Mother has remained incarcerated at correctional facilities located in both Allegheny County and Beaver County.[3]

Ultimately, Mother entered a plea of *nolo contendere* to the Beaver County EWOC charge in July 2025. ***See*** N.T., 9/23/25, at 27. In connection therewith, the criminal court sentenced Mother to one year less one day to two years less one day of incarceration, followed by four years of probation. ***See id.*** at 27-28. Mother's earliest release date from incarceration in connection with the Beaver County EWOC charge is March of 2026. ***See*** N.T., 10/14/25, at 23-24. As best we can discern, however, Mother's parole violation in Allegheny County was still pending at the time of the termination hearing. ***See id.*** at 46; ***see also*** N.T., 9/23/25, at 29. It is unclear from the certified record what the consequences of the Allegheny County parole violation may be in the future.

Despite her struggles with incarceration and the criminal consequences of Child's near fatality, the certified record indicates that Mother has

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[3] The certified record indicates that Mother remained in Allegheny County Jail from November 2024, until June 2025, when she was transferred to Beaver County Jail. ***See*** N.T., 10/14/25, at 60; ***see also*** N.T., 12/12/25, at 137. Mother was transferred back to Allegheny County Jail in October 2025, where she remained at the time of the subject hearing. ***See id.***

consistently failed to acknowledge any responsibility for the subject incident. ***See*** N.T., 9/23/25, at 48; ***see also*** N.T., 10/14/25, at 41; N.T., 12/12/25, at 141-42. Further, Parents have provided conflicting accounts about how Child nearly drowned, and they have never explained how Child, who was just eight months old, ingested 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.

Along similar lines, Mother has continued to grapple with her own addiction to narcotics. Although Mother has reported attending various drug and alcohol programs, she has relapsed on multiple occasions. ***See*** N.T., 9/23/25, at 31-32, 52. Mother has also tested positive for, *inter alia*, fentanyl on multiple occasions. ***See id.*** at 29-30, 36-37. She has refused, however, to accept the results of these positive drug screens and revoked CYS's authorization to view the records from her screening provider. ***See id.*** at 29-30, 37. Overall, Mother continually diminishes the extent of her substance abuse problems and has not made appreciable progress with respect to maintaining sobriety outside of jail.

Due to Mother's incarceration, her ability to participate in supervised visitation with Child has been limited. The type of interactions permitted between Mother and Child have differed depending upon her location. Mother was permitted in-person visits during her incarceration at Beaver County Jail from approximately June 2025 to October 2025, which consisted of one hour every other week. ***See*** N.T., 12/12/25, at 142. While incarcerated at the

Allegheny County Jail, Mother's visits transitioned to virtual visits every other week. ***See id.*** Mother's supervised in-person visits with Child have gone well, but she has struggled to keep Child's attention during virtual visits. ***See*** N.T., 10/14/25, at 27-28, 55-56; N.T., 12/12/25, at 7-8.

On June 16, 2025, CYS filed a petition to involuntarily terminate Mother'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.[4] 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. Mother did not appeal.

The orphans' court held evidentiary hearings on September 23, October 14, and December 12, 2025, at which time Child was two years old. CYS presented the testimony of CYS caseworker Kaitlyn Barnhart and Parents. Mother, who was represented by counsel, also separately testified on her own behalf. CYS and Mother each introduced documentary exhibits, as well.[5]

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

[5] 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
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Prior to the commencement of the hearing in September 2025, Father's counsel filed a motion requesting a bonding evaluation, which the court denied. ***See*** N.T., 9/23/25, at 20. Thereafter, Mother's counsel filed a similar motion requesting a bonding evaluation. The court heard brief argument on Mother's request at the October 14, 2025 hearing, but, ultimately, denied Mother's motion, as well. ***See*** N.T., 10/14/25, at 14.

On March 13, 2026, the orphans' court entered a decree that granted CYS's petition and involuntarily terminated Mother's parental rights pursuant to 23 Pa.C.S.A. § 2511(a)(2), (5), and (b). On April 13, 2026, Mother 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, Mother presents the following issues for review:

I. Did the orphans' court err as a matter of law and fact and/or abuse its discretion by finding that clear and convincing evidence was presented to establish a legal basis for terminating Mother's parental rights pursuant to 23 Pa.C.S.A. § 2511(a)(2)?

II. Did the orphans' court err as a matter of law and fact and/or abuse its discretion by finding that clear and convincing evidence was presented to establish a legal basis for

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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).

terminating Mother's parental rights pursuant to § 2511(a)(5)?

III. Did the orphans' court abuse its discretion when it denied Parents' motion to order a bonding assessment?

Mother's Brief at 6 (cleaned up).[6]

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:

> 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,

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[6] In lieu of a brief, the GAL filed a letter on behalf of Child indicating her support for the involuntary termination of Mother's parental rights. Child's legal interest counsel did not file a brief in this appeal.

> 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),[7] which provide, as follows:

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[7] Accordingly, we offer no opinion with respect to the orphans' court's findings regarding Section 2511(a)(5). ***See In re K.R.***, 200 A.3d 969, 979 (Pa. Super. 2018) (*en banc*) (observing that this Court may proceed to a review of one
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> **(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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> . . .
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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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> . . .
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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

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subsection of Section 2511(a) "[w]ithout considering the orphans' court's determinations" under any other subsection).

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.

We will begin by addressing Mother's first claim for relief, which challenges the orphans' court's findings with respect to Section 2511(a)(2). Overall, Mother argues that CYS failed to present sufficient evidence that termination was warranted pursuant to Section 2511(a)(2). ***See*** Mother's Brief at 14-16. Specifically, she contends that CYS did not present any evidence that she continued to abuse illicit substances following her reincarceration in November 2024. ***See id.*** at 14. Mother also contends that although she was incarcerated at the conclusion of the termination hearing, her release date was allegedly imminent. ***See id.*** at 15. Therefore, Mother claims that she had effectively remedied any alleged parental incapacity, neglect, or refusal. ***See id.*** at 15-16. Finally, Mother asserts that the orphans' court did not recognize the various programs she completed while incarcerated. ***See id.*** at 14-15.

The orphans' court concluded that Mother's parental rights should be terminated pursuant to Section 2511(a)(2), under the following rationale:

> Even though Mother has been convicted of [EWOC] and even though she admitted to the caseworker on the day of the incident that she was caring for Child when the incident occurred, Mother continues to deny that she is guilty of the crime and she claims that she does not deserve to be in jail because she did not do anything wrong. All this despite Mother having completed a valid and knowing *nolo contendere* plea from which no appeal was taken. Her testimony that she is not guilty and that she does not belong in jail is not credible.
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> . . .
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> Mother refrains from drug use in the structured environment of a jail. She has shown that she has no ability to refrain from drug use outside the structured jail environment.
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> . . .
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> Mother has had multiple attempts at rehabilitation that have all been unsuccessful as evidenced by the use of those drugs while she was pregnant, when Child was born, on or near the date of the June 7, 2024 incident, after the June 7, 2024 exposure of Child to this drugs, and up until the time she was placed in the structured environment of jail in November 2024. All of this history of use came about when Mother was undergoing treatment, while she had another dependency case in Allegheny County for another child, and while she was on probation in Allegheny County for another [EWOC] conviction. Nothing has deterred Mother from continued active fentanyl abuse.
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> Rather than accepting responsibility for the results of the July 2024, and November 2024, positive drug screens, Mother offered excuses and claimed, incredibly, that she was a victim of a false positive test. . . .
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> . . .
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> No prognosis is given or arises out of the evidence that the ongoing drug addiction of [Mother] will change anytime soon. The drug use of [Mother] is unimpacted by any efforts at treatment and has persisted . . . .
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> Mother [] completed a parenting class[] before the June 7, 2024 incident. Yet [her] parenting failure[] led to the neglect of Child

> to such a degree that the court found that [her] conduct exposed Child to a substantial risk of death. . . .
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> . . .
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> The court acknowledges that Mother [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 [Mother] which included rampant drug use while [she was] on probation in Allegheny County and continuing to commit criminal acts that endangered the welfare of [Child] culminated in a period of incarceration for [Mother]. Child . . . was only 13 months old when Mother was jailed. She is now 25 months old. Therefore, [Mother] has been in jail for nearly one-half of her life. [Mother] wasted the valuable available resources that could have been used to preserve the parental relationship. Instead, it was [her] own conduct that squandered the rehabilitation opportunities and it was [her] conduct that led to [her] predictable incarceration.

Orphans' Court Opinion, 5/1/26, at 46-47, 52-58 (cleaned up). Upon review, we conclude that the record fully supports the orphans' court's findings.

Primarily, the certified record confirms that Mother did not acknowledge any wrongdoing, or provide any credible explanation, regarding the near-fatal incident involving Child on June 7, 2024. Ms. Barnhart testified that, three days after the incident, Mother claimed that while Parents were collectively bathing Child, "[Mother] had looked down at her phone. She heard a gasp, and [Child] went underwater, consuming a lot of water." N.T., 10/14/25, at 18. Of particular note, Mother's initial recitation indicated that she was present at the time of these events. ***See id.***

Subsequently, however, Parents' accounts changed significantly following their arrests. Ms. Barnhart testified that in August 2024, Father

informed her that he was bathing Child, alone, while Mother was at work. ***See id.*** at 24-25; ***see also*** N.T., 9/23/25, at 70. Ms. Barnhart testified that Father claimed he had "stepped out for a moment" and returned to find Child submerged in the bath. N.T., 10/14/25, at 39. According to Father, Mother arrived home to find him attempting to revive Child and she contacted emergency services. ***See id.*** at 24-25. Mother echoed this account of the events and stated that her "only fault was leaving [Child] with Father that day[.]" N.T., 9/23/25, at 47-48; ***see also*** N.T., 10/14/25, at 41.

During the termination hearing, Mother reiterated that she held no responsibility for Child's near-fatal incident, as follows:

> Q: And you testified today, under oath, when asked earlier, that you still hold that you had nothing to do with the incident in June of 2024?
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> A: That's not what I said. I said that I might believe that I'm not -- I don't deserve to be in jail for what I'm in jail for, but I still believe that the decision I've made and choices I've made led up to this point. So, yes, I take responsibility for choices I've made along the way that led up to this point, but I don't -- I'm not going to take responsibility for her drowning in that bathtub when I was not there.
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> Q: For her overdosing?
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> A: No, I was not there. I did not give her drugs. I did not watch her take drugs. I was not there.

N.T., 12/12/25, at 141-42 (cleaned up). Throughout Child's dependency, Mother also failed to provide any explanation for how Child consumed fentanyl and xylazine. ***See id.***; ***see also*** N.T., 10/14/25, at 34-35.

The certified record similarly reflects that Mother has consistently diminished the extent of her addiction to narcotics. Mother testified that her use of fentanyl began in 2021 and continued during her pregnancy with Child. ***See*** N.T., 10/1425, at 19; N.T., 9/23/25, at 31. Since that time, Mother reported that she has unsuccessfully attempted various rehabilitation and treatment programs. ***See id.*** at 31-32. Despite her extensive history of fentanyl abuse, Mother has refused to accept the results of positive drug screens on multiple occasions. ***See id.*** at 29-30, 36-37; N.T., 10/14/25, at 33-34.

While the certified record indicates that Mother has refrained from drug use while incarcerated, given Mother's history of failed rehabilitation and positive drug screens immediately prior to her incarceration, the court was well within its discretion to not find Mother credible regarding her ability to remain sober upon her release. It is axiomatic 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, the court acknowledged that Mother's earliest possible release date is March 2026. ***See*** Orphans' Court Opinion, 5/1/26, at 56. However, Mother's parole violation in Allegheny County remained pending at the time of

the termination hearing. ***See*** N.T., 10/14/25, at 46; ***see also*** N.T., 9/23/25, at 29. Even assuming that Mother was released in March 2026 without incident, she still had the potential of further incarceration due to her parole violation in Allegheny County. ***See*** N.T., 9/23/25, at 27-28; ***see also*** N.T., 10/14/25, at 46. Furthermore, her Beaver County sentence also required her to complete an additional four years of probation. ***See*** N.T., 9/23/25, at 27-28. Mother, herself, conceded that she could not provide a timeframe as to when she might be in a position to assume care and custody of Child due to the ongoing consequences of her criminal behavior. ***See*** N.T., 12/12/25, at 140-141.

Relatedly, the orphans' court also emphasized that, following her anticipated release from incarceration, Mother planned to return to the home of her maternal grandmother in Allegheny County, which is "the residence in which Mother was living when she tested positive for fentanyl upon her incarceration in Allegheny County [J]ail in November 2024." Orphans' Court Opinion, 5/1/26, at 17 (citing N.T., 9/23/25, at 33, 42). Accordingly, the court expressed significant doubt regarding Mother's long-term stability there.

Based upon the foregoing, we conclude that the record sufficiently establishes that Mother suffers from a repeated and continued incapacity, neglect, and refusal insofar as she has refused to acknowledge her role in Child's near-fatal abuse and is unable to control her illicit drug addiction, which 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 Mother's incapacity, neglect, and refusal, cannot or will not be remedied. Therefore, we discern no abuse of discretion in the orphans' court's determination that involuntary termination of Mother's parental rights was warranted pursuant to Section 2511(a)(2).

Turning to Section 2511(b), Mother assails the orphans' court's denial of her motion for a bonding assessment between her and Child. ***See*** Mother's Brief at 18-19. Mother asserts that Ms. Barnhart testified that Mother shares a bond with Child, but she did not comment on the potential harm of severing the bond. ***See id.*** at 18. While Mother acknowledges that orphans' courts are not required to order bonding assessments, she contends that one was necessary in this particular case to "determine the effect on [Child] of severing the parent-child bond." ***Id.*** at 19.

The orphans' court made the following findings with respect to Section 2511(b) and its denial of Mother's request for a bonding assessment.

> The court acknowledges that Mother loves Child and Child does have a bond with Mother. However, the bond with Mother is similar to the bond that Child has with other people [with] whom Child interacts. Mother's visits with Child since her incarceration were virtual one-hour visits when Mother was in Allegheny County Jail and in person one-hour visits every other week while she was in Beaver County Jail. . . . Child has never displayed sadness when leaving the one-hour visits with Mother and her departure after the visits did not ever lead to negative behaviors resulting from that separation. . . .
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> 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 [] Mother[.]

. . .

. . . Child's bond with [Mother] is not such that severance of the bond [] would have a detrimental effect on Child.

Focusing upon Child's development, and mental and emotional health, the orphans' court finds that the limited bond that Child has with [Mother], 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 [Mother] 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 into a healthy toddler because foster parents 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.

. . .

With respect to the contention of Mother [] that the orphans' court erred in denying the motion that was presented at the beginning of the [termination] hearing and then again at the beginning of the second day of testimony, the law is well-settled that a "formal bonding evaluation" is not required to terminate under Section 2511(b). ***In re J.N.M.***, 177 A.3d 937, 944 (Pa. Super. 2018). The Superior Court has held that, "[i]n analyzing the parent-child bond, the orphans' court is not required by statute or precedent to order a formal bonding evaluation be performed by an expert." ***In re K.K.R.-S.***, 958 A.2d 529, 533 (Pa. Super. 2018). "Section 2511(b) does not require a formal bonding evaluation." ***In re D.L.B.***, 166 A.3d 322, 328 (Pa. Super. 2017).

Testimony of the caseworker who monitored nearly every visits with [] Mother provided the orphans' court with evidence of the limited bond that [Mother] had with Child. The court made

> extensive findings related to the limited relationship that Child had with [Mother]. . . .
>
> Accordingly, the orphans' court committed no error of law and no abuse of discretion with respect to the motion for a bonding assessment.

Orphans' Court Opinion, 5/1/26, at 66-68, 72-73 (cleaned up). We agree.

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)). 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.

Ms. Barnhart testified that Mother attended supervised visits with Child every other week for one hour. ***See*** N.T., 10/14/25, at 27. From November 2024 to June 2025, and from October 2025 through the conclusion of the termination hearing, these visits occurred virtually due to Mother's incarceration in Allegheny County Jail. Ms. Barnhart reported that Mother struggled to maintain Child's attention during virtual visits. ***See id.*** at 55-56; ***see also*** N.T., 12/12/25, at 7-8. Ms. Barnhart further attested that, at the conclusion of the in-person visits, which occurred while Mother was incarcerated in Beaver County from June 2025 to October 2025, Child was "ready to go" and never exhibited any sadness upon leaving Mother. N.T.,

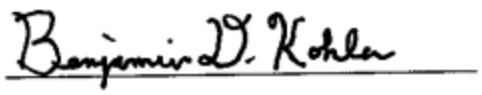
10/14/25, at 36, 53-54. Ms. Barnhart also noted that while Child would "hug and kiss" Mother upon arrival at these visits, Child would do the same thing to Ms. Barnhart. ***See id.*** at 28-29, 48-49.

In sharp contrast, Ms. Barnhart proffered that Child loves Paternal Grandparents and exhibited clear excitement to return home to them following visitations with Mother. ***See id.*** at 28, 48-49. Ms. Barnhart testified that 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. As such, Ms. Barnhart expressed that involuntary termination of Mother's parental rights is in Child's best interests. ***See id.*** at 51.

Based upon the foregoing, the orphans' court did not err or abuse its discretion in declining to order a bonding evaluation between Child and Mother. Additionally, the record evidence clearly evinces that Child does not share a necessary and beneficial bond with Mother, and Child's developmental, physical, and emotional needs and welfare are best served by termination of Mother's parental rights. Therefore, we discern no abuse of discretion with the orphans' court's findings regarding Section 2511(b). Accordingly, we affirm the decree involuntarily terminating Mother's parental rights.

Decree affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/19/2026