NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: ADOPTION OF: S.D.W., JR., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: J.L.K., MOTHER	:	No. 518 WDA 2026

Appeal from the Order Entered December 12, 2025
In the Court of Common Pleas of Fayette County Orphans' Court at
No(s): 40 Adopt 2024

IN RE: ADOPTION OF: L.K., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: J.L.K., MOTHER	:	No. 519 WDA 2026

Appeal from the Order Entered December 12, 2025
In the Court of Common Pleas of Fayette County Orphans' Court at
No(s): 24 Adopt 2022

IN RE: ADOPTION OF: N.P., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: J.L.K., MOTHER	:	No. 520 WDA 2026

Appeal from the Order Entered December 12, 2025
In the Court of Common Pleas of Fayette County Orphans' Court at
No(s): 25 Adopt 2022

IN RE: ADOPTION OF: L.K., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA

APPEAL OF: D.P., FATHER	:	
	:	No. 509 WDA 2026

Appeal from the Order Entered December 12, 2025
In the Court of Common Pleas of Fayette County Orphans' Court at
No(s): 24 Adopt 2022

IN RE: ADOPTION OF: N.P., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: D.P., FATHER	:	
	:	No. 510 WDA 2026

Appeal from the Order Entered December 12, 2025
In the Court of Common Pleas of Fayette County Orphans' Court at
No(s): 25 Adopt 2022

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

MEMORANDUM BY LANE, J.: **FILED: November 6, 2026**

J.L.K. ("Mother") and D.P. ("Father") (collectively, "Parents") appeal from the orders which reinstated the decrees that involuntarily terminated: their parental rights to their daughter, N.P. (born in January 2018); their parental rights to their son, L.K. (born in January 2020); and Mother's parental rights to her son, S.D.W., Jr. a/k/a S.W., Jr. ("S.D.W., Jr.") (born in

September 2022) (collectively "the Children").[1, 2] After careful review, we affirm.

We gather the relevant factual and procedural histories of these cases from the certified records. Fayette County Children and Youth Services ("CYS") first became involved with this family in June 2019, when it received a report that Mother had obtained a protection from abuse ("PFA") order against Father on behalf of herself and N.P., but was still cohabiting with Father and leaving N.P. alone with him.[3] ***See*** Petition for Involuntary Termination (Mother), 7/2/24, at ¶ 9. The report also raised concerns regarding Parents' mutual substance abuse and the family's lack of appropriate housing. ***See id***.; ***see also*** N.T., 2/27/25, at 7. In September 2019, the juvenile court adjudicated N.P. dependent, but permitted her to remain in Mother's custody contingent upon them relocating to the home of the Children's maternal grandparents ("Maternal Grandparents"). ***See*** Petition for Involuntary Termination (Mother), 7/2/24, at ¶ 9; ***see also*** N.T.,

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[1] The orphans' court also terminated the parental rights of S.D.W., Jr.'s biological father, O.F., who did not challenge that ruling and is not a party to the instant appeal.

[2] We have consolidated these appeals *sua sponte* since Parents have raised similar issues for our consideration, which arise from the same set of facts and circumstances. ***See*** Pa.R.A.P. 513.

[3] The specific grounds upon which Mother obtained a PFA order against Father are not disclosed in the certified record.

2/27/25, at 6. Father was granted visits with N.P. under the supervision of Maternal Grandparents. ***See id***.

In January 2020, Mother gave birth to L.K. At the time of his birth, L.K. tested positive for cocaine and methamphetamines. ***See*** Petition for Involuntary Termination (Mother), 7/2/24, at ¶ 9. The juvenile court adjudicated him dependent in February 2020, but permitted him to remain in Mother's custody under the same supervisory restrictions as N.P. ***See id***.

In January 2021, due to, *inter alia*, Parents' ongoing substance abuse, the juvenile court removed N.P. and L.K. from Mother's care and placed them in the legal and physical custody of CYS. ***See id***.; ***see also*** N.T., 2/27/25, at 7. N.P. and L.K. were initially placed in kinship care with Maternal Grandparents. ***See*** N.T., 2/27/25, at 9. However, in June 2022, they were transferred to the foster home of R.C. and S.C. due to Maternal Grandparents' inability to continue to provide care for them. ***See***, ***e.g.***, ***id***. at 9, 13; ***see also*** Petition for Involuntary Termination of Parental Rights (Father), 7/7/22, at ¶ 9.

We discern that N.P.'s and L.K.'s respective permanency goals were established as reunification with Parents.[4] ***See***, ***e.g.***, N.T., 2/27/25, at 8. In furtherance thereof, the juvenile court created a permanency plan directing

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[4] The records of the Children's dependency proceedings were not introduced during these proceedings and, thus, do not appear in the certified records on appeal.

Parents to, *inter alia*: (1) successfully address their substance abuse concerns; (2) successfully address their mental health concerns; and (3) obtain and maintain appropriate housing. ***See id***. These goals have remained consistent throughout the Children's respective dependency proceedings, including those pertaining to S.D.W., Jr. ***See id***. at 8, 31, 44-45.

Between January 2021 and September 2022, Mother was largely non-compliant with the requirements of her permanency plan. ***See id***. at 9-11. During this time period, Mother ceased living with Maternal Grandparents and became "homeless" for extended periods of time. ***Id***. at 9-10. She also failed to engage in substance abuse or mental health treatment. ***See id***. at 9-11. While pregnant with S.D.W., Jr., she continued to abuse, *inter alia*, methamphetamines. ***See id***. at 10-11. Although the record does not disclose the frequency of the visits, Mother only "intermittently" attended supervised in-person visits with the Children. ***Id***. at 11.

Father was also uncooperative with the Agency during this initial period of time. ***See*** Petition for Involuntary Termination (Father), 7/2/24, at ¶ 9. In March 2021, he was incarcerated in connection with criminal charges related to drugs and fleeing from police. ***See id***. In September 2021, he pled guilty and was sentenced to nine to twenty-four months of incarceration. ***See id***. In April 2022, he also pled guilty to felony theft of secondary metal and received an additional sentence of nine to twenty-four months of incarceration. ***See id***. However, while incarcerated, Father earned his G.E.D.

and completed parenting classes, a violence prevention program, and inpatient substance abuse treatment. ***See id***.; ***see also*** Decree, 9/26/22, at ¶¶ 1-5. He also maintained contact with N.P. and L.K. by sending gifts and through telephonic visits. ***See*** Petition for Involuntary Termination (Father), 7/2/24, at ¶ 9; ***see also*** Decree, 9/26/22, at ¶¶ 6-8.

In July 2022, CYS filed petitions seeking the involuntary termination of the parental rights of Parents to N.P. and L.K., who were then four and two years old, respectively. Following a hearing upon the petitions relating to Father's parental rights, the orphans' court denied CYS's petitions based upon Father's efforts to comply with his permanency goals while incarcerated, and his potential for future parole. ***See*** Decree, 9/26/22, at ¶¶ 1-10. Subsequently, CYS voluntarily withdrew the termination petitions it had originally filed with respect to Mother. ***See*** Order, 10/6/22.

Contemporaneously, Mother gave birth to S.D.W., Jr. in September 2022. At the time of his birth, he tested positive for amphetamines and methamphetamines. ***See*** N.T., 2/27/26, at 12-13. The same month, the juvenile court awarded CYS emergency protective custody of S.D.W., Jr., and, ultimately, adjudicated him dependent. ***See*** Petition for Involuntary Termination (Mother), 7/2/24, at ¶ 9. We discern that S.D.W., Jr.'s permanency goal was similarly established as reunification, and that the juvenile court imposed upon Mother substantially similar permanency objectives to those in his siblings' cases. ***See*** N.T., 2/27/25, at 8, 31, 44-45.

Upon removal, S.D.W., Jr., was placed in the foster home of V.S. and C.S., separate from his half-siblings, where he has remained throughout these proceedings. ***See id***. at 13.

Between September 2022 and September 2024, Mother's compliance with her permanency objectives and overall progress towards reunification with the Children did not appreciably improve. She continued to abuse amphetamines and methamphetamines, failed to consistently engage in mental health or drug and alcohol treatment, and did not obtain or maintain appropriate housing. ***See id***. at 11-12, 15, 31-32, 53-57. Her supervised visitation with the Children also remained intermittent. ***See id***. at 11. Ultimately, the juvenile court fully suspended Mother's supervised visits in September 2024 due to concerns that the visits were having a detrimental impact upon the Children's mental health. ***See id***. at 34. Mother's visits with the Children were never reinstated by the juvenile court.

In September 2023, Father was paroled from incarceration to a "three-quarter house," called Renewal, Inc. ("Renewal"),. ***Id***. at 17, 71. Initially, he continued to make progress and regularly attended supervised in-person visits with N.P. and L.K. ***See id***. at 17-18. However, beginning in October 2023, Father's participation quickly "fell off" and became "sporadic." ***Id***. at 18-19, 22. His last supervised in-person visit with N.P. and L.K. occurred sometime in December 2023. ***See id***. at 18. By June 2024, Father's supervised visits

with N.P. and L.K. had ceased entirely. ***See id***. at 35. Father's supervised visits with the Children never resumed. ***See id***. at 50.

During this same time period, Father also experienced at least one significant substance abuse relapse that required him to be transferred to an inpatient rehabilitation facility. ***See id***. at 17, 19-20. He also self-reported concerns that he would be unable to maintain his sobriety if he was released from an institutional setting. ***See id***. at 20-21. In August 2024, Father was reincarcerated in connection with criminal charges of public intoxication. ***See id***. at 81. Those charges were eventually withdrawn, and Father was released to Renewal on December 18, 2024. ***See id***. at 71. However, on December 26, 2024, Father was reincarcerated for violating Renewal's in-house rules. ***See id***. The certified records indicate that Father's current maximum incarceration date is December 14, 2026. ***See id***. at 79.

In July 2024, CYS filed petitions seeking to involuntarily terminate Parents' respective parental rights to the Children pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), (8), and (b). The orphans' court appointed Bryan Pavina, Esquire ("Attorney Pavina"), to represent the Children's "interests" in these termination proceedings without further explanation. Decrees, 7/5/24, at unnumbered 1. Attorney Pavina was subsequently referred to as the Children's guardian *ad litem* at several junctures. ***See In re Adoption of L.K.***, 350 A.3d 145, at *4 (Pa. Super. 2025) (unpublished memorandum) ("***L.K.***") (collecting citations to the certified record).

The orphans' court held a consolidated termination hearing on February 27, 2025, at which time N.P. was seven years old, L.K. was five years old, and S.D.W., Jr., was two years old. The Children were solely represented by Attorney Pavina. During the hearing, the Agency adduced testimony from CYS caseworkers Danielle Thomas ("Ms. Thomas"), Madison Zimcosky ("Ms. Zimcosky), and Casey Carnahan ("Ms. Carnahan").[5] Parents were present, represented by separate counsel, and each testified on their own behalf in opposition to termination.

In March 2025, the orphans' court entered decrees granting the petitions and involuntarily terminating Parents' parental rights to the Children. ***See id***. Parents each timely appealed. In connection with those appeals, the orphans' court authored an opinion pursuant to Pa.R.A.P. 1925(a)(2)(ii) explaining its legal and factual rationale for entering its termination decrees. ***See*** Orphans' Court Opinion, 5/2/25, at 1-8.

On October 9, 2025, this Court *sua sponte* determined that the orphans' court's appointment of Attorney Pavina was deficient pursuant to 23 Pa.C.S.A. § 2313(a). ***See L.K.*** (unpublished memorandum at *4) (observing that "[c]ritically, there is no indication whatsoever in the record that the orphans'

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[5] Ms. Thomas served as the Children's CYS caseworker from May 2022 until January 2024. ***See*** N.T., 2/27/25, at 6. Thereafter, Ms. Zimcosky was the caseworker assigned to the Children's cases until December 2024, when the assignment passed to Ms. Carnahan, who has remained assigned to the Children's cases. ***See id***. at 30, 44.

court considered whether Attorney Pavina could represent the Children's best and legal interests without a conflict") (*citing* ***In re Adoption of K.M.G.***, 240 A.3d 1218, 1235 (Pa. 2020)). Accordingly, this Court vacated the decrees and remanded for the orphans' court "to fulfill its section 2313(a) duty" by determining "whether Attorney Pavina may represent both the legal interest[s] and best interest[s] of the Children without conflict." ***Id***. In the event that the orphans' court determined that no such conflict existed, we directed it "to re-enter its termination decrees." ***See id***. Finally, we directed the orphans' court to issue its supplemental findings within thirty days of remittal of the certified record. ***See id***.

Upon remand, the orphans' court determined that Attorney Pavina "may represent and did represent both the legal interest[s] and best interest[s] of the [C]hildren," and on December 12, 2025, it entered an order noting this finding and re-entering the termination decrees at all five dockets. ***See*** Order, 12/12/25. Parents submitted timely notices of appeal and concise statements of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b).[6] The orphans' court thereafter filed a statement indicating its intent to rely upon its original Rule 1925(a) opinion.

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[6] Parents did not file notices of appeal from the orders within the thirty-day appeal period. ***See*** Pa.R.A.P. 903(a). They later sought leave to appeal *nunc pro tunc*, which the orphans' court granted. However, there is no indication on the dockets that the clerk entered a notation indicating when written notice of the orders was provided to Parents, as required by Pa.O.C.R. 4.6(b). *(Footnote Continued Next Page)*

Parents each challenge the sufficiency of the evidence underlying the orphans' court's determination that involuntary termination of their parental rights was warranted pursuant to section 2511(a) and (b). ***See*** Mother's Brief at 6; ***see also*** Father's Brief at 3. Our standard of review in this context is well established:

> 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

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Consequently, Parents' time in which to appeal the orders never technically began to run. ***See*** Pa.O.C.R. 4.6(b); ***see also*** Pa.R.A.P. 301(a) (providing that "no order of a court shall be appealable until it has been entered upon the appropriate docket in the lower court"); Pa.R.A.P. 108(b) (providing that the date of entry of order "shall be the day on which the clerk makes the notation in the docket that notice of entry of the order has been given as required by Pa.R.Civ.P. 236(b)"); Pa.O.C.R. 4.6(b), note (providing that "Rule 4.6. . . is derived from Pa.R.C[iv].P. [] 236"). Accordingly, we deem that the above-captioned appeals were timely filed irrespective of the orphans' court's grant of *nunc pro tunc* relief.

> 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.

Interest of M.E., 283 A.3d 820, 829-30 (Pa. Super. 2022) (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). We 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. ***See In re B.L.W.***, 843 A.2d 380, 384 (Pa. Super. 2004) (*en banc*).

Given this latitude in our review of termination decrees, we will focus our analysis in these cases upon the orphans' court's rulings as to section 2511(a)(2) and (b),[7] 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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> * * * *
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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. . . .

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

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[7] By analyzing section 2511(a)(2), we render no conclusions as to the validity of the orphans' court's findings under section 2511(a)(1), (5), or (8). ***See In re K.R.***, 200 A.3d 969, 979 (Pa. Super. 2018) (*en banc*) (observing this Court may proceed to a review of one subsection of section 2511(a) "[w]ithout considering the orphans' court's determinations" under any other subsection).

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). Grounds for termination pursuant to Section 2511(a)(2) "are not limited to affirmative misconduct, but concern parental incapacity that cannot be remedied." ***Id***. (*citing* ***In re Z.P.***, 994 A.2d 1108, 1117 (Pa. Super. 2010)). In sum, "[p]arents are required to make diligent efforts toward the reasonably prompt assumption of full parental duties." ***A.H.***, 247 A.3d at 443. Our Supreme Court has further explained that "incarceration, while not a litmus test for termination, can be determinative of the question of whether" sufficient grounds exist for termination pursuant to section 2511(a)(2). ***In re Adoption of S.P.***, 47 A.3d 817, 830 (Pa. 2012).

As noted above, Parents each argue that CYS failed to meet its evidentiary burden with respect to section 2511(a)(2). As for Mother, she claims that "[n]one of the caseworkers were able to provide specific dates or instances of [Mother's] alleged noncompliance with her parenting plan." Mother's Brief at 13. According to Mother, the CYS caseworkers "made vague and unspecific references to [Mother's] alleged noncompliance, using terms and phrases." ***Id***. Mother claims that, "despite her previous struggles, [she] has made progress and continues to make progress toward completing her parenting plan goals and reuniting with her children." ***Id***. Mother claims that "she has been sober since April of 2024," "is currently attending a methadone

based drug and alcohol program daily," "has stable housing," and "is employed as a certified home health aide." ***Id***. at 13-14.

As for Father, he acknowledges that he has been incarcerated through much of the Children's lives. ***See*** Father's Brief at 17. While Father initially points to his efforts to better himself and work toward parenting goals while in prison, he concedes that he struggled to maintain his sobriety upon his release from prison. ***See id***. at 15-16. Father claims that, notwithstanding his struggles, he "has never given up on trying to better himself, improve his parenting skills, and maintain a bond with his children. ***See id***. at 16-17.

The orphans' court issued the following findings pursuant to section 2511(a)(2):

> Both Parents continue to show repeated and continued incapacity to parent. They neglect parental duties and[/]or refuse, or are unable, to perform duties which have caused the Children to be without essential parental care. The Children derive stability, consistency and care from their respective foster families. The lack of ability to consistently parent has caused the Children to be without parental [care,] control[,] or subsistence necessary for their physical and mental well-being. The conditions leading to such incapacity cannot or will not be remedied and include Father's repeated incarcerations, drug use, lack of visitation, and Mother's homelessness, unstable housing, lack of mental health treatment, lack of appropriate drug treatment, and only spurts of visitation by both Parents. Despite years of opportunity, the Parents have been unable to remedy these issues since 2019.

Orphans' Court Opinion, 5/2/25, at 7 (some capitalization added).

Contrary to Parents' arguments concerning the sufficiency of the evidence, our review indicates that the orphans' court's findings are amply

supported by the certified record. The record reflects that despite approximately four years of reunification services, Parents continue to struggle with their respective parental incapacities related to substance abuse, mental health, incarceration, and homelessness, thereby preventing them from providing essential and necessary parental care, control, and subsistence to the Children.

We begin by reviewing the evidence with respect to Mother. Ms. Thomas testified that Mother fared "very poorly" in addressing her permanency goals related to substance abuse, mental health treatment, and homelessness between May 2022 and January 2024. N.T., 2/27/25, at 9-12, 15, 24. Specifically, Ms. Thomas averred that Mother regularly tested positive for methamphetamines and amphetamines and was "minimally compliant" with respect to mental health treatment, substance abuse treatment, and visitation with the Children. ***Id***. at 12, 24. Overall, Ms. Thomas explained that Mother was never able to achieve any "lasting progress" in addressing her various parental incapacities. ***Id***. at 15.

Along very similar lines, Ms. Zimcosky testified that Mother continued to be "sporadic" in maintaining contact with, and providing information to, CYS through December 2024. ***Id***. at 31. Specifically, Ms. Zimcosky attested that she was never able to successfully corroborate that Mother was actively participating in either substance abuse or mental health treatment. ***See id***.

at 31-33. Ms. Zimcosky also reported that Mother tested positive for, *inter alia*, methamphetamines in September 2024.[8] ***See id***. at 32.

Similarly, Ms. Carnahan also testified that, as of February 2025, she has been unable to confirm that Mother was enrolled in appropriate substance abuse or mental health treatment programs. ***See id***. at 45-47. All three CYS caseworkers also averred that Mother has never been able to maintain stable and appropriate housing. ***See id***. at 15, 33-34, 46-47.

In her own testimony, Mother conceded that she has not sufficiently engaged with either substance abuse or mental health treatment. ***See id***. at 53-54. Although Mother initially claimed that she had been "sober" since April 2024, she was forced to admit that she relapsed as recently as September 2024. ***Id***. at 57. At the time of the termination hearing, Mother claimed to have been enrolled in a methadone treatment program for approximately one and one-half months. ***See id***. at 55. Mother also testified, however, that she was still not enrolled in mental health treatment. ***See id***. at 67. Finally, we note that Mother's visitation with the Children was suspended in September 2024, and was never reinstated. ***See id***. at 34-35, 50.

We now turn to consider the evidence with respect to Father under section 2511(a)(2). In her testimony, Ms. Thomas acknowledged that Father

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[8] Ms. Zimcosky explained that Mother was no longer subject to drug testing following the suspension of her visitation rights by the juvenile court in September 2024. ***See*** N.T., 2/27/25, at 32.

made significant progress in addressing his parental incapacities prior to the first termination hearing in September 2022. ***See id***. at 16-17. Ms. Thomas further testified, however, that Father immediately began experiencing difficulties upon his release from prison to Renewal in September 2023. ***See id***. at 17-22. Specifically, Ms. Thomas testified that Father went through a substance abuse relapse that required him to be transferred to an inpatient rehabilitation facility. ***See id***. at 21. Ms. Thomas also testified that Father's participation in visits with N.P. and L.K. quickly "fell off" and became "sporadic." ***Id***. at 18-19, 22. Ms. Thomas reported that Father's last in-person visitation occurred in December 2023. ***See id***. at 18. Ms. Zimcosky testified that, by June 2024, Father had been removed from the visitation schedule altogether. ***See id***. at 35. Ms. Carnahan confirmed that Father's visits with N.P. and L.K. never resumed.[9] ***See id***. at 35, 50.

The certified records also corroborate Father's ongoing struggles with incarceration. Father's own testimony indicates that he was incarcerated from March 2021 until September 2023, then from August 2024 through December 2024, and, finally, from December 2024 through to the present. ***See id***. at 71-72. Thus, at the time of the termination hearing in February 2025, Father had spent a total of thirty-seven months incarcerated out of the total forty-

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[9] It is unclear from the certified records whether Father's visits with the Children were suspended by court order, or if they ended due to his nonparticipation.

nine months that elapsed since the removal of N.P. and L.K. While Father still had the prospect of eventual parole, Ms. Thomas explained that Father has previously suffered relapses in his substance abuse during his prior attempts to re-enter society and progress beyond institutionalized living. ***See id***. at 17-21. Father's own testimony acknowledged his struggles with institutionalized living: "I do good in prison and I've got out and I've noticed that I . . . .. Nobody's perfect." ***Id***. at 82.

Based upon the foregoing we observe no abuse of discretion or error of law by the orphans' court reaching its determinations that CYS presented clear and convincing evidence that termination was warranted under subsection (a)(2) as to Parents. The record reflects that each Parent demonstrated repeated and continued incapacity, and that such incapacity caused the Children to be without essential parental care, control or subsistence, and that the causes of Parents' incapacity cannot or will not be remedied. ***See A.H.***, 247 A.3d at 443. Although Parents did, on occasion, make some effort to address their various issues, we emphasize that they were required to make diligent efforts toward the reasonably prompt assumption of full parental duties. ***See id***. On the records before us, they simply did not do so. The orphans' court "cannot and will not subordinate indefinitely a child's need for permanence and stability to a parent's claims of progress and hope for the future." ***In re Adoption of R.J.S.***, 901 A.2d 502, 513 (Pa. Super. 2006).

Accordingly, we affirm the termination of Parents' respective parental rights to the Children pursuant to subsection (a)(2).

Since we have determined that the records support the orphans' court's rulings that sufficient grounds for termination existed pursuant to section 2511(a)(2), we now turn to review the orphans' court's findings pursuant to section 2511(b), which gives "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. We remain mindful that "the determination of the child's particular developmental, physical, and emotional needs and welfare must be made on a case-by-case basis," with an eye towards "each child's specific needs." ***Interest of K.T.***, 296 A.3d 1085, 1105-06 (Pa. 2023). This inquiry is neither formulaic, nor mechanical. ***See id***.

Our review must include consideration of the bond between the parent and the child. ***See In re E.M.***, 620 A.2d 481, 485 (Pa. 1993). Our Supreme Court has explained, however, that "only a necessary and beneficial" parental bond should be maintained. ***K.T.***, 296 A.3d at 1109. A bond is considered to be "necessary and beneficial" if its severance would cause extreme emotional consequences or significant, irreparable harm. ***Id***. at 1109-10. 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) (cleaned up). Therefore, it is "within the discretion of the orphans' court to prioritize the safety and security" of children "over their bonds with

their parents. ***M.E.***, 283 A.3d at 839 (cleaned up). Courts should also consider "whether the children are in a pre-adoptive home and whether they have a bond with their foster parents." ***K.T.***, 296 A.3d at 1106. Finally, we note that a child's "emotional needs and welfare include intangibles, such as love, comfort, security, and stability." ***Id***.

Mother and Father each provide scant argument with respect to the orphans' court's findings as to subsection (b). Mother argues that "her most recent visits with the [C]hildren were productive toward achieving parental bonding," "the [C]hildren refer to her as 'Mom,'" and "ask why they can't go home with her." Mother's Brief at 14.

Father argues that "one of the CYS caseworkers acknowledged that the [C]hildren refer to Father as 'Daddy.'" Father's Brief at 18. According to Father, "[t]his fact demonstrates that a bond clearly exists between Father and his [C]hildren, and that the best interest the [*sic*] [C]hildren require that the bond be maintained by keeping Father's parental rights intact." ***Id***.

The orphans' court made the following findings with respect to section 2511(b):

> The termination of parental rights will best serve the needs and welfare of these Children. They deserve permanency. A thorough needs and welfare analysis demands closure.
>
> The Children are bonded to their foster families. Visitation by Parents was stopped by court order last year due to the inconsistency of visits and the Children's accelerated suffering behaviors [*sic*] after visits when they did occur. No child should live on a shelf of inconsistency for years. Each child refers to the[ir] foster parents as their mother and father. The Children

> are engaged in activities, sports, cheer[,] and educational functions with the foster families. They are thriving. This court will not undo their happiness and stability. There exists no appreciable bond with [Parents]. The Parents have difficulty sustaining their own individual sobriety and stability. [Parents] cannot acquire the skills and consistent wellness required to raise [these] Children. Termination is in the best interest of [the Children].

Orphans' Court Opinion, 5/2/25, at 8 (unnecessary capitalization omitted, some capitalization added).

Based on our review, we conclude that the orphans' court's findings are supported by the evidence of record. Initially, we acknowledge that Parents each claimed to be strongly bonded with the Children. ***See*** N.T., 2/27/25, at 64, 78-79. However, aside from their own self-serving statements, the record does not support Parents' claims. Ms. Thomas testified that Mother only participated in visitations with the Children on an "intermittent" basis. ***See id***. at 11. Ms. Thomas also averred that while Father regularly attended virtual visits with N.P. and L.K. while incarcerated, his participation dropped off sharply and became "sporadic" beginning in October 2023, one month after his release from prison. ***See id***. at 16-18. Ms. Zimcosky attested that Father's visits with the Children had ceased altogether by June 2024. ***See id***. at 35. Ms. Zimcosky also testified that Mother's visitations were fully suspended by court order in September 2024. ***See id***. at 32, 34. Ms. Carnahan confirmed Parents' visitation had not resumed as of the date of the termination hearing in February 2025. ***See id***. at 50.

Assuming, *arguendo*, that Parents share some manner of bond with the Children, the certified record clearly evinces that the Children's true parental bonds lie with their respective foster families. Specifically, Ms. Thomas testified that N.P. and L.K. were removed from Parents' care when they were just three years old and one year old, respectively. ***See*** N.T., 2/27/25, at 14. Ms. Thomas also averred that S.D.W., Jr., was removed to CYS's custody immediately following his birth. ***See id***. Therefore, each of the Children have spent substantially more of their lives in their respective foster homes than in Parents' care. ***See id***. at 14-15.

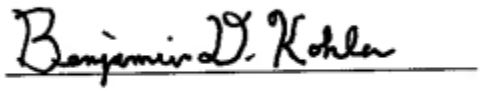
Each of the testifying CYS caseworkers also reported that the Children were closely bonded to their foster parents and referred to them as their parents. ***See id***. at 27-29, 37, 49. Furthermore, the CYS caseworkers also averred that the Children were thriving and well-cared-for in foster care. ***Id***. Ms. Carnahan also reported that each of the Children's foster families had indicated their desire to serve as a future "permanency" resource for the Children, *i.e.*, a pre-adoptive home. ***Id***. at 50. Finally, Ms. Thomas, who had the longest tenure out of the Children's caseworkers, directly opined that the Children's interests would be best served by ensuring that they remain in the care of their respective foster families. ***See id***. at 28-29.

Based upon the foregoing, we observe no abuse of discretion or error of law in the orphans' court's findings that CYS established by clear and convincing evidence that the termination of Parents' parental rights would best

serve the developmental, physical and emotional needs, and welfare of the Children pursuant to section 2511(b). Accordingly, we affirm the orders reinstating the underlying termination decrees at each of the above-listed dockets.

Orders affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/06/2026