NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: A.M.J., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: J.J., FATHER	:	
	:	No. 971 MDA 2026

Appeal from the Order Entered May 13, 2026
In the Court of Common Pleas of Lackawanna County Orphans' Court at No(s): 2025-00088

IN RE: E.J., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: J.J., FATHER	:	
	:	No. 972 MDA 2026

Appeal from the Order Entered May 13, 2026
In the Court of Common Pleas of Lackawanna County Orphans' Court at No(s): 2025-00089

IN RE: L.R.J., A MINOR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
APPEAL OF: J.J., FATHER	:	
	:	No. 973 MDA 2026

Appeal from the Order Entered May 13, 2026
In the Court of Common Pleas of Lackawanna County Orphans' Court at No(s): 2025-00090

BEFORE: STABILE, J., MURRAY, J., and KING, J.

MEMORANDUM BY MURRAY, J.: **FILED: NOVEMBER 16, 2026**

J.J. (Father) appeals from the orders granting the petitions filed by the Lackawanna County Office of Youth and Family Services (the Agency), and terminating his parental rights to his biological daughters, A.J. and L.J. (born in August 2021 and February 2024, respectively), and his biological son E.J. (born in June 2022) (collectively, Children).[1, 2] After careful review, we affirm.

In its opinion, the orphans' court described the Agency's initial involvement with the family, and the ensuing procedural history:

> The family had an open and ongoing case for services with the [Agency] since August 29, 2023. Additionally, the Agency had prior involvement with the family dating back to 2021. A referral was made on October 22, 2024, regarding substance abuse by [Mother and Father (Parents)]. [***See*** N.T. (Vol. II), 4/28/26, at 6 (Service, Access, and Management (SAM) caseworker Kristie Valera (Ms. Valera) testifying that the referral alleged Mother was abusing methamphetamine, and Father was housing illicit drug users in the basement of the family residence).] In response to the referral, caseworkers were able to enter the home on October 23, 2024. Mother was present and tested positive for methamphetamine. Father was at work. The Agency also had concerns about the conditions of the home. An Emergency Protective Order was granted on the same day[,] and a Shelter Care hearing was held on October 24, 2024. [C]hildren were adjudicated dependent on November 12, 2024[, and were ultimately placed with Father's mother (paternal grandmother)]….
>
> ….

---

[1] The orphans' court also terminated the parental rights of Children's biological mother, N.H. (Mother). Mother's consolidated appeals are listed before this panel at 1030-1032 MDA 2026.

[2] On July 16, 2026, we *sua sponte* consolidated Father's appeals.

> Three separate Family Service Plans (hereinafter "FSP") were created in this case[, dated November 19, 2024; and May 12 and November 12, 2025]. All three plans had nearly identical goals and objectives for Mother and Father to complete. … [T]he goals and objectives for Mother were to (1) maintain a sober lifestyle, which include[d] the requirement that Mother submit to drugs screens twice [] a week and attend drug and alcohol counseling; (2) maintain safe and stable housing[,] which include[d] a requirement to maintain employment; (3) maintain safe and healthy relationships with [C]hildren, which include[d] a requirement to complete [the] Safe Care[Program[3]]; (4) understand how her actions affect the family; (5) address … mental health[concerns]; and (6) maintain a clean and safe home.
>
> The goals and objectives for Father include[d] all six of the above goals[,] but also include[d] an additional goal requiring successful completion of the Domestic Violence Intervention Program[(DVIP)].
>
> … The initial [permanency review hearing (PR)] was held on January 16, 2025. No ratings were offered[,] as the first FSP was adopted at that hearing. The next PR was scheduled for July 10, 2025[,] but was continued at Mother's request because she was in [a drug] rehab[ilitation program]. The [PR] was ultimately held on August 26, 2025. At that hearing, both Mother and Father received a compliance rating of moderate and a progress rating of none. The next PR took place on March 11, 2026. Mother received a compliance and progress rating of none and none. Father received a compliance and progress rating of minimal and minimal.

Orphans' Court Opinion, 6/25/26, at 1-3 (record citations omitted; footnote moved to body).

---

[3] The orphans' court explained that the "Safe Care [Program] is an evidence[-]based, parent-training curriculum[,] specifically designed to assist parents with [] baseline parenting skills and to enhance the well[-]being of children [from newborn] to five[years old]." Orphans' Court Opinion, 6/25/26, at 11 n.5.

On November 25, 2025, the Agency filed separate, substantially identical termination of parental rights (TPR) petitions (one for each child), each requesting termination of Father's parental rights pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), (8), and (b). The matter proceeded to a hearing, which occurred on April 27-28 and May 5, 2026. Father appeared and was represented by counsel. Children, who did not appear, were collectively represented by their guardian *ad litem*, George Mehalchick, Esquire (GAL).[4] The Agency presented the testimony of several witnesses. Father presented no witnesses and did not testify.

Gene Hockenbury (Mr. Hockenbury), an employee of drug-testing agency Northern Tier Research, testified as an expert toxicology witness. N.T., 4/27/26, at 16-17. Mr. Hockenbury testified that Father submitted to

---

[4] While the certified record does not contain an order defining the scope of the GAL's appointment (or any appointment order), our review of the notes of testimony discloses that the GAL represented both the best interests and legal interests of Children. ***See In re P.G.F.***, 247 A.3d 955, 964 (Pa. 2021) ("[T]he Adoption Act requires that all children receive counsel in contested involuntary parental termination proceedings." (citing 23 Pa.C.S.A. § 2313(a))). At the TPR hearing, the orphans' court inquired of Parents' counsel and Children's GAL whether they believed a conflict of interest exists between Children's best and legal interests. N.T. (Vol. II), 5/5/26, at 49; ***see also In re Adoption of K.M.G.***, 240 A.3d 1218, 1224 (Pa. 2020) ("Given the essential nature of the GAL/[legal c]ounsel's ability to represent a child without conflict and this Court's mandate that the orphans' court make that determination prior to appointment, we conclude that appellate courts should verify that the orphans' court indicated that the attorney could represent the child's best interests and legal interests without conflict."). Children's GAL represented that no conflict exists. N.T. (Vol. II), 5/5/26, at 49-50. The orphans' court thereafter accepted the GAL's representation. ***See id.*** at 50 (the orphans' court entertaining the parties' arguments).

25 drug screens, 22 of which "were positive for cannabinoids, which he declared[,] and were consistent with[,] medical marijuana." ***Id.*** at 19; ***see also*** Orphans' Court Opinion, 6/25/26, at 22 (the orphans' court noting that, throughout Children's dependency case, "Father has not produced a medical marijuana card."); N.T. (Vol. II), 4/28/26, at 38 (Ms. Valera testifying that Father failed to appear for 136 drug screens). Mr. Hockenbury indicated that, on five occasions, Father additionally tested positive for methamphetamine and amphetamine. N.T., 4/27/26, at 23-24; ***see also id.*** at 39 (Mr. Hockenbury testifying that methamphetamine "can be out of the system within 24 hours").

Kaleen Pastrana (Ms. Pastrana), supervisor of DVIP, testified concerning the extent of Father's involvement with the program. ***Id.*** at 61-70. Ms. Pastrana explained that Father failed to appear at three initial intake sessions and did not respond to her numerous attempts to contact him. ***Id.*** at 62-63. Ms. Pastrana testified that on July 17, 2025, she spoke with Father, and he told her "that he didn't need to do group[sessions] or an assessment." ***Id.*** at 63. According to Ms. Pastrana, when she explained to Father that she had received several Agency referrals for Father to complete DVIP, Father "started raising his voice and cursing. He cut me off[; the] call was ended and no assessment was scheduled …." ***Id.*** at 63-64.

Ms. Pastrana testified that Father finally appeared for his intake assessment toward the end of August 2025. ***Id.*** at 64. Father thereafter

attended just two group sessions, one each in September and October 2025. ***Id.*** at 66; ***see also id.*** at 72 (Ms. Pastrana testifying that DVIP is a 26-week program). Ms. Pastrana explained that at Father's last session in October 2025, Father made a "vulgar," derogatory comment about the sexual orientation of one of his daughters, which caused Ms. Pastrana to attempt to "redirect" him. ***Id.*** at 67-68. Ms. Pastrana testified that Father responded, "this [is] bullshit"; left the session; failed to appear at any further appointments; and ceased communicating with Ms. Pastrana. ***Id.*** at 68-69. Ms. Pastrana testified that Father was thereafter unsuccessfully discharged from DVIP. ***Id.***

Kristen Bear (Ms. Bear) testified as the domestic violence education facilitator at LOTUS Therapeutic and Empowerment Services (LOTUS). ***Id.*** at 80. Ms. Bear testified that after several missed appointments, Father appeared for an intake assessment in November 2025. ***Id.*** at 84-85. According to Ms. Bear, Father was candid with her about the extent of the physical and verbal "abuse that he had been inflicting" on Mother. ***Id.*** at 85. Ms. Bear testified that Father advised her that he and Mother have "a long history of mutual drug use and infidelity[, a]nd [Father] felt that was partially what was fuel[]ing the abuse in the relationship." ***Id.*** at 86. Ms. Bear assessed Father as needing a "high level" of domestic violence counseling. ***Id.***; ***see also id.*** at 86-87, 107 (Ms. Bear testifying that, "[f]or the safety of [Mother] and the safety of the family, it was imperative that [Father] should

be in the program"; and that "domestic violence in any relationship can affect [] children if they're in the home"). Ms. Bear testified that Father's treatment was expected to last 52 weeks. ***Id.*** at 102.

Ms. Bear testified that at Father's first group session, "he was bragging about beating" Mother, which was met with disapproval by the other individuals in the session. ***Id.*** at 87-88. Following Father's first group session, Ms. Bear determined that individual sessions were more appropriate for Father at that time. ***Id.*** at 88. Ms. Bear testified that Father's subsequent individual sessions were productive, but Father stopped attending in January 2026, after Father and Mother's relationship ended. ***Id.*** at 90-92. Ms. Bear testified that, approximately two weeks prior to the TPR hearing, Father contacted her about continuing with virtual sessions, and she indicated she would be willing to work with him on arranging those sessions. ***Id.*** at 93.

Kristy Vassell (Ms. Vassell) testified concerning her involvement with the family in her capacity as the supervised visitation lead at Outreach Center for Community Resources Family Reunification Program (Outreach). N.T. (Vol. I), 4/28/26, at 12. Ms. Vassell testified that Parents had supervised visits with Children at the Outreach facility every other week, between November 2024 and November 2025, for a total of 28 visits. ***Id.*** at 18, 32; ***see also id.*** at 22 (Ms. Vassell testifying that "a police officer was present each time [M]other and [F]ather had visits with [C]hildren," due to Father's aggressive behavior toward Outreach staff and Mother). According to Ms. Vassell, Parents' last

supervised visit with Children was in November 2025. ***Id.*** at 33. Ms. Vassell stated that "after several attempts of scheduling [additional visits between Parents and Children, Parents advised Outreach] that they didn't want the visitation because they were seeing" Children independent of Outreach's supervised visitation. ***Id.***

Ms. Vassell testified that Outreach staff had concerns about Father's "violent behavior and tendencies," and explained that Father was resistant to redirection during visits. ***Id.*** at 26-27; ***see also id.*** at 26, 46 (Ms. Vassell describing an incident where Father was "aggressive[ly] throwing" then-nine-month-old L.J. in the air, and ignored Outreach staff's request that he stop). According to Ms. Vassell, she was aware of at least one visit where Father smelled of marijuana, and Mother remarked that Father's "pupil looked like it was going to pop." ***Id.*** at 30. Notwithstanding staff concerns about Father's behavior and appearance, Ms. Vassell acknowledged that Children and Father appeared to share a bond and "strong relationship." ***Id.*** at 53-54.

Outreach supervised visitation specialist Olivia Fryer (Ms. Fryer) testified that Parents' "nodding off and falling asleep" was a "recurring issue" during their supervised visits with Children. ***Id.*** at 65. Ms. Fryer opined that Parents'

> [c]onsistent dozing off …, laying on the floor and falling asleep[during visits], [] is consistent with my concerns [regarding Parents'] sobriety during visitations. I know [Parents' youngest child, L.J.,] at one point had crawled on [Father,] trying to pat him awake, and [Father] said that he was sleeping. [S]o those were my main concerns with the lack of engagement in the visits[,] due to the consistent nodding off.

Id. at 68.

Kathryn Schnurr (Ms. Schnurr) testified that during her time working with Parents, she facilitated the Safe Care Program. ***Id.*** at 81. Ms. Schnurr explained that both Mother and Father successfully completed the Safe Care Program. ***Id.*** at 83. The orphans' court summarized Ms. Schnurr's pertinent testimony as follows:

> Ms. Schnurr testified she observed some of the visits at Outreach and she noted some language in the visits was concerning. [N.T. (Vol. I), 4/28/26,] at 89. On one occasion, Father asked Ms. Schnurr if he smelled like "pot[,]" and she replied in the affirmative. ***Id.*** Father replied[,] "I just sprayed myself. I shouldn't smell like weed." ***Id.*** Ms. Schnurr observed Father nodding off. ***Id.***
>
> Ms. Schnurr [] talk[ed] to Parents about available [parenting, mental health, and drug and alcohol] resources, as well as made referrals[for various programs]. ***Id.*** at 91. Ms. Schnurr reviewed the FSP with [] Parents. ***Id.*** at 93. [Ms. Schnurr] testified she would remind [Parents] to [submit to drug] screen[s,] because [they] were required under the FSP. ***Id.*** … [Ms. Schnurr] also referred [Parents] to Parents as Teachers, a parenting program at Outreach. ***Id.*** at 96. [] Parents did not follow through. ***Id.***

Orphans' Court Opinion, 6/25/26, at 11 (capitalization modified; paragraph break added).

Ms. Valera testified that she has acted as the family's primary Agency caseworker, through SAM, since Children were adjudicated dependent in November 2024. N.T. (Vol. II), 4/28/26, at 3. Concerning Father's FSP goals, Ms. Valera testified consistently with the orphans' court's above factual recitation. ***See id.*** at 26-27. Ms. Valera testified that, following their

dependency adjudications, Children were placed into kinship care with paternal grandmother. ***Id.*** at 5; ***see also id.*** (Ms. Valera stating that A.J. and E.J. were placed with paternal grandmother on July 22, 2025, and that L.J. was placed with paternal grandmother on November 13, 2025).[5]

The orphans' court summarized Ms. Valera's testimony concerning Father's engagement with drug and alcohol services, and Father's failure to satisfy his housing FSP goal:

> [Ms.] Valera testified she referred both Mother and Father to Drug and Alcohol Treatment services (hereinafter "DATS"). [N.T. (Vol. II), 4/28/26,] at 8. … Ms. Valera testified Father had a "check-in" scheduled for December 22, 2025[, which he rescheduled]. ***Id.*** at 40. [Father's] attendance was spotty for the next three months. ***Id.*** Father only attended three (3) sessions at DATS before the [TPR] petitions were filed. ***Id.*** at 41. Father attended four more sessions between the date the petition[s were] filed and the date of the [TPR] hearing. ***Id.***
>
> ….
>
> Ms. Valera referred Mother and Father to housing case management to assist with housing. ***Id.*** at 12. Neither Mother nor Father provided pay stubs as requested. ***Id.*** Ms. Valera testified the Agency made rental payments for the family on June 3, 2024[, but made no further payments because Parents failed to provide proof of income]. [N.T. (Vol. I), 5/5/26, at 39.] ….
>
> On September 25, 2025, [the family residence] was condemned according to records from the Scranton Police Department. [N.T. (Vol. II), 4/28/26,] at 12-14[; ***see also id.*** at 14 (Ms. Valera stating that Scranton Police observed that the family residence "was full of trash, roaches, garbage, maggots,

---

[5] At the time of the TPR hearing, Children and paternal grandmother were residing in Middletown, New York. N.T. (Vol. II), 4/28/26, at 5. It is unclear from the record whether paternal grandmother is a pre-adoptive resource for Children.

> old food," and housed dogs that "were starved and full of bedbugs")].
>
> ….
>
> Ms. Valera testified she currently does not know where Father is living. [***Id.*** at 18. Ms. Valera] testified Father gave her an address in Matamoras, Pennsylvania[, but when she] went to the address[,] unannounced[,] to assess it[, t]he woman who answered the door told her Father does not live there. ***Id.*** Ms. Valera testified Father gave her a second address in Middletown, New York[, but when she] looked into that address[, she] discovered it doesn't actually exist. ***Id.***

Orphans' Court Opinion, 6/25/26, at 13-16 (some paragraph breaks omitted).

Concerning his mental health FSP goal, Ms. Valera testified that Father was referred to Omni Health Services (Omni), a mental health services provider, in November 2024, and that Father completed an intake in April 2025. N.T. (Vol. II), 4/28/26, at 38. According to Ms. Valera, Father's attendance was inconsistent, and Omni discharged Father from the program. ***Id.*** at 38.[6] Ms. Valera subsequently referred Father to both Jewish Family Services and Friendship House for mental health treatment, but Father did not avail himself of their services. ***Id.*** at 38-39.

Ms. Valera testified that Children share a bond with Parents, but opined that Children could not be safely returned to Parents "due to the ongoing concerns throughout the dependency … case." N.T. (Vol. II), 4/28/26, at 57;

---

[6] On cross-examination, Ms. Valera agreed that, at some point, Omni ceased its operations. N.T. (Vol. I), 5/5/26, at 35. The notes of testimony do not clearly establish whether Father was discharged from Omni due to his repeated absences, or whether his participation ended because Omni closed.

see also id. at 59-60 (Ms. Valera opining that termination of Parents' parental rights would not harm Children). Ms. Valera highlighted that Children each have special needs to which paternal grandmother attends:

> [E.J.] has cerebral palsy with hypoxia. [E.J.] is receiving services in Middletown, New York[, where Children reside with paternal grandmother]. [Paternal grandmother] has been getting [E.J.] all the appropriate services that are needed. [E.J.] does outpatient therapy, [physical therapy], and speech[therapy]. [A.J.] was diagnosed with autism. [A.J.] gets occupational therapy and speech [therapy] in the day care. And [L.J.] is [going to] have a[n] early intervention appointment to see if she is up to speed on her milestones.

Id. at 57 (paragraph breaks omitted); ***see also id.*** at 58 (Ms. Valera testifying that paternal grandmother "is a director of a school, so she is up to speed on all the services and needs of [C]hildren"). According to Ms. Valera, she observed paternal grandmother interact with Children, and opined that Children are "extremely bonded to" paternal grandmother. ***Id.*** at 59.[7]

At the conclusion of the TPR hearing, the orphans' court terminated Father's parental rights to Children.[8] Father timely filed notices of appeal and

---

[7] At the conclusion of testimony, Children's GAL advised the orphans' court that he "feel[s] the best place for [C]hildren is to be with paternal grandmother. And in that regard, I would support the [A]gency's petitions." N.T. (Vol. II), 5/5/26, at 50.

[8] On May 6, 2026, the orphans' court issued orders (docketed May 13, 2026) formally terminating Father's parental rights. While the orders do not reference any subsection of 23 Pa.C.S.A. § 2511, it is apparent from the orphans' court's on-the-record remarks, at the conclusion of the TPR hearing, and its subsequent Pa.R.A.P. 1925(a) opinion, that the orphans' court terminated Father's parental rights pursuant to Section 2511(a)(1), (2), (5),
(Footnote Continued Next Page)

contemporaneous Pa.R.A.P. 1925(a)(2)(i) concise statements. On June 26, 2026, the orphans' court filed a Pa.R.A.P. 1925(a) opinion.

Father raises the following issues:

> A. Whether the [orphans'] court erred as a matter of law and/or manifestly abused its discretion in finding that the [Agency] had proven by clear and convincing evidence the grounds for termination of parental rights pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), and (8)[,] when Father addressed and/or was continuing to address the circumstances that originally necessitated placement, and those conditions no longer existed?
>
> B. Whether the [orphans'] court erred as a matter of law and/or manifestly abused its discretion in determining the [Agency] sustained its additional burden of proving the termination of Father's parental rights is in the best interest of [Children] when there was consistent testimony and evidence of the bond between Father and [Children]?

Father's Brief at 5 (capitalization modified).

We review an order involuntarily terminating parental rights for an abuse of discretion. ***In re M.L.R.***, 351 A.3d 731, 736 (Pa. 2026).

> [A]ppellate 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 orphans' court's findings of fact and credibility determinations if they are supported by the record. Where the orphans' court's factual findings are supported by the evidence, an appellate court may not disturb the orphans' court's ruling unless it has discerned an error of law or abuse of discretion.
>
> 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

---

(8), and (b). ***See*** N.T. (Vol. II), 5/5/26, at 55-61; Orphans' Court Opinion, 6/25/26, at 20-25.

> 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.
>
> In considering a petition to terminate parental rights, the orphans' 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.

Interest of N.A.S., 338 A.3d 191, 196-97 (Pa. Super. 2025) (citation omitted); ***see also Interest of S.K.L.R.***, 256 A.3d 1108, 1124 (Pa. 2021) (instructing that in reviewing an order terminating parental rights, "the appellate court should not search the record for contrary conclusions or substitute its judgment for that of the [orphans'] court."). "[Our Supreme] Court has repeatedly stated that in termination cases involving close calls, deference to the [orphans'] court's determination is particularly crucial." ***In re Adoption of G.W.***, 342 A.3d 68, 84 (Pa. Super. 2025) (*en banc*) (citation omitted).

Termination of parental rights is governed by Section 2511 of the Adoption Act, which requires a bifurcated analysis: "Courts must begin by first considering whether a parent's conduct warrants termination under [S]ection 2511(a) prior to shifting its focus to whether termination best serves the

child's needs and welfare." ***Interest of M.K.L.***, 354 A.3d 42, 60 (Pa. Super. 2026) (citation omitted). If the court finds grounds exist to warrant termination under Section 2511(a), it must then assess the evidence relative to the child's needs and welfare under Section 2511(b), "giv[ing] primary consideration to the developmental, physical and emotional needs and welfare of the child." ***In re T.S.M.***, 71 A.3d 251, 267 (Pa. 2013) (citation omitted).

Notably, this Court need only agree with the orphans' court as to "any one subsection of [Section] 2511(a), in addition to [Section] 2511(b), in order to affirm the termination of parental rights." ***In re M.E.***, 283 A.3d 820, 830 (Pa. Super. 2022) (citation omitted).

Instantly, because the orphans' court addressed only Section 2511(a)(8) in its opinion,[9] we confine our analysis to that subsection, which provides 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:
>
> * * *

---

[9] In its opinion, the orphans' court stated its intention to "focus its analysis on" Section 2511(a)(8), because a petitioner "need only prove by clear and convincing evidence all of the elements of any one of the [] subsections it has chosen to proceed under." Orphans' Court Opinion, 6/25/26, at 23. Although the orphans' court accurately described a petitioner's burden, **an orphans' court should address each subsection of Section 2511(a) upon which the court bases its termination decision**. Here, had we disagreed with the orphans' court's Section 2511(a)(8) analysis, our ability to review the sufficiency of the evidence as to the remaining subsections would have been materially impeded by the absence of the court's alternative reasoning.

> (8) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

23 Pa.C.S.A. § 2511(a)(8).

To satisfy Section 2511(a)(8), the petitioner must prove that

> (1) the child has been removed from the parent's care for at least 12 months; (2) the conditions which led to the removal or placement still exist; and (3) termination of parental rights would best serve the needs and welfare of the child. Section 2511(a)(8) does not necessitate an evaluation of a parent's willingness or ability to remedy the conditions that led to the removal of the child. Rather, our inquiry is focused upon whether the at-issue conditions have been remedied such that reunification of parent and child is **imminent** at the time of the hearing.

In re E.J.C., 335 A.3d 1222, 1230-31 (Pa. Super. 2025) (citations and quotation marks omitted; emphasis in original).

In considering Section 2511(a)(8), we have observed that "a parent's progress toward remedying the conditions [necessitating his child's placement] is insufficient, as a matter of law, to warrant a finding in favor of the parent under the second prong of [Section 2511](a)(8)." ***In re Adoption of G.W.***, 342 A.3d at 87 (citing ***In re R.J.S.***, 901 A.2d 502, 512 (Pa. Super. 2006), wherein we emphasized that termination under Section 2511(a)(8) "does *not* require an evaluation of [the parent's] willingness or ability to remedy the conditions that led to placement of [his] children." (emphasis in original; citation omitted)). Moreover, Section 2511(a)(8) does not "require

an evaluation of the availability or efficacy of [a county agency's] services." ***Id.*** at 88 (citation omitted).

Here, in his first issue,[10] Father claims the evidence established that the conditions which led to Children's removal were no longer present. Father's Brief at 12. Father points out that he "was engaged with [DATS] even after the Agency filed" its TPR petitions, and that "of [Father's] 25 [drug] screens, only five (5) were positive for a non-declared medication." ***Id.*** at 12-13. Father further contends that he "maintained safe and stable housing through[out] the life of this case." ***Id.*** at 13; ***see also id.*** (Father claiming that the residence Ms. Valera visited, and where the occupant advised her Father did not live, "is safe and suitable for reunification with [] Children."). Father additionally argues that he engaged in mental health services, and those services stopped, through no fault of his own, when Omni closed. ***Id.***

---

[10] In his brief, Father states that he, like the orphans' court, "focus[es] his analysis on subsection (a)(8)." Father's Brief at 11. We could deem Father's first issue waived for failing to offer any argument concerning subsections 2511(a)(1), (2), and (5). ***See In re L.J.W.***, 264 A.3d 345 (Pa. Super. 2021) (unpublished memorandum at 9-10) (where the orphans' court determined termination was warranted pursuant to subsections 2511(a)(2), (5), and (8), this Court concluded that the parent's "failure to contest subsection (a)(8) concedes that subsection and [] compels us to conclude that the [orphans'] court properly terminated her parental rights pursuant to Section 2511(a)." (citing ***In re B.L.W.***, 843 A.2d 380, 384 (Pa. Super. 2004), wherein we reiterated that "we need only agree with [the orphans' court's] decision as to any one subsection [of Section 2511(a)] in order to affirm the termination of parental rights.")); ***see also*** Pa.R.A.P. 126(b) (unpublished non-precedential memorandum decisions of this Court filed after May 1, 2019, may be cited for their persuasive value). We decline to do so, particularly in light of the orphans' court's exclusive focus on Section 2511(a)(8).

at 13-14. Finally, concerning his domestic violence FSP goal, Father highlights Ms. Bear's testimony that he had made improvements. ***Id.*** at 14; ***see also id.*** (Father stating that "none of the concerns regarding domestic violence involved" Children).

Instantly, the orphans' court set forth its rationale for terminating Father's parental rights under Section 2511(a)(8) as follows:

> [C]hildren have been in placement since October 23, 2024. At the time of the [TPR] hearing …, [C]hildren had been in [placement] for 18 months.[11] … Th[e orphans'] court is satisfied the Agency has established by clear and convincing evidence that the conditions that led to [C]hildren's placement continue to exist today. ….
>
> ….
>
> [Pursuant to the FSPs, P]arents were required to address their drug and alcohol issues, their mental health issues, and maintain safe and stable housing. … Throughout the history of the case, neither parent received a compliance rating higher than moderate. In addition, neither parent received a progress rating higher than none or minimal. At the last PR held on March 11, 2026, … Father received a compliance and progress rating of minimal and minimal. The testimony [at the TPR hearing] established that at the time of the hearing …, [P]arents were still only allowed to have supervised visits with [C]hildren. Currently, [] paternal grandmother supervises visits between [P]arents and [C]hildren at her home in Middletown, New York. [P]arents were offered additional visits at Outreach[,] but they declined.
>
> The testimony established that neither [Mother nor Father] has adequately addressed their drug and alcohol issues. … Father is not engaged in drug and alcohol treatment. [Father's drug]

---

[11] We note that the 12-month period described in the first element of Section 2511(a)(8) must be measured from the date the child is removed from the parent's care until the date the termination petition is filed. ***In re S.D.T.***, ***Jr.***, 934 A.2d 703, 706-07 (Pa. Super. 2007).

> screens have also been concerning. [Father] last tested positive for methamphetamine on July 16, 2025. All of his screens in 2026 have been for [purported] medical marijuana. Father has not produced a medical marijuana card, but on his screens[,] the results are identified as "positive for his declared medication."
>
> Neither [Mother nor Father] adequately addressed their mental health [issues,] despite multiple referrals. ….
>
> Neither [Mother nor Father] has established that they have safe and stable housing. As of the [TPR] hearing date, the Agency did not have an address for Father. … Father has also not adequately addressed the domestic violence [FSP goal,] despite ample evidence in the record that it is an ongoing issue.

Orphans' Court Opinion, 6/25/26, at 20-23 (some paragraph breaks omitted; emphasis and footnote added).

The orphans' court additionally emphasized that a court's inquiry, in considering the sufficiency of termination under Section 2511(a)(8), "is focused upon whether the at-issue conditions [necessitating placement] have been remedied such that reunification of parent and child is **imminent** at the time of the [TPR] hearing." ***Id.*** at 23 (quoting ***In re E.J.C.***, 335 A.3d at 1231 (emphasis in original)); ***see also*** N.T. (Vol. II), 5/5/26, at 61 (the orphans' court finding that, "because of all the issues in the case, [P]arents are nowhere near making any progress that would allow or justify" Children's return to Parents' care).

The orphans' court's factual findings are supported by the record, and its conclusion is free of legal error. ***Interest of N.A.S.***, 338 A.3d at 196-97; ***see also In re Adoption of S.P.***, 47 A.3d 817, 827 (Pa. 2012) (in termination of parental rights cases, "we must defer to the trial judges so long as the

factual findings are supported by the record and the court's legal conclusions are not the result of an error of law or an abuse of discretion." (citation omitted)).

Regarding the first element of Section 2511(a)(8), the record confirms that Children were removed from Father's care on October 23, 2024, and the Agency filed its TPR petitions on November 25, 2025, approximately 13 months later. ***See*** 23 Pa.C.S.A. § 2511(a)(8); ***In re S.D.T.***, ***Jr.***, 934 A.2d at 706-07. As the orphans' court observed, at the time of the TPR hearing, Children had been separated from Father for approximately 18 months. Orphans' Court Opinion, 6/25/26, at 20.

Father's Section 2511(a)(8) challenge primarily concerns its second element, *i.e.*, whether the conditions that led to Children's removal continue to exist. Upon review, we agree with the orphans' court that those conditions, in fact, continue to exist.

Beginning with Father's drug and alcohol FSP goal, while Father emphasizes that only five of his 25 submitted drugs screens returned positive results for a non-declared substance, Father failed to appear for **136** drug screens over the course of Children's dependency case. N.T. (Vol. II), 4/28/26, at 38. Further, Father attended only three sessions at DATS before the Agency filed its TPR petitions, and four sessions thereafter. ***Id.*** at 40-41. At the time of the TPR hearing, Father was not engaged in drug and alcohol treatment. Orphans' Court Opinion, 6/25/26, at 22. While Father's last

confirmed positive test for methamphetamine was in July 2025, Father has not produced a medical marijuana card to support his declared use of that substance. ***Id.***

Regarding his housing FSP goal, Father's assertion that he "maintained safe and stable housing through[out] the life of this case" (Father's Brief at 13) is belied by the record. The family's residence was condemned on September 25, 2025, after Scranton Police observed trash, roaches, maggots, old food, and dogs that "were starved and full of bedbugs." N.T. (Vol. II), 4/28/26, at 13-14. On the date of the TPR hearing, the Agency did not know where Father was living. ***Id.*** at 18. Father provided two addresses, neither of which Ms. Valera was able to assess. At the first address, the occupant denied that Father resides there, and the second address does not exist. ***Id.***

Concerning his mental health FSP goal, despite being referred in November 2024, Father did not complete an intake at Omni until April 2025, and thereafter attended only sporadically. N.T. (Vol. II), 4/28/26, at 38. Contrary to Father's assertions, the record does not disclose whether Father's participation ended due to his absences or Omni's closure. Further, it is undisputed that Father did not pursue either of the two alternative referrals Ms. Valera subsequently arranged for him at Jewish Family Services and Friendship House. ***Id.*** at 38-39; N.T. (Vol. I), 5/5/26, at 35.

Father's engagement with domestic violence counseling was also inconsistent. While Father eventually responded to Ms. Pastrana's numerous

attempts to include him in DVIP, Father was unsuccessfully discharged after two group sessions. N.T., 4/27/26, at 64-69. While Father's engagement with LOTUS was somewhat more successful, Father stopped attending sessions in January 2026, after his relationship with Mother ended. ***Id.*** at 90-92. Father's attempt to initiate virtual sessions with Ms. Bear occurred approximately two weeks prior to the TPR hearing. ***See*** 23 Pa.C.S.A. § 2511(b) ("[T]he 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 [TPR] petition."). Moreover, Father's argument that none of the domestic violence concerns involved Children ignores Ms. Bear's testimony that domestic violence counseling was "imperative" for "the safety of [Mother] and the safety of the family," and that "domestic violence in any relationship can affect [] children if they're in the home." N.T., 4/27/26, at 86-87, 107.

Finally, concerning Section 2511(a)(8)'s third element, which we discuss below,[12] we discern no abuse of the orphans' court's discretion in concluding

---

[12] Regarding the third, *i.e.*, "needs and welfare," element of Section 2511(a)(8), we have observed that "our current precedent interprets the needs and welfare analyses required under subsections (a)(8) and (b) to utilize the same legal standards and to be based upon the same evidence." ***In re Adoption of G.W.***, 342 A.3d at 87 n.20. The distinction, if any, between the needs and welfare analyses intended under Section 2511(a)(5), (8) and (b) is presently being considered by an *en banc* panel of this Court. ***See In re: T.J.A.K.-L., a Minor, et al.***, Nos. 780, 782-787, and 789 EDA 2026. As Father does not challenge the needs and welfare element of Section

(Footnote Continued Next Page)

that termination of Father's parental rights best serves the "needs and welfare" of Children.

As the record supports the orphans' court's determination that the evidence presented at the TPR hearing proved, by clear and convincing evidence, the elements of Section 2511(a)(8), Father's first issue merits no relief.

In his second issue, Father challenges the orphans' court's determination under Section 2511(b). According to Father, the Agency "failed to demonstrate the best interests of [Children] would be served by terminating [Father's] parental rights …." Father's Brief at 17. Father points to the orphans' court's finding that Father and Children share a bond, and "contends that breaking the undisputed bond between him and [Children] would not be in their best interests." ***Id.*** To support his argument, Father highlights testimony that Children did not want supervised visits with Father to end, and Children's excitement to see Father. ***Id.*** at 17-18.

2511(a)(8) as analytically distinct from his Section 2511(b) argument, but instead confines his argument to whether termination serves Children's needs and welfare under Section 2511(b), we address both inquiries in our Section 2511(b) analysis below. We acknowledge that ***T.J.A.K.-L.*** may alter the applicable analytical framework. ***See In re C.R.K.***, 161 WDA 2026, 2026 WL 2805827 (Pa. Super. filed Sept. 18, 2026) (unpublished memorandum at 14 n.9) (acknowledging the grant of *en banc* review in ***T.J.A.K.-L.*** and consolidating this Court's analysis of the needs and welfare element of Section 2511(a)(5) with its Section 2511(b) inquiry, where the parent confined her argument to Section 2511(b)). Under any standard, however, for the reasons set forth below, we agree with the orphans' court that termination of Father's parental rights best serves Children's needs and welfare.

When the orphans' court finds grounds for termination under Section 2511(a), it must separately consider a child's needs and welfare:

> **(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(b).

"Notably, courts should consider the matter from the child's perspective, placing [their] developmental, physical, and emotional needs and welfare above concerns for the parent." ***Interest of K.T.***, 296 A.3d 1085, 1105 (Pa. 2023) (citation omitted). Courts must also "discern the nature and status of the parent-child bond, with utmost attention to the effect on the child of permanently severing that bond." ***Id.*** (citation omitted). However, "the parental bond is but one part of the overall subsection (b) analysis." ***Id.*** at 1113.

> [I]n addition to a bond examination, the trial court can equally emphasize the safety needs of the child, and should also consider the intangibles, such as the love, comfort, security, and stability the child might have with the foster parent. Additionally, this Court stated that the trial court should consider the importance of continuity of relationships and whether any existing parent-child bond can be severed without detrimental effects on the child.

Interest of D.R.-W, 227 A.3d 905, 914 (Pa. Super. 2020) (citation omitted).

"When examining the effect upon a child of severing a bond, courts must examine whether termination of parental rights will destroy a necessary and beneficial relationship, thereby causing a child to suffer extreme emotional consequences." ***In re Adoption of J.N.M.***, 177 A.3d 937, 944 (Pa. Super. 2018) (citation omitted).

> [B]y evaluating the impact of severance to determine if it will impose more than an adverse or detrimental impact, courts correctly refine their focus on the child's development and mental and emotional health rather than considering only the child's "feelings" or "affection" for the parent, which even badly abused and neglected children will retain.

Interest of K.T., 296 A.3d at 1110-11 (citations omitted).

Finally,

> [w]hen conducting a full subsection (b) analysis focused upon the child, **the** [**orphans'**] **court has discretion to place appropriate weight on each factor present in the record**. However, when weighing the difficult factors discussed above, courts must keep the ticking clock of childhood ever in mind. Children are young for a scant number of years, and we have an obligation to see to their healthy development quickly.

Interest of M.K.L., 354 A.3d at 71 (citations and quotation marks omitted; emphasis added).

Here, the orphans' court aptly summarized the testimony presented at the TPR hearing concerning the bond Children share with Parents, and their bond with paternal grandmother:

> A number of witnesses testified about the bond [P]arents share with [C]hildren. [Ms.] Vassell testified both [Mother and Father] were loving and affectionate with [C]hildren. N.T. (Vol. I), 4/28/26, at 51. [C]hildren at times did not want to separate from Mother and Father. ***Id.*** at 51-52. [Ms. Vassell] testified

> [C]hildren were always happy to see Father and Mother[,] and were affectionate with them. ***Id.*** at 53. … Ms. Vassell testified [C]hildren appeared well bonded with [P]arents. ***Id.*** at 53-54, 61.
>
> [Ms.] Frye[r] also testified about the bond between [P]arents and [C]hildren. … [Ms. Fryer] testified [] Father was appropriate and affectionate with [C]hildren. ***Id.*** at 70-71. [Ms. Fryer] testified there is a bond. ***Id.*** at 76.
>
> [Ms.] Schnurr also testified about the bond between [P]arents and [C]hildren. … [Ms. Schnurr] testified Father and [C]hildren enjoyed a loving relationship. ***Id.*** at 116.
>
> Finally, Ms. Valera testified about the bond between [C]hildren and paternal grand[mother]. Ms. Valera testified paternal grandmother is addressing the needs of [C]hildren. N.T. (Vol. I), 4/28/26, at 58. Ms. Valera was able to observe [paternal] grandmother and [C]hildren interact. ***Id.*** at 59. [Ms. Valera] testified [C]hildren "are extremely bonded to [paternal] grandmother." ***Id.*** [Ms. Valera] further testified that[,] in her opinion[, C]hildren would not be harmed if [P]arents' rights are terminated.

Orphans' Court Opinion, 6/25/26, at 17-18 (some citations modified).

The orphans' court further found that paternal grandmother appropriately attends to Children's heightened needs:

> The testimony established that E.J has special needs. [E.J.] has been diagnosed with cerebral palsy with hypoxia. Currently, paternal grandmother takes [E.J.] to all [of] his [medical and therapeutic] appointments. A.J. attends speech and occupational therapy[,] with [paternal] grandmother [taking] her to her appointments. L.J. is going to be assessed for early intervention. All providers for [C]hildren are currently in upstate New York. Ms. Valera testified paternal grandmother is "up to speed" with all [of C]hildren's needs. N.T. (Vol. I), 4/28/26, at 59. [Ms. Valera testified that] all [of C]hildren's needs are being met[, and that C]hildren are safe. ***Id.***

Id. at 23-24 (some citations modified).

The orphans' court ultimately determined that,

> [i]n light of both Mother[’s] and Father’s repeated inability to address their ongoing drug and alcohol, mental health, housing, and domestic violence issues, th[e orphans’] court finds the testimony overwhelmingly establishes the needs and welfare of [C]hildren would not be best served by returning [C]hildren to [Father]. ….
>
> ….
>
> Th[e orphans’] court finds the testimony established [C]hildren share a bond with both Mother and Father …. The testimony also establishes [C]hildren are bonded with paternal grandmother. Th[e orphans’] court is satisfied[,] based on the totality of the circumstances[, that C]hildren will not suffer irreparable harm if the parent-child relationship is severed. [C]hildren are safe and being well cared for in paternal grandmother’s home. [C]hildren have been in [placement] for more than 18 months. In that period of time, despite numerous referrals and assistance, [P]arents have made no or minimal progress.

Id. at 24-25.

We agree with the reasoning and conclusion of the orphans’ court, as it is supported by the record and free of legal error. ***Interest of N.A.S.***, 338 A.3d at 196-97; ***see also Interest of M.K.L.***, 354 A.3d at 71 (noting that the orphans’ court “has discretion to place appropriate weight on each [Section 2511(b)] factor present in the record”).

We discern no abuse of the orphans’ court discretion in finding that, despite Children’s bond with Father, Children would not suffer irreparable harm if the parent-child relationship were severed. Orphans’ Court Opinion, 6/25/26, at 24-25. While we agree with Father that his bond with Children is a significant factor in the Section 2511(b) analysis, the existence of a parent-child bond does not, standing alone, preclude the termination of parental

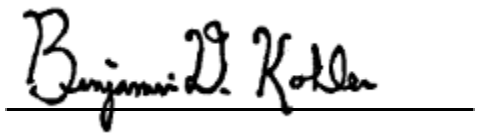
rights. ***See Interest of K.T.***, 296 A.3d at 1113 ("[T]he parental bond is but one part of the overall subsection (b) analysis.").

The record further supports the orphans' court's finding that Children also share a strong bond with paternal grandmother, with whom Children have resided for the majority of their placements. N.T. (Vol. II), 4/28/26, at 59 (Ms. Valera opining that Children are "extremely bonded to" paternal grandmother). In addition to attending to Children's daily needs, the testimony at the TPR hearing established that paternal grandmother has secured and maintained appropriate services for Children's special needs. ***Id.*** at 57-58.

Based on the foregoing, we discern no abuse of the orphans' court's discretion in determining that termination of Father's parental rights best serves Children's needs and welfare. Accordingly, Father's second issue merits no relief.

Orders affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/16/2026