[J-10-2023]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, JJ.

IN RE: ADOPTION OF: M.E.L., A MINOR	:	No. 109 MAP 2022
	:	
	:	Appeal from the Order of the
APPEAL OF: D.D.L., FATHER	:	Superior Court dated September 9,
	:	2022 at No. 479 MDA 2022 vacating
	:	the Decree of the York County Court
	:	of Common Pleas, Orphans' Court,
	:	dated February 22, 2022, at No.
	:	2021-0212a and remanding.
	:	
	:	ARGUED: March 8, 2023

OPINION

CHIEF JUSTICE TODD **DECIDED: July 19, 2023**

Under the Adoption Act, the biological parents of an adoptee must relinquish their parental rights over their child before an adoption of the child may take place. An exception to this relinquishment requirement exists in the context of stepparent adoptions, 23 Pa.C.S. § 2903, or if the parent has demonstrated "cause shown" to excuse the requirement, *id.* § 2901. In this appeal by allowance, we consider whether a proposed adoption by a mother's long-term partner, in conjunction with the termination of the biological father's parental rights, may constitute "cause" to excuse the relinquishment requirement with respect to the mother under Section 2901. For the reasons that follow, we affirm the order of the Superior Court remanding this matter to the orphans' court for further consideration of this issue.

By way of background, C.J. ("Mother") and D.D.L. ("Father") were married and had a child together, M.E.L. ("Child"), who was born in February 2016. They later divorced in

July 2018. Meanwhile, Mother became romantically involved with T.V. ("Partner") in March 2018, and Mother and Child began living with Partner later that month. Initially, Mother and Father shared custody of Child every other weekend, but this arrangement deteriorated after Father's parents ("Paternal Grandparents"), with whom Father had been residing, banished him from their residence. Eventually, in September 2019, Father signed an agreement providing Mother with sole physical and legal custody of Child. Thereafter, Father ceased communication with Child, and Mother later terminated Father's child support obligation because she "didn't see a point in someone paying for someone they don't see." N.T., 2/22/22, at 9.

In October 2021, Mother and Partner filed a petition to terminate Father's parental rights pursuant to 23 Pa.C.S. § 2511(a)(1) and (b), averring that Father had evidenced a settled purpose of relinquishing his parental claim to Child by refusing to perform parental duties for a period exceeding six months, and that termination of his parental rights was in Child's best interests. Along with this petition, Mother and Partner filed a report of intention to adopt pursuant to 23 Pa.C.S. § 2531, indicating that Partner intended to adopt Child upon the termination of Father's parental rights.

The orphans' court held a hearing on the petition in February 2022, at which Mother, Partner, and Child's guardian *ad litem*, Kelly L. McNaney, Esq., provided testimony; Father failed to appear despite being served with notice of the proceeding. During the hearing, Mother testified that Child had not seen Father since September 2019, N.T., 2/22/22, at 6, and that Child views Partner as her father, *id.* at 9, noting that she and Child, along with Partner, Child's half-brother, and Partner's other son from a prior relationship, live together as a family, *id.* at 15-16. Notably, when asked whether she and Partner intended to marry, Mother responded that, "I'd hope so, but that's . . . not in our immediate plans right now." *Id.* at 14. Partner, for his part, testified regarding his

positive relationship with Child, noting that he helps care for Child, and provides her financial and emotional support. Partner also confirmed that Child calls him "Dad." *Id.* at 19. Finally, Attorney McNaney testified and recommended that the orphans' court terminate Father's parental rights and grant the adoption. Specifically, Attorney McNaney described that Child refers to Partner as "Daddy," and that, when asked whether she knew anyone by Father's first name, Child responded only that there was a boy at her school with that name. *Id.* at 22. While Attorney McNaney noted that Child had a positive relationship with Paternal Grandparents, counsel explained that Child nevertheless wanted to share the last name of her half-sibling and Partner's other son. *Id.*

At the conclusion of the hearing, the orphans' court granted the termination petition pursuant to Section 2511(a) and (b). The orphans' court also expressly indicated on the record its intent to grant the petition for adoption[1] after expiration of the 30-day appeal period from the decree terminating Father's parental rights, opining that it had "no trouble reaching the conclusion that it is in the best interest of [Child] to grant the petition for adoption." *Id.* at 28. Father appealed to the Superior Court.

Before delving further into the procedural history of this case, a brief background regarding the interplay between the provisions in the Adoption Act governing termination of parental rights and those addressing the requirements for adoption is helpful. Section 2511(a) of the Adoption Act sets forth 11 statutory grounds for terminating a parent's rights to his or her child, including, as relevant herein, "[t]he parent by conduct continuing for a period of at least six months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused

[1] The orphans' court did not enter an adoption decree at this time; however, as explained further *infra*, when a parent petitions to involuntarily terminate the rights of the other parent, the petitioning parent must demonstrate that an adoption of the child is anticipated.

or failed to perform parental duties." 23 Pa.C.S. § 2511(a)(1). If the orphans' court finds the existence of any one of those grounds for termination by clear and convincing evidence, the court then considers whether termination would best serve "the developmental, physical and emotional needs and welfare of the child" under Section 2511(b). *Id.* § 2511(b). If the orphans' court concludes that termination of the parent's rights is consistent with the best interests of the child, the court may grant the termination petition.

Section 2512(a) of the Adoption Act lists the parties who may petition for involuntary termination, including, *inter alia*, an agency or a parent. *Id.* § 2512(a). Critically, unlike in the context of an agency petition, a petition of a parent seeking to terminate the rights of the child's other parent must contain "an averment that the petitioner will assume custody of the child *until such time as the child is adopted.*" *Id.* § 2512(b) (emphasis added). In other words, "the petitioning parent must demonstrate that an adoption of the child is anticipated in order for the termination petition to be cognizable." *In re Adoption of M.R.D.*, 145 A.3d 1117, 1120 (Pa. 2016) (citations omitted). We have explained that "[t]he purpose of the involuntary termination provisions of the Adoption Act is not to punish an ineffective or negligent parent, or provide a means for changing the surname of the child," but instead "to dispense with the need for parental consent to an adoption when, by choice or neglect, a parent has failed to meet the continuing needs of the child." *In re B.E.*, 377 A.2d 153, 156 (Pa. 1977).

Significantly, because a termination petition filed under these circumstances "must occur in the context of an anticipated adoption, and because adoption is a statutory right, . . . the parent seeking termination must strictly comply with all pertinent provisions of the Adoption Act in order for the adoption to be valid." *M.R.D.*, 145 A.3d at 1120 (citation omitted). Of particular relevance herein, Section 2711 of the Act requires the parent

seeking termination to consent to the adoption, which entails relinquishing his or her own parental rights. 23 Pa.C.S. § 2711(a)(3) (requiring consent to adoption by the parent of an adoptee who is under 18 years of age); *id.* § 2711(d)(1) (setting forth contents of consent, including the statement that "I understand that by signing this consent I indicate my intent to permanently give up all rights to this child."). Thus, these provisions make clear that "a legal parent must relinquish his parental rights in order to consent to the adoption of his child by a non-spouse." *In re Adoption of R.B.F.*, 803 A.2d 1195, 1199 (Pa. 2002). In sum, these petitions have the effect of terminating one parent's rights over the child, while requiring the petitioning parent's rights over that child to be relinquished.

As noted, the Adoption Act provides an exception to this relinquishment requirement in the context of stepparent adoptions. Indeed, under Section 2903 of the Act, "[w]henever a parent consents to the adoption of his child by his spouse, the parent-child relationship between him and his child shall remain whether or not he is one of the petitioners in the adoption proceeding."[2] 23 Pa.C.S. § 2903.

Additionally, and central to the matter before us, as Mother and Partner are not married, the Act also provides an exception to the relinquishment requirement under Section 2901 for "cause shown," specifically providing that:

> Unless the court for cause shown determines otherwise, no decree of adoption shall be entered unless the natural parent or parents' rights have been terminated, the investigation required by section 2535 (relating to investigation) has been completed, the report of the intermediary has been filed pursuant to section 2533 (relating to report of intermediary) and all other legal requirements have been met. . . .

[2] Notably, pursuant to 23 Pa.C.S. § 5326, when a stepparent adopts a child under Section 2903, grandparents and great-grandparents retain their right to seek physical or legal custody of the child, as well as retain any custody rights already awarded to them. 23 Pa.C.S. § 5326. Such rights are "automatically terminated," however, when the child is adopted "by an individual other than a stepparent, grandparent or great-grandparent." *Id.*

Id. § 2901. While the phrase "cause shown" is not defined in the Act, this Court found in *R.B.F.*, *supra*, that cause may be shown by clear and convincing evidence where parents[3] sought to have their same-sex domestic partners adopt their children, but demonstrated that the domestic partners were unable to meet the statutory requirements for adoption because they were not permitted to marry at the time. By contrast, in *M.R.D.*, we found that cause was *not* shown to permit a mother to retain her parental rights when she sought to have *her* father adopt her child. *M.R.D.*, 145 A.3d at 1129-30.

Here, as noted, the orphans' court granted Mother's petition, and Father appealed. Specifically, Father asserted on appeal that the proposed adoption was not valid, and, thus, his parental rights should not have been terminated, because Mother had not relinquished her parental rights and had not otherwise established that the prospective adopting party was her spouse, or that there was "cause shown" to permit the adoption to proceed.

In its Pa.R.A.P. 1925(a) opinion, the orphans' court emphasized that it found that Mother met her burden "with clear and convincing evidence as to both the termination, and as to the welfare of [Child]" under Section 2511(a) and Section 2511(b), given that Father has been completely absent from Child's life for a period of over two years. Trial Court Opinion, 3/31/22, at 5. Moreover, the court rejected Father's claim that the proposed adoption by Partner was not valid, as, in its view, Father's argument concerned Partner's standing to adopt, which, the court reasoned, was not an issue that should be raised in an appeal from the termination of his parental rights. In this regard, the court stressed its policy of "not finalizing adoptions until the point that a parent whose rights are terminated has exhausted all routes of appeal, precisely to avoid an attack on an adoption by a parent who by separate order has had their rights terminated." *Id.* at 4. Thus,

[3] *R.B.F.* involved two consolidated appeals by domestic partners.

because there was not yet an adoption from which to appeal, the court concluded that Father's claim was without merit and that the proposed adoption did "not have any bearing on the analysis and outcome of Father's termination." *Id.* at 5.

In a unanimous, unpublished memorandum opinion authored by Judge Deborah Kunselman, the Superior Court vacated the order terminating Father's parental rights and remanded for further proceedings. *In re Adoption of M.E.L.*, 479 MDA 2022 (Pa. Super. filed Sept. 9, 2022). As an initial matter, the court considered whether Father waived a challenge to the proposed adoption by raising it for the first time on appeal. Characterizing Father's claim as a challenge to the sufficiency of the evidence supporting the grant of relief to Mother under the Adoption Act,[4] the court concluded that Father had preserved his claim, as challenges to the evidentiary sufficiency of a case may be raised for the first time on appeal, and, here, Father timely appealed and raised the issue in his Pa.R.A.P. 1925(b) statement. *Id.* at 10-11.

Next, noting that Mother clearly did not meet the spousal exception to the requirement that she relinquish her parental rights prior to adoption, the court proceeded to consider whether Mother established the "cause shown" exception thereto under Section 2901 by clear and convincing evidence. In so doing, the court observed that, although Mother attempted to establish "cause" in her Superior Court brief by alleging that the proposed adoption by Partner would protect the integrity and stability of their new family unit, she did not advance any argument pertaining to "cause shown" before the orphans' court, nor did the orphans' court consider whether Mother had met the "cause

[4] While the court noted that Father's claim potentially could be viewed as a standing claim, which would have been waived due to Father's failure to raise it during the termination proceedings, the court nevertheless declined to characterize the claim in that manner, reasoning that "the precise issue here is not whether Mother and [Partner] had standing to file a termination and adoption petition, but whether they proved the necessary requirements to obtain relief under the law." *M.E.L.*, 479 MDA 2022, at 10 n.8. The lower court's analysis in this regard is not before us.

shown" exception before it granted the termination petition. *Id.* at 12. The Superior Court explained that, as a result of the orphans' court's omission in this regard, the termination order could not stand because the orphans' court can terminate Father's parental rights only if the averred adoption in Mother's termination petition was valid, and, here, it is not clear whether the averred adoption was, in fact, valid. *Id.* at 13.

The court further stressed that, even if the record contained some legal basis in support of Mother's position, the court nevertheless could not proceed, as the Superior Court's appellate role "is not to scour the record for facts and then substitute our judgment for that of the orphans' court," but, rather, "to review the record to see whether the evidence supports the orphans' court['s] decision." *Id.* Here, observing that the orphans' court made no such decision, the Superior Court concluded that the orphans' court's decision to terminate Father's parental rights was in error. Thus, the Superior Court found that it was necessary to remand this matter to the orphans' court to determine whether Mother satisfied the "cause shown" exception to permit the proposed adoption without requiring Mother to relinquish her parental rights. *Id.* at 16. Finally, to the extent that Father asserted that the Superior Court should find that cause may never be shown in cases involving adoption by an unmarried partner, the court declined to do so, reasoning that such a broad-sweeping policy decision should instead be left for our Court. *Id.*

Following the Superior Court's decision, Father filed a petition for allowance of appeal. We granted review to consider the following question:

> Whether the Superior Court erred as a matter of law and/or abused its discretion in remanding this matter to the trial court to evaluate whether Mother could establish the "cause" exception of 23 Pa.C.S. § 2901 where the child is proposed to be adopted by a non-spouse?

In re Adoption of M.E.L., 288 A.3d 75 (Pa. 2022) (order). As the question of whether a parent may demonstrate cause to permit an adoption by the parent's long-term partner,

but not her spouse, is a pure question of law, our standard of review is *de novo*, and our scope of review is plenary. *In re Adoption of S.E.G.*, 901 A.2d 1017, 1018 n.1 (Pa. 2006).

Before us, Father asserts that the Superior Court erred in remanding this matter to the orphans' court to evaluate whether Mother could establish that cause exists for the adoption to proceed under Section 2901. Specifically, contending that "a petition to terminate a natural parent's rights involuntarily when filed by one parent against the other is only cognizable when it is accompanied by a prospective stepparent's intention to adopt the child," Appellant's Brief at 10 (quoting *In re Adoption of L.J.B.*, 18 A.3d 1098, 1107 (Pa. 2011) (OAJC)), Father argues that Mother did not meet this standard, as Partner is not married to Mother. Moreover, Father observes that Mother has not relinquished her parental rights, as is required under Section 2711(d)(1), because she did not file the necessary consent to adopt under Section 2711(a)(3). Father stresses that "the parent seeking termination must strictly comply with all pertinent provisions of the Adoption Act in order for the adoption to be valid." *M.R.D.*, 145 A.3d at 1120.

While Father concedes that the relinquishment requirement may be excused if a court finds "cause shown" under Section 2901, he stresses that Mother did not raise the "cause shown" exception during the termination proceedings, and the orphans' court did not evaluate whether cause was shown to permit the adoption to proceed without Mother relinquishing her parental rights. Nevertheless, Father contends that cause cannot be shown to excuse Mother's failure to comply with the requirements of the Adoption Act because nothing in the record indicates that there is a legal impediment to Mother and Partner marrying. Indeed, noting that one of the primary goals of the Adoption Act is to ensure permanency for a child, Father maintains that permitting Partner to adopt Child would not advance this goal, as Mother and Partner are not married, "Mother has chosen not to marry [Partner] for reasons unknown," and the "permanency of the Child's family

environment is only so long as the relationship between Mother and [Partner] exists." Appellant's Brief at 16. Father emphasizes that, by contrast, termination of his parental rights is permanent and would also extinguish Paternal Grandparents' rights, *see supra* note 2, despite their recognized involvement in Child's life.

In Father's view, if the legislature wished to permit adoptions by non-spouses without requiring a petitioning parent to relinquish his or her own parental rights, it could have done so, as it did in stepparent adoption cases; yet the legislature chose not to, signifying an intent to retain the relinquishment requirement for such adoptions. Appellant's Brief at 19. Thus, Father claims that allowing his parental rights to be terminated when Mother has not satisfied the statutory requirements for adoption would reduce these requirements to "purely recommendations." *Id.* at 16. Father also warns that, "[s]hould this Court permit adoptions to unwed parent's partners when the unwed parent is involved in custody litigation, it would essentially permit the type of gamesmanship that this Court suggested be avoided in *M.R.D.*" *Id.* at 23.

In support of his position that Mother cannot establish "cause" for the adoption to proceed without relinquishing her parental rights, Father points to our decision in *M.R.D.*, wherein we denied termination of the father's parental rights, finding that cause was not shown to permit the mother to retain her parental rights where she sought to have a non-spouse ─ her father, the child's grandfather ─ adopt her child. Father further notes that this case is unlike *R.B.F.*, wherein we found that a court may, in its discretion, find cause was shown to excuse the relinquishment requirement for same-sex partners who wished to adopt at a time when same-sex marriages were not permitted in the Commonwealth. Father observes that, unlike in *R.B.F.*, there is no legal impediment to Mother marrying Partner, and, indeed, if the two married, the adoption could proceed.

In light of the foregoing, Father maintains that the Superior Court erred as a matter of law in remanding this matter to the orphans' court to consider whether Mother can establish the "cause" exception when it is clear under the facts of this case that she cannot. Thus, Father suggests that the portion of the Superior Court's order remanding to the orphans' court should be vacated and the portion of the order vacating the termination decree should be affirmed.

In response, Mother and Child's legal counsel (collectively, "Mother") have filed a joint brief in which they assert that Mother can, in fact, establish the cause exception under the facts of this case. As a preliminary matter, Mother notes that a party may show cause to proceed with an adoption without relinquishing her parental rights if "the purpose of Section 2711(d)'s relinquishment of parental rights requirement will be otherwise fulfilled or is unnecessary under the particular circumstances of [his or her] case." Appellees' Brief at 10 (quoting *M.R.D.*, 145 A.3d at 1128). Here, stressing that the purpose behind terminating or relinquishing an existing parent's rights prior to an adoption is to facilitate a "new parent-child relationship" between the child and the adoptive parent and to protect "the integrity and stability of the new family unit," Mother maintains that the termination of Father's parental rights and the impending adoption by Partner satisfy both of those aims. *Id.* Indeed, Mother emphasizes that this case does not present the unusual "hybrid-type relationship" at issue in *M.R.D.*, where the maternal grandfather was the proposed adoptive parent with the mother. *Id.* at 15. Moreover, Mother argues that the concerns about gamesmanship in adoption proceedings that were present in *M.R.D.* are not implicated by the proposed adoption here, as Partner is a long-time committed companion to Mother and co-parent to Child, not a random third-party. To the contrary, Mother contends that Father's challenge to the termination of his parental rights ─ and, concomitantly his challenge to the proposed adoption by Partner ─ is the very type of

custody gamesmanship this Court sought to avoid in *M.R.D.*, suggesting that Paternal Grandparents are actually behind this challenge and are using it "as a tool for [them] to gain footing in the custody matter they initiated after Mother and [Partner] petitioned for termination and adoption." Appellees' Brief at 16. Thus, Mother argues that she and Partner "have met their burden of showing cause why the proposed adoption by [Partner] would serve the underlying purposes of relinquishment and that relinquishment is otherwise unnecessary under the circumstances of this case." *Id.* at 13.

While Father argues that the Superior Court erred in remanding this matter to the orphans' court for a determination of whether Mother established "cause shown" to proceed with the adoption, Mother disagrees, noting that our Court has previously remanded for such a determination on at least one occasion, *see R.B.F.* Mother maintains that remanding this matter for a determination of cause "was and remains[] in the best interest of the child." *Id.* at 16. She, thus, asks our Court to affirm the Superior Court's decision to remand to the trial court to allow her to establish "cause."

Turning to our analysis of the issue before us, we first emphasize that neither party disputes that Mother has established the statutory grounds for termination of Father's parental rights under Section 2511(a) and (b) by clear and convincing evidence. Indeed, as the lower courts in this matter aptly observed, the evidence of record clearly demonstrates that, although Paternal Grandparents maintain a relationship with Child, Father himself has not had contact with Child in over two years, well beyond the six-month period set forth in Section 2511(a). Moreover, testimony from the termination hearing regarding the fact that Child has no knowledge that Father exists, and that she, instead, views Partner as her Father, certainly supports the conclusion that termination of Father's parental rights is in Child's best interests. Thus, there is no dispute that termination of

Father's parental rights would be appropriate under Section 2511 if the proposed adoption by Partner satisfies the requirements set forth in the Adoption Act.

Nevertheless, because Mother did not, and does not, intend to relinquish her parental rights in consenting to the proposed adoption by Partner, as required by Section 2711(d)(1) of the Act, she must satisfy one of the Act's statutory exceptions to relinquishment in order for the proposed adoption to be effectuated. Given that Mother and Partner are not married and, thus, do not satisfy the spousal exception to relinquishment under Section 2903, we focus our inquiry on whether Mother has demonstrated cause under Section 2901 to allow the adoption to proceed.

The parties' dispute in this matter, distilled to its essence, concerns the meaning of "cause" for purposes of Section 2901. In Father's view, "cause" is established if Mother and Partner have good reason for failing to satisfy the requirements of the Adoption Act. By contrast, Mother suggests that, regardless of the reason, "cause" is established if the proposed adoption would serve the underlying purposes of relinquishment and render relinquishment unnecessary under the circumstances of a particular case. We find that the "cause" analysis under Section 2901 necessarily requires an examination of both of these factors.

Although the Act does not define "cause," the decisions in which this Court has examined Section 2901's "cause shown" language are instructive. In *R.B.F.*, which involved proposed adoptions outside the context of a termination petition, we found that "there is no reasonable construction of the Section 2901 'cause shown' language other than to conclude that it permits a petitioner to demonstrate why, in a particular case, he or she cannot meet the statutory requirements." *R.B.F.*, 803 A.2d at 1201-02. We explained that, "[u]pon a showing of cause, the trial court is [then] afforded *discretion* to determine whether the adoption petition should, nevertheless, be granted" without

terminating the petitioning parent's rights under Section 2711(d). *Id.* at 1202 (emphasis original). This cause analysis entails determining whether the legal parent and the prospective adoptive parent can demonstrate by clear and convincing evidence "whether the purpose of Section 2711(d)'s relinquishment of parental rights requirement will be otherwise fulfilled or is unnecessary under the particular circumstances" of their case. *Id.* at 1203. Applying that standard, our Court found that the appellants in that case ─ two sets of domestic partners who could not legally marry at the time, and, thus, could not rely upon the stepparent exception to the relinquishment requirement under Section 2903 ─ were entitled to have the opportunity to demonstrate in an evidentiary hearing that the purpose of the relinquishment requirement under Section 2711(d) was fulfilled or unnecessary under their particular circumstances.

We again visited Section 2901's "cause shown" language in *M.R.D.*, wherein a mother petitioned to involuntarily terminate the father's parental rights over their child while seeking to retain her own parental rights, but offering her father, the child's grandfather, as the adoptive resource. Reaffirming that Section 2901 gives "the trial court the discretion to grant an adoption petition in circumstances where, as in [*R.B.F.*], the party seeking adoption is *unable* to meet the statutory requirements for adoption, but has *demonstrated cause* for his or her noncompliance with those requirements," *M.R.D.*, 145 A.3d at 1121 (emphasis added), we found that the mother was unable to demonstrate cause under the circumstances of her case. Indeed, while it was clear that the mother and her father could not legally marry, and, thus, could not meet the statutory requirements for adoption, we held that they could not establish that the purpose of the relinquishment requirement under Section 2711(d) would be otherwise fulfilled or unnecessary because the mother and the child's grandfather were not part of an "intact

family unit." *Id.*at 1128. Thus, we held that they did not satisfy the "cause" exception under Section 2901.

As the above cases illustrate, to satisfy the cause exception to relinquishment under Section 2901 two things must be established. A party must first show why he or she cannot meet the statutory requirements for adoption. This is consistent with the plain language of the statute, which provides that, "[u]nless the court for cause shown determines otherwise, no decree of adoption shall be entered *unless . . . all other legal requirements have been met*." 23 Pa.C.S. § 2901 (emphasis added). In both *R.B.F.* and *M.R.D.*, the parties seeking to adopt were legally unable to marry and, thus, could not satisfy the Act's marriage requirement. Upon this showing, the party may *then* appeal to the court's discretion by demonstrating with clear and convincing evidence why the purpose of Section 2711(d) would nevertheless be fulfilled or unnecessary in their case, despite the parties' inability to fulfill the statutory requirements.

Here, in claiming that she has established cause under Section 2901 because the proposed adoption by Partner will facilitate a new parent-child relationship between Partner and Child, Mother puts the proverbial cart before the horse: before she may demonstrate that the proposed adoption satisfies the purpose underlying Section 2711(d), she must, as an initial matter, explain why she is *unable* to meet the statutory requirements for adoption. Indeed, while our Court's analysis in *R.B.F.* and *M.R.D.* centered more directly on the second portion of the inquiry — *i.e.*, whether the parties could establish that the proposed adoptions in those cases rendered the relinquishment requirement under Section 2711(d) unnecessary — that was because there was no question that the domestic partners in *R.B.F.*, and the mother and grandfather in *M.R.D.*, were legally prohibited from marrying and, thus, could not satisfy the statutory requirements for adoption. By contrast, although Mother concedes that she and Partner

do not satisfy the statutory requirements for adoption in this case because they do not intend to marry at this time, she does not allege any legal impediment preventing her and Partner from doing so, and, as noted, the orphans' court made no inquiry on this subject.

Interpreting Section 2901 so as to require Mother to demonstrate first why she is unable to meet the statutory requirements for adoption ─ in this case, the spousal requirement ─ is consistent with our principles of statutory construction, which require us to construe every statute "if possible, to give effect to all of its provisions." 1 Pa.C.S. § 1921(a). Indeed, we may not "ignore the language of a statute, nor may we deem any language to be superfluous." *Bd. of Revision of Taxes, City of Philadelphia v. City of Philadelphia*, 4 A.3d 610, 622 (Pa. 2010); *see also* 1 Pa.C.S. § 1922(2). Permitting a parent, such as Mother, to simply waive the relinquishment requirement in circumstances where she offers her long-term partner as an adoptive resource, but does not first demonstrate why they cannot marry, would allow the "cause shown" exception to swallow the rule, as that parent could proceed with the adoption even if there were no legal impediment to marrying the prospective adoptive parent, rendering the spousal requirements effectively optional, and the stepparent exception to relinquishment under Section 2903 largely unnecessary.

Critically, however, the General Assembly did not intend for the spousal requirement for adoption to be merely aspirational. To the contrary, the relinquishment requirement was designed to promote the General Assembly's clear goal of promoting adoptions by a spouse, in the context of an intact marriage. As then-Justice, later Chief Justice, Baer aptly articulated in *M.R.D.*, this goal is "rooted in the belief that children benefit from permanency," the best indicator of which "is to have children parented by two parents in a permanent relationship ─ a marriage." *M.R.D.*, 145 A.3d at 1131-32 (Baer, J., concurring).

Moreover, as a practical matter, excusing the relinquishment requirement and allowing the adoption to proceed without first requiring Mother to demonstrate why she and Partner are unable to marry could lead to abuse by spiteful parents seeking to terminate the rights of unwanted parents, a scenario we cautioned against in *M.R.D.* *See id.* at 1129 (warning about the potential for misuse in adoption proceedings "by spiteful parents as a means to involuntarily terminate the rights of unwanted parents, potentially allowing grandparents, cousins, pastors, coaches, and a litany of other individuals who have a close relationship with a child to stand in as prospective adoptive parents so that termination may be achieved."). In addition, broadly excusing the relinquishment requirement for non-stepparent adoptions would distort the operation of Section 5326, which, as noted, terminates the custody rights of grandparents (and great-grandparents) over their grandchildren where the proposed adoption is by an individual other than a stepparent.[5]

We recognize that the relinquishment requirement for adoption and termination of another parent's rights over a child may be seen by some as anachronistic in this day and age, particularly given the changing notion of what it means to be "family." No longer is society's concept of family limited to a mother, father, and their children, as was commonplace at the time the Adoption Act was originally enacted. Today, it is not unusual to see multigenerational families, single-parent families, or, as here, families where the parents are live-in partners, rather than spouses. Moreover, our Court is sensitive to the plight of single parents who receive no assistance or benefit from an absent parent, but are precluded from seeking termination of the rights of that parent because they do not have a spouse. Nevertheless, regardless of the wisdom of the spousal and

[5] *See supra* note 2.

relinquishment requirements, the General Assembly has not revisited these provisions, and they remain the law.

Accordingly, we find that, in order to seek termination of Father's parental rights and the proposed adoption by Partner under Section 2901, Mother must demonstrate cause as to why she cannot satisfy the statutory requirement, *i.e.*, why she and Partner cannot marry, and then establish why the relinquishment requirement under Section 2711(d) is satisfied under the facts of her case. As the orphans' court precipitously terminated Father's parental rights without first evaluating whether Mother established cause under Section 2901, and given that Mother has not provided evidence pertaining to this "cause" analysis, we affirm the Superior Court's order remanding to the orphans' court for consideration of whether Mother may establish cause, as we have defined it in this opinion, to excuse the relinquishment requirement under the facts of this case.

Jurisdiction relinquished.

Justices Donohue, Dougherty, Mundy and Brobson join the opinion.

Justice Wecht files a concurring and dissenting opinion.