

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN THE INTEREST OF: A.C.F., A MINOR

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: R.F., MOTHER

No. 1283 MDA 2013

Appeal from the Order entered June 17, 2013,
in the Court of Common Pleas of Lancaster County, Orphans'
Court, at No(s): 2109 of 2012

IN THE INTEREST OF: B.T.F., A MINOR

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: R.F., MOTHER

No. 1284 MDA 2013

Appeal from the Order entered June 17, 2013,
in the Court of Common Pleas of Lancaster County, Orphans'
Court, at No(s): 2110 of 2012

BEFORE: ALLEN, LAZARUS, and FITZGERALD,* JJ.

JUDGMENT ORDER PER CURIAM:

FILED DECEMBER 18, 2013

JUDGMENT ORDER

Appellant, R.F. ("Mother"), appeals from the order dated June 17, 2013, granting the petition filed by Lancaster County Children and Youth Services ("CYS"), which sought to involuntarily terminate Mother's parental rights to A.C.F. and B.T.F. (collectively "the Children"), pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), (8), and (b). In her Pa.R.A.P. 1925(b) Concise Statement of Errors Complained of on Appeal, Mother raises the following issue for our review:

1. Was not the evidence insufficient to support the termination of the mother's parental rights under 23 Pa.C.S.A section 2511 when Mother had substantially complied with her family services plan and had rectified any purported incapacity, neglect, or refusal necessary for essential parental care and

when [CYS] failed to clearly and convincingly establish that the termination of Mother's parental rights is in the best interests of the Children?

Mother's Brief at 6.

The trial court did not perform any section 2511(b) analysis in its order terminating parental rights or in its opinion.

The party seeking termination must prove by clear and convincing evidence that the parent's conduct satisfies the statutory grounds for termination delineated in Section 2511(a). Only after determining that the parent's conduct warrants termination of his or her parental rights must the court engage in the second part of the analysis: determination of the needs and welfare of the child under the standard of best interests of the child. Although a needs and welfare analysis is mandated by the statute, it is distinct from and not relevant to a determination of whether the parent's conduct justifies termination of parental rights under the statute.

In re C.L.G., 956 A.2d 999, 1013-14 (Pa. Super. 2008) (*en banc*).

Given the foregoing, we are constrained to reverse and remand this matter to give the parties an expedited opportunity to present further testimony regarding section 2511**(b)** and the emotional bonds between Mother and the children, and the effect termination of Mother's parental rights would have on them. Subsequent to such hearing, the trial court shall conduct an analysis regarding this issue.

Appeal remanded, with directions to the trial court to file, within thirty (30) days, a supplemental opinion in accordance with this judgment order. Panel jurisdiction retained.