

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

IN RE: S.F., A MINOR : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
:  
APPEAL OF: A.H., BIRTH MOTHER :  
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:  
: No. 1437 WDA 2012

Appeal from the Order entered August 29, 2012  
in the Court of Common Pleas of Allegheny County,  
Orphans' Court Division, at TPR No. 164 of 2011

IN RE: K.H., A MINOR : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
:  
APPEAL OF: A.H., BIRTH MOTHER :  
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: No. 1438 WDA 2012

Appeal from the Order entered August 29, 2012  
in the Court of Common Pleas of Allegheny County,  
Orphans' Court Division, at TPR No. 163 of 2011

IN RE: A.F., A MINOR : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
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APPEAL OF: A.H., BIRTH MOTHER :  
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: No. 1440 WDA 2012

Appeal from the Order entered August 29, 2012  
in the Court of Common Pleas of Allegheny County,  
Orphans' Court Division, at TPR No. 161 of 2011

BEFORE: DONOHUE, MUNDY, and PLATT\*, JJ.

\* Retired Senior Judge assigned to the Superior Court.

MEMORANDUM BY PLATT, J.:

Filed: April 16, 2013

In these consolidated cases, A.H. (Mother) appeals from the orders dated and entered August 29 and 30, 2012,<sup>1</sup> granting the petitions of the Allegheny County Office of Children, Youth and Families (OCYF) for the involuntary termination of her parental rights to her three female children, K.H., S.F., and A.F.<sup>2</sup> (Children), pursuant to section 2511(a)(2), (5), (8), and (b) of the Adoption Act, 23 Pa.C.S.A. § 2511(a)(2), (5), (8), and (b).<sup>3</sup> We affirm.

K.H. was born in December of 2005; S.F. was born in February of 2007; and A.F. was born in April of 2009. Mother also has two other male children who are not subjects of this appeal: H.H., born in March of 2003, and C.F., born in February of 2008.<sup>4</sup>

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<sup>1</sup> The trial court's docket reflects that the trial court entered two of the orders on its docket on August 29, 2012, and the third on August 30, 2012. Although we are unable to determine from the record which order was entered August 30, 2012, there is no dispute by any party as to whether any of the appeals were timely filed.

<sup>2</sup> The trial court also refers to the child A.F. as A.H.

<sup>3</sup> On August 29, 2012, the trial court involuntarily terminated the parental rights of C.F., IV, the father of S.F. and A.F., to those children. (**See** Trial Court Opinion, 11/06/12, at 1 n.2). On that same date, the trial court terminated the parental rights of B.S., the alleged father of K.H., to that child. (**Id.**). None of the fathers or the alleged father have filed an appeal, nor are any of them a party to this appeal.

<sup>4</sup> K.T. a/k/a K.P., is the alleged father of H.H., and C.F., IV, is the father of C.F. (**See** Trial Ct. Op., 11/06/12, n.1). The trial court noted that it also ordered the involuntary termination of Mother's parental rights to C.F. and

On December 13, 2011, OCYF filed petitions seeking to terminate Mother's parental rights to the Children. The trial court held an evidentiary hearing on the petitions on August 29, 2012. At the hearing, OCYF presented the testimony of psychologist, Patricia Pepe, Ph.D.; and OCYF caseworker, Elizabeth Reiter. C.F., IV, testified on his own behalf.

The trial court made the following findings of fact, in pertinent part, from the testimony and evidence admitted at the hearing.

[O]CYF has been involved with this family since December 18, 2003, when [H.H.] was 9 months old. The agency received a report concerning neglect of [H.H.]. Specifically it was alleged that [M]other (who was sixteen years old) did not have diapers or enough food for her child and was watering down the baby's formula. After an investigation, the case was closed at the end of January 2004. On July 29, 2005, the agency received a report that [M]other's live-in paramour, [B.S.,] had an active warrant for sexual abuse of a child and that [H.H.] was at risk. Mother was pregnant with [K.H.] at the time. Mother made [B.S.] leave her home and the case was closed on August 2, 2005, [sic] On June 12, 2008, 911 was called to the family home because [S.F.] had a seizure. When EMS arrived, they found the home to be deplorable and made a report to the agency. [O]CYF offered services and the case was closed on June 19, 2008. Three months later on September 9, 2008, the agency received a report that the house and the children were filthy, that seven-month-old [C.F.] was "emaciated", that there was domestic violence in the home, and the home smelled like "weed". Mother was pregnant with [A.F.] at the time. The case was closed on September 15, 2008. On November 17, 2008, the agency received another report concerning [C.F.'s] weight and that the home was deplorable. There were also reports that the children were being left home alone. [O]CYF formally opened a case on January 6, 2009 and services were put into place. The agency also found that [H.H.] had a lice problem and was behind on his immunizations. [H.H.] had also missed 34 days of school.

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H.H.; Mother filed appeals in those cases, too, but discontinued them on October 16, 2012. (*See id.*).

On March 30, 2009, [H.H.] was found alone, outside of the family home. He was filthy. The agency continued services with the family and the case was closed on August 24, 2009.

On June 22, 2010, [OCYF] became involved with this family when the agency received a report that there had been no water in the family home for a month and that the children were dirty and that the home was dirty.

OCYF contacted McKeesport Police and requested a welfare check of the home. Officer Vernon Andrews reported that he went to the residence and the home was deplorable; filthy furniture and beds; filthy floors; dirty, unsanitary bathroom, including a feces[-]filled toilet; [and a] filthy stove, refrigerator, and kitchen cabinets. The McKeesport [P]olice took protective custody of the children and contacted OCYF to have the children taken to the hospital for intake physicals and to be placed into foster care. Upon completion of the physicals, it was discovered that the children had head lice and scabies. The children were removed from the care of their parents and placed into foster care.

OCYF filed petitions for dependency as to all of the children. The children were subsequently adjudicated dependent on August 10, 2010. The children have remained in care since their removal on June 22, 2010.

(Trial Court Findings of Fact, 9/7/12, at ¶¶ 3-6) (paragraphs and page numbering omitted). In support of its adjudication of dependency on August 10, 2010, the trial court entered findings of fact, which found, *inter alia*, that all of the children were developmentally delayed. (***See id.*** at 3 ¶ 8.a; ***see also*** N.T. Hearing, 8/29/12, at 108-12).

Based on the testimony at the hearing on the termination petitions, the trial court also found the following:

After the children came into care, they were re-infected by lice after visitation with the parents. Mother was subsequently treated for lice.

The primary family service plan (FSP) goals for [M]other and [C.F., IV] ([F]ather) are mental health stability, addressing domestic violence, sobriety, learning to meet the children's medical and educational needs, understanding the developmental needs of the children, having age appropriate expectations for the children, [and] continuing and developing a bond with the children through regular contact and visitation.

(Trial Court Findings of Fact, 9/07/12, at ¶¶ 10-11) (paragraphs and numbering omitted).

At the hearing on the termination petitions, Ms. Reiter testified that Mother had not reached her FSP goal of eliminating verbal and physical abuse, because she remains in the relationship with C.F., IV, or in a similar relationship. (**See** N.T., hearing, 8/29/12, at 119-120). Ms. Reiter stated that Mother believes that the Children's developmental delays and mental health issues were a result of foster care. (**Id.** at 120-121). Ms. Reiter testified that Mother did complete her FSP goal of completing a parenting class or showing an understanding of the Children's developmental delays. (**Id.** at 127). Ms. Reiter also testified that Mother had not completed her goal of stabilizing her mental health problems. (**Id.**). Although Mother was enrolled in treatment at Mon Yough Community Services between January of 2011 and May of 2012, she attended only eight individual therapy sessions, and did not complete the goal. (**Id.** at 128-29). Additionally, Ms. Reiter testified that, although Mother had completed a class in parenting at Arsenal, during visits, she did not demonstrate an understanding of how to parent the Children. (**Id.** at 131).

The record shows that, between September of 2010 and July of 2012, Dr. Pepe completed thirty-three evaluations in this case, including individual evaluations of the Children, Mother, and C.F., IV; interactional evaluations of the Children with Mother and C.F., IV; and interactional evaluations of the Children and their foster parents. (**See** Trial Court Findings of Fact, 9/07/12, at ¶ 23). The record also shows that Dr. Pepe diagnosed all three of the Children with post-traumatic stress disorder from their parental home. (**See id.** at ¶¶ 24-25, 26-27, 33-36).

Dr. Pepe conducted an interactional evaluation of Mother with the Children on April 25, 2012. (**See** N.T. Hearing, 8/29/12, at 55). Dr. Pepe testified that Mother lacks the capacity to parent the Children. (**See id.** at 37-38). Mother could not meet their daily needs and developmental expectations because of her lack of structure and resources, which led to her leaving the Children on their own. (**Id.**).

Further, Dr. Pepe testified that the Children have always been exposed to “pathogenic” care by Mother and C.F., IV. (**Id.** at 38). For instance, Dr. Pepe stated that K.H. had related that she had observed her father shoot the family dog, and that she is afraid that her father would shoot her. (**Id.** at 13). Additionally, Dr. Pepe testified that K.H. had told her that she had to take a gun away from her younger sister, S.F., and put it in her father’s drawer. (**Id.**) at 13. Dr. Pepe opined that K.H. has “parentifying dynamics” issues (having to act in the capacity of a parent to her siblings); that she

was physically aggressive toward S.F. in their foster home; and that A.F. was mimicking K.H.'s behaviors. (*Id.* at 13-14).

Dr. Pepe stated that Mother needed to provide more structure in providing instruction to the children and required outpatient psychotherapy and other treatment to improve her parental capacity, but had failed to obtain them. (*See id.* at 15-19).

The evidence demonstrated that OCYF offered parenting resources and mental health care to Mother, but she did not consistently make use of them. (*Id.* at 56). Dr. Pepe testified that Mother needs to make changes to keep the Children safe and make them a priority in her life. (*Id.* at 56-57). She opined that Mother would have to engage consistently in her mental health care. (*Id.* at 56). Dr. Pepe also testified that, based on her clinical observation of Mother on May 30, 2012, Mother was in denial, blaming the foster parents for the Children's issues. (*Id.* at 60-61). Dr. Pepe's prognosis for Mother's capacity to parent was "guarded." (*Id.* at 61-62). Dr. Pepe testified that Mother did not appear to have benefitted from her parenting program and lacked the stability to parent on her own. (*Id.* at 57, 62).

Dr. Pepe also testified that her evaluation on December 14, 2011 showed that K.H. and S.F. were happy in their pre-adoptive foster home, and that their foster parents provided good care and had excellent parenting skills. (*Id.* at 40-42). Dr. Pepe testified that, if K.H. and S.F. were removed

from their foster home, they would experience developmental regression, psychological/behavioral problems, lack of stability, and confusion because of their positive attachment to their foster parents. (*Id.* at 59-60).

Dr. Pepe found from her evaluation of A.F. on April 2, 2012, that A.F. was having behavior problems in her foster home. (*Id.* at 42-43). Dr. Pepe believed that A.F.'s aggressive behavior mimicked the behavior of K.H. toward her when A.F. was very young, and was a result of post-traumatic stress. (*Id.* at 42-44). Dr. Pepe also testified that A.F.'s foster parents understood the seriousness of the child's behaviors, and A.F. had an emotional primary, positive attachment with them. (*Id.* at 51-52). Dr. Pepe stated that A.F.'s foster parents exhibited excellent parenting skills and a positive, permanent attachment to her. (*Id.* at 52). Dr. Pepe opined that the removal of A.F. from her foster parents would have a devastating effect on her. (*Id.*).

Dr. Pepe found that the Children continue to have some attachment to Mother, but it was a "pathogenic" attachment, reflective of a toxic relationship between Mother and C.F., IV. (*Id.* at 37, 63). Dr. Pepe testified that the Children had been able to make a healthy detachment from Mother and a healthy attachment to their foster parents' homes. (*Id.* at 64). Dr. Pepe opined that it would be in the best interests of the Children to remain in their foster homes, and be adopted. (*Id.*).



Based on the testimony and reports of Dr. Pepe with regard to Mother, the trial court found the following:

Mother is diagnosed with: Axis I: Major Depressive Disorder; Axis II: Dependent Personality Disorder; Axis III: Obesity. In general, it seems that [M]other doesn't believe that there were ever any fundamental problems. Consequently, there is not a necessity to make any significant life changes. This is obviously problematic as there would be a higher likelihood that the previous dysfunctional family dynamics, circumstances and interaction would likely reoccur because essentially there are no reasons to change. Consequently, it does not appear as if [Mother] has addressed her family service plan goals to the point where she would exhibit the individual stability and parental responsibility to once again parent her children. Consequently, reunification does not present as a viable plan.

(Trial Court Findings of Fact, 9/07/12, at ¶ 37) (paragraphs and numbering omitted).

Based on the testimony of Dr. Pepe, the trial court also found the following.

The older children still have a bond with the parents. However, given the "pathogenic and toxic" bond and relationship with the parents, it is in the best interest for the children to remain in their current placements permanently. Removal from their foster homes (enriched environments) would be harmful and would likely cause regression.

(*Id.* at 8 ¶ 39).

On August 29, 2012, the trial court terminated Mother's parental rights with regard to the Children. On September 19, 2012, Mother timely filed notices of appeal from the termination orders, along with Concise

Statements of Errors Complained of on Appeal, pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b). We consolidated the appeals on October 9, 2012.

On appeal, Mother raises the single following issue for our review:

Did the trial court err in finding that CYF presented clear and convincing evidence that involuntary termination of Mother's parental rights would best meet the developmental, physical and emotional needs and welfare of the children?

(Mother's Brief, at 9).

In reviewing an appeal from the termination of parental rights, we review the appeal in accordance with the following standard.

[A]ppellate courts must apply an abuse of discretion standard when considering a trial court's determination of a petition for termination of parental rights. As in dependency cases, our standard of review requires an appellate court to accept the findings of fact and credibility determinations of the trial court if they are supported by the record. *In re: R.J.T.*, 608 Pa. 9, 9 A.3d 1179, 1190 (Pa. 2010). If the factual findings are supported, appellate courts review to determine if the trial court made an error of law or abused its discretion. *Id.*; *R.I.S.*, [\_\_\_ Pa. \_\_\_, \_\_\_, 36 A.3d 567, 572 (Pa. 2011) (plurality opinion)]. As has been often stated, an abuse of discretion does not result merely because the reviewing court might have reached a different conclusion. *Id.*; *see also Samuel Bassett v. Kia Motors America, Inc.*, [\_\_\_ Pa. \_\_\_], 34 A.3d 1, 51 (Pa. 2011); *Christianson v. Ely*, [575 Pa. 647, 654-655], 838 A.2d 630, 634 (Pa. 2003). Instead, a decision may be reversed for an abuse of discretion only upon demonstration of manifest unreasonableness, partiality, prejudice, bias, or ill-will. *Id.*

As we discussed in *R.J.T.*, there are clear reasons for applying an abuse of discretion standard of review in these cases. We observed that, unlike trial courts, appellate courts are not equipped to make the fact-specific determinations on a cold record, where the trial judges are observing the parties during the relevant hearing and often presiding over numerous other hearings regarding the child and parents. *R.J.T.*, [608 Pa. at 28-30], 9 A.3d at 1190. Therefore, even where the facts could

support an opposite result, as is often the case in dependency and termination cases, an appellate court must resist the urge to second guess the trial court and impose its own credibility determinations and judgment; instead 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. ***In re Adoption of Atencio***, [539 Pa. 161, 165,] 650 A.2d 1064, 1066 (Pa. 1994).

***In re Adoption of S.P.***, 47 A.3d 817, 826-27 (Pa. 2012).

The burden is on the petitioner to prove by clear and convincing evidence that the asserted grounds for seeking the termination of parental rights are valid. ***In re R.N.J.***, 985 A.2d 273, 276 (Pa. Super. 2009).

Moreover, we have explained that:

[t]he standard of clear and convincing evidence is defined as testimony that is so "clear, direct, weighty and convincing as to enable the trier of fact to come to a clear conviction, without hesitance, of the truth of the precise facts in issue."

***Id.*** (quoting ***In re J.L.C.***, 837 A.2d 1247, 1251 (Pa. Super. 2003)).

Section 2511 provides, in relevant part, as follows.

**§ 2511. Grounds for involuntary termination**

**(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:

\* \* \*

(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.

\* \* \*

**(b) Other considerations.**—The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent. With respect to any petition filed pursuant to subsection (a)(1), (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition.

23 Pa.C.S.A. § 2511(a)(2), (b).

We observe that the trial court granted the petition to terminate Mother's parental rights under sections 2511(a) and (b), but she challenges only the termination under section 2511(b). Thus, she has waived any challenge to termination under section 2511(a). *See Krebs v. United Ref. Co.*, 893 A.2d 776, 797 (Pa. Super. 2006), in which we stated, "[w]e will not ordinarily consider any issue if it has not been set forth in or suggested by an appellate brief's statement of questions involved, Pa.R.A.P. 2116(a). . . ."

We would, nevertheless, find that the trial court's decision to terminate Mother's parental rights under section 2511(a)(2) is supported by the competent evidence in the record. *See In re C.L.G.*, 956 A.2d 999, 1009 (Pa. Super. 2008) (*en banc*) (stating that, on review of a termination of parental rights, only after we ascertain whether the termination was proper

under section 2511(a) should we review the termination pursuant to section 2511(b)).<sup>5</sup>

Our Supreme Court has explained our inquiry under section 2511(a)(2) as follows:

As stated above, § 2511(a)(2) provides statutory grounds for termination of parental rights where it is demonstrated by clear and convincing evidence that “[t]he 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.” [].

This Court has addressed incapacity sufficient for termination under § 2511(a)(2):

A decision to terminate parental rights, never to be made lightly or without a sense of compassion for the parent, can seldom be more difficult than when termination is based upon parental incapacity. The legislature, however, in enacting the 1970 Adoption Act, concluded that a parent who is incapable of performing parental duties is just as parentally unfit as one who refuses to perform the duties.

***In re Adoption of J.J.***, 515 A.2d 883, 891 (Pa. 1986) (*quoting In re: William L.*, 383 A.2d 1228, 1239 (Pa. 1978).

***In re Adoption of S.P.***, *supra* at 827.

The trial court made the following findings of fact under section 2511(a)(2):

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<sup>5</sup> This Court may affirm the trial court’s decision regarding the termination of parental rights with regard to any one subsection of section 2511(a). **See *In re B.L.W.***, 843 A.2d 380, 384 (Pa. Super. 2004) (*en banc*), *appeal denied*, 863 A.2d 1141 (Pa. 2004).

Mother and [F]ather have achieved sobriety. For the most part, they have visited their children. Mother has housing at this time.

However, neither [M]other nor [F]ather has achieved mental health stability or addressed domestic violence. [O]CYF offered the parents many services to address these issues. Neither is currently participating in mental health treatment and neither has sufficiently addressed domestic violence. Dr. Pepe continues to recommend mental health therapy and domestic violence counseling. See findings re Dr. Pepe's testimony, below.

The children have many special needs. When they came into care, the children had behavioral issues and developmental [sic] delays. All of the children have improved significantly in both behavior and development in the enriched environments of their foster homes. While they have made a lot of progress and improvement, they still have significant issues that need to be addressed. Their respective foster parents are attending to their special needs in an appropriate way.

Neither [M]other nor [F]ather seems to understand the need for continued mental health treatment. They tend to minimize the severity of the domestic violence or the impact that it has had on their children. Both tend to blame others for the reasons that the children were removed and why they remain in care.

(Trial Court Findings of Fact, 9/07/12, at ¶¶ 12-15) (paragraphs and numbering omitted).

Had Mother not waived any challenge to section 2511(a)(2), we would conclude that the trial court's credibility and weight determinations with regard to section 2511(a)(2) are supported by competent evidence in the record. ***See In re S.P., supra*** at 826-27.

Next, we address section 2511(b) of the Adoption Act. In reviewing the evidence in support of termination under section 2511(b), we consider

whether termination of parental rights would best serve the developmental, physical and emotional needs and welfare of the child. ***See In Re C.M.S.***, 884 A.2d 1284, 1286-1287 (Pa. Super. 2005), *appeal denied sub nom. C.M.S. v. D.E.H., Jr.*, 897 A.2d 1183 (Pa. 2006).

Intangibles such as love, comfort, security, and stability are involved in the inquiry into the needs and welfare of the child. The court 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.*** at 1287 (citations omitted).

Based on the testimony and reports of Dr. Pepe, the trial court made the following findings of fact.

[K.H.] continues to exhibit some very disconcerting behaviors, specifically that she is cruel to animals, is physically aggressive, she bullies other children and she is very hurtful towards her younger sister, [S.F.]. Her behaviors have dramatically impacted her functioning in various areas including school, community, and home and[,] consequently, someone with experience in trauma based treatment is needed for psychotherapeutic services. [K.H.] is clearly a child that is in trouble. She exhibits multiple symptoms of Reactive Attachment Disorder and in fact seems very disconnected from her behavioral functioning at times.

\* \* \*

[S.F.] is exhibiting positive functioning. She is now exhibiting symptoms of posttraumatic stress disorder including nightmares and intrusive thoughts and what appear to be flashbacks. She does express feeling safe in her current home and very distinctly expressed that now that she lives with [Ms. C.Z.], she feels safe because she has a lamp but previously she was afraid. [S.F.] has exhibited improved developmental functioning and quite clearly it does present to be in her best psychological interest to remain in her current home on a permanent basis. It is anticipated that as [S.F.] remains in

therapy and if she is able to remain in her current home that she views as providing safety and nurturance, she will be able to continue to express symptoms related to posttraumatic stress disorder as well as excessive worries and concern's [sic] in moving toward a more positive psychological future.

\* \* \*

[A.F.] is exceptionally physically aggressive. She often bites, punches, kicks, has attempted to suffocate a child and has bitten her foster brother until he bleeds.

[A.F.] is a very intelligent little girl with an IQ that is in the superior range. She obviously exhibits a close emotional alignment with her foster parents and to move the child at this point would be extremely detrimental to her current and most probably future functioning. If the child is moved, developmental regression would occur as well as increase intensity in maladaptive behaviors including physical aggression. The foster parents are committed to the child and are hopeful to adopt should she become available. Both exhibited individual stability in their individual lives and neither have exhibited maladaptive functioning. During the evaluation, both were very attuned to the toddler[,] and [A.F.] consistently exhibited a positive emotional alignment with her foster parents[,] whom she readily referred to as mommy and daddy. She was clearly and consistently relaxed and comfortable in their presence. [A.F.] is very self-expressive and her foster parents did a very good job in taking an instructional approach. As a result, the child has an excellent vocabulary for her age and was able to identify multiple items including a lion, crocodile[,] and a dinosaur.

[A.F.'s] foster parents were also very encouraging of the child. For example, they would often refer to her as being "beautiful" and as "smart". The child did exhibit multiple bonding behaviors suggesting a primary attachment towards her foster parents and both [foster parents] consistently exhibited excellent parenting skills and do present as a very positive permanent placement resource for the child.

(Trial Court Findings of Fact, 9/07/12, at ¶¶ 25, 27, 34-36) (paragraphs and numbering omitted).



The trial court also found the following facts regarding the bond that the Children have with Mother and with their foster parents.

[K.H.] and [S.F.] are placed in the Every Child foster home of [Mrs. C.H. and Mr. J.H.]. This is a pre-adoptive home. The girls are doing quite well in the care of Mr. and Mrs. [H.]. [K.H.] will enter 1<sup>st</sup> grade at Bon Air [E]lementary School. She receives wraparound services through NISAR [Health] and Human Services. She needs treatment for sexual aggression. The foster mother is looking for an appropriate program. [K.H.] continues to exhibit very concerning behavior surrounding visitation with siblings and in her interactions with other[s]. These include: masturbation, cruelty to animals, and general aggression. [S.F.] also continues to have some behavioral issues, but her behaviors have improved. [S.F.] is enrolled in play therapy.

[K.H.] and [S.F.] like their foster home and feel safe. They are developing a stronger bond with their foster parents.

[A.F.] is placed in the Families United Network foster home of [Ms. C.Z. and Mr. D.T.]. She is doing well in this home. [A.F.] has been having some behavioral issues such as: tantrums, clinging to [Ms. Z.], and aggression. [A.F.] receives services through Southwestern Human Services. [A.F.] is happy in her foster home. Her primary bond is with her foster parents.

Mother has moved to a new apartment. She states that she is separated from [F]ather and that they have minimal contact with each other. Based, in part, upon information on Facebook, the agency still has concerns that [M]other and [F]ather continue to have contact and a relationship.

(*Id.* at ¶¶ 19-22) (paragraphs and numbering omitted).

Mother asserts that she loves the Children and desires to parent them, and that the Children have a bond with her. (**See** Mother's Brief, at 17, 19). She notes that the behavior of the Children is violent and disturbing even though the trial court found that the Children are doing well in their foster

homes. Mother claims that the trial court lacked evidence to support the finding that their behavioral issues are related to the care of their birth parents, rather than the foster parents. (*See id.* at 18).

The trial court found the following:

Based upon the length of time that the children have been in care and the time that the parents have had to remedy the conditions, along with Dr. Pepe's opinion that the prognosis for change is guarded, at best, [the trial court found] that the parents will not remedy the conditions that led to the placement of their children within a reasonable period of time, if ever.

Specifically, these children came into care due to deplorable housing, severe neglect and domestic violence. Both [M]other and [F]ather have mental health needs that have not been addressed. At this time they do not possess the stability to care for themselves, let alone their children who continue to have many special needs.

There is no doubt that [M]other and [F]ather love their children and desire to parent them. There is doubt, [sic] that the older children still have a connection to their parents. However this connection is not healthy. The children are becoming bonded to their foster parents who are committed to them and who are meeting all of their needs.

The children have made rather remarkable progress in their foster homes. [The trial court found] that removal from [sic] their foster homes, [sic] would likely cause regression and would be harmful to the children.

Clearly termination of parental rights best serves the needs and welfare of all of the children.

(Trial Court Findings of Fact, 9/07/12, at ¶¶ 42-46) (paragraphs and numbering omitted).

The trial court based its findings on the testimony and reports of Dr. Pepe. Regarding the bond between the Children and Mother, Dr. Pepe

testified that she observed that the Children had a diminished attachment to Mother as their primary and psychological parent. (**See** N.T. Hearing, 8/29/12, at 58). Further, on cross-examination by Mother's counsel, Dr. Pepe testified that A.F., who had been removed from Mother's care at the age of fourteen months, could have been aware of the stress in her parents' household in her infancy. (**Id.** at 65-66). Dr. Pepe further stated that A.F. could express the stress she experienced in her parents' house through her behavior. (**Id.** at 66-67).

On cross-examination by the guardian *ad litem*, Dr. Pepe testified that the Children had initially exhibited developmental delays, but that their functioning had increased while they have been in foster care. (**Id.** at 81-82). Dr. Pepe opined that when Mother left the Children alone, there would have been a resulting negative psychological impact on them. (**Id.** at 87).

Additionally, the trial court found that Mother's parental incapacity led to the placement of the Children in foster care at young ages. This Court has observed that no bond worth preserving is formed between a child and a natural parent where the child has been in foster care for most of the child's life, and the resulting bond is attenuated. **See *In re K.Z.S.***, 946 A.2d 753, 762, 764 (Pa. Super. 2008).

On careful review of the evidentiary record, we find that the trial court's determinations are supported by competent evidence in the record. We will not disturb the trial court's credibility and weight assessments on

appeal. ***See In re S.P., supra*** at 826-27. Accordingly, we conclude that Mother's argument regarding section 2511(b) does not merit relief, and affirm the trial court's orders.

Orders affirmed.