

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN THE INTEREST OF: S.S., A MINOR,

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: T.C., MOTHER,

Appellant

No. 1798 MDA 2012

Appeal from the Order Entered September 6, 2012
In the Court of Common Pleas of Mifflin County
Orphans' Court at No(s): 6 OF 2012

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IN THE INTEREST OF: K.K., A MINOR,

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: T.C., MOTHER,

Appellant

No. 1799 MDA 2012

Appeal from the Order Entered September 6, 2012
In the Court of Common Pleas of Mifflin County
Orphans' Court at No(s): 7 OF 2012

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IN THE INTEREST OF: A.W., JR., A
MINOR,

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: T.C., MOTHER,

Appellant

No. 1800 MDA 2012

Appeal from the Order Entered September 6, 2012
In the Court of Common Pleas of Mifflin County
Orphans' Court at No(s): 8 OF 2012

BEFORE: STEVENS, P.J., FORD ELLIOTT, P.J.E., and OLSON, J.

MEMORANDUM BY STEVENS, P.J.

Filed: April 26, 2013

T.C. ("Mother") appeals from the orders dated and entered on September 6, 2012, granting the Mifflin County Children and Youth Social Services' ("CYS's" or "Agency's") petition to involuntarily terminate her parental rights to her two female children, S.S., born in May of 1998, K.K., born in September of 1999, and her male child, A.W., Jr., born in June of 2003, (collectively, the "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).¹ We affirm.

On August 23, 2010, the Children were placed in the care of CYS. On September 9, 2010, CYS found that Mother was indicated as a perpetrator of imminent risk of sexual abuse on all of the Children based on her pattern of engaging in romantic relationships with abusive men. N.T., 8/21/12, at 10-

¹ The trial court explained that the father of S.S. and K.K. is J.S, and that the father of A.W., Jr., is A.W., Sr., while the presumptive father of A.W., Jr., is C.K., as he was Mother's husband at the time of A.W., Jr.'s birth. **See** Trial Court Opinion, 9/6/12, at 1-2. On July 3, 2012, the trial court confirmed that the Children's fathers and A.W.'s presumptive father consented to the voluntary relinquishment of their parental rights. **Id.** Neither of the fathers nor the presumptive father is a party to this appeal.

19.² The trial court adjudicated the Children dependent on September 15, 2010, and the trial court granted CYS legal and physical custody at that time. *Id.* On March 28, 2012, CYS filed petitions seeking the termination of Mother's parental rights to the Children. The trial court held a hearing on the petition on August 21, 2012. At the hearing, CYS presented the testimony of Mackenzie Seiler, the CYS Director; David Ray, a psychologist, to whom CYS referred the family, and who testified as an expert; and Nicole Patkalitsky, the caseworker with CYS assigned to the case. Mother testified on her own behalf.

The trial court made its findings of fact regarding the procedural history of the case, and CYS's contact with the family that led to the placement of the Children in foster care, based on the testimony of CYS's director, Mackenzie Seiler.

In order to understand the facts of this case, a history of Mother's relationships since the time of the birth of S.S. is required. Mother married J.S. on June 16, 1998. She separated from J.S. in January of 1999, and she began living with C.K. Mother and J.S. were divorced on July 21, 2000. Eight days later, Mother married C.K. Mother and C.K. separated, and in

² The trial court noted that Mother filed an appeal of CYS's findings with regard to K.K. and A.W., Jr. *See* Trial Court Opinion, 9/6/12, at 3, n.2. Further, the trial court stated that the finding in S.S.'s case is a founded report, as Mother, on March 1, 2011, entered a plea of *nolo contendere* to the charge of endangering the welfare of children regarding S.S. *Id.* The trial court also explained that the Administrative Law Judge with the Department of Welfare upheld the finding that Mother is a perpetrator of child abuse against K.K. and A.W., Jr., and that Mother's appeal of the determination was pending at the time of the trial court's opinion. *Id.*

late 2001, Mother was again living with J.S. At some point in 2002, Mother began living with A.W., Sr. Mother and C.K. were divorced in February of 2004. Mother and A.W., Sr. separated some time in 2007 before August. Mother married M.C. on August 8, 2007. They lived together until October of 2009. A Protection from Abuse Order was entered against M.C. on October 14, 2009 with Mother and the three children listed as the protected persons. At the end of October of 2009, Mother was again living with J.S. Mother testified that they were living together as friends and were not romantically involved in 2009. As of January of 2010, Mother was no longer living with J.S., but began living with A.W., Sr. again in February of 2010. They lived together until August 24, 2010, when A.W., Sr. moved out of Mother's home. At the time of the hearing, Mother was in a relationship with M.S.[,] with whom she currently resides in Muncy, Pennsylvania, though she is still married to M.C. As a result of Mother's relationships in the past, she and the children moved frequently. They moved between Pennsylvania and North Carolina at one point, and they also moved multiple times within Pennsylvania.

. . . The family's contact with Northumberland County Children and Youth Services occurred in November of 2008. At that time and based on statements made by S.S., a sexual abuse investigation on A.W., Sr. occurred, which resulted in a finding indicating him as a perpetrator of sexual abuse against S.S. and K.K. Mifflin County Children and Youth Services['] involvement with the family began in August of 2009. At that time, the Agency's investigation into the statements made by S.S. that she was sexually abused by M.C.[,] not A.W., Sr., resulted in a finding of M.C. to be a perpetrator of sexual abuse. On August 23, 2010, Mother brought S.S. and K.K. to the Agency's office. On that date, S.S. reverted back to her original statements made in 2008 that it was A.W., Sr. who had abused her and not M.C. At this point in time, A.W., Sr. was living with Mother. Mother signed a Voluntary Placement Agreement that same day for all three children. The Agency's investigation of physical abuse perpetrated by A.W., Sr. against all three children was ultimately unfounded because his physical punishments of the children did not rise to the level required for a finding of physical abuse. . . . The children have been placed in their prospective adoptive home since April 4, 2012.

Trial Court Opinion, 9/6/12, at 1-3 (footnote omitted).

The trial court made the following findings of fact from the testimony of Ms. Patkalitsky regarding the Family Service Plan (“FSP”) goals set CYS established for Mother, and Mother’s progress during the Children’s placement.

Mother’s goals were to obtain and maintain a stable living environment, obtain and maintain a stable sour[ce] of income, restart individual counseling with Dr. Benner, continue medication management, attend and complete the Family Resource Program, attend and complete parenting classes and be able to apply the information learned during visits, keep the PFA in place against M.C., and to [sic] cooperate with the Agency. The [trial court] determined that Mother had made minimal progress towards alleviating the circumstances that necessitated the original placement following the January 6, 2011 and June 9, 2011 Permanency Review Hearings. Mother was found to have made moderate progress following the Permanency Review Hearings held on November 3, 2011, and August 21, 2012. Mother was found to have made substantial progress following the April 4, 2012 Permanency review hearing.

Mother now has stable housing with M.S. and receives Social Security Disability benefits. Mother is in counseling with Diakon counseling services in Williamsport and also attends medication management. Mother has also completed parenting classes and programs recommended. Mother did seek to withdraw the PFA in September of 2010, however the [trial court] did not grant Mother’s request as the PFA provides protection for the children against M.C.

Ms. Patkalitsky also testified regarding the visits between the children and Mother. All of Mother’s visits with the children since their placement have been supervised. The supervised visits moved from the Agency’s office to the FICS [Family Intervention Crisis Services] at the end of 2011. These visits are weekly for one hour, and Mother also has weekly telephone calls with the children monitored by their foster parents. Mother has been consistent with attending the visits. Because of transportation problems Mother missed a few visits, but she called the Agency a head [sic] of time to inform them of the problem. Mother brought her current fiancé, M.S., to a few

visits. Ms. Patkalitsky testified that Mother introduced the children to M.S. and told them that he was going to be their new "dad" and to call him "Daddy M[]." (Tr. Proceedings T.P.R. 125.) Mother testified that she did not instruct the children to refer to [M.S.] in that manner but rather the children started calling him that on their own accord.

Trial Court Opinion, 9/6/12, at 3-4.

The trial court made the following findings of fact from the testimony and evaluations and reports of the psychologist, David Ray.

The Agency referred this case to psychologist David Ray for an evaluation as to Mother's psychological functioning, parental capabilities, and an assessment of the bond between Mother and each child. Mr. Ray testified as to this findings [sic] and recommendations. (See also Exhibit P - 1A: Psychological Evaluation.) The testing and interviews performed by Mr. Ray show Mother is of average to low average intelligence. Mother's results on the personality tests administered by Mr. Ray were extremely skewed as to render the results invalid. Mother's high level on the "L scale" was higher than the elevation expected in this type of case. (Tr. Proceedings T.P.R. 40-43 and 83: 6-11.) Mother reported a history of Bi-Polar disorder and Post Traumatic Syndrome Disorder (PTSD) to Mr. Ray. Mother also reported to Mr. Ray that she was raped as a child over a number of years by her half-brother. When Mother told her own mother of this abuse, her mother threatened to put her in foster care if she ever reported her half-brother. (Tr. Proceedings T.P.R. 35: 4-12.)

Mr. Ray's findings indicate that Mother suffers from a Personality Disorder, NOS [("Not Otherwise Specified"),] with narcissistic, histrionic, and borderline traits. Mr. Ray explained in his testimony that Mother has a distinct lack of empathy[,] characteristic of a person with narcissistic traits. Mr. Ray explained that Mother's lack of empathy is a cause of the children's trauma, as she re-exposed her children to abusive men. It is the re-exposure that caused part of psychological trauma to the children. (Tr. Proceedings T.P.R. 62-63.) Also, Mother tends to be overly dramatic as characteristic of a histrionic. Mother has a high level of instability in her life and has a clear fear of abandonment. These two facts are evidence

of her borderline personality traits. (Tr. Proceedings T.P.R. 63-64.) Mr. Ray also found Mother to have Dependent Personality Disorder. Mr. Ray also explained that as a person with a Dependent Personality Disorder, Mother is unable to function independently and requires others to make decisions for her, such as where she should live. (Tr. Proceedings T.P.R. 61-64.)

In addition to Mr. Ray's psychological assessment of Mother, he also assessed the bond each child has with Mother. Each child has his or her own therapist. Mr. Ray interviewed each. Mr. Ray testified that none of the three children have a healthy attachment to Mother. S.S. was found to have an insecure ambivalent attachment with Mother. During Mr. Ray's interview with S.S., the child indicated to Mr. Ray that she was told to lie to the Agency by Mother. S.S. explained to Mr. Ray that Mother instructed her to tell the Agency that A.W. abused her and that M.C. was not the one who had sexually abused her in the past. Mother has consistently denied ever telling S.S. to lie to the Agency. In response to questions from Mr. Ray, S.S. explained that she does not feel safe around Mother. Mr. Ray testified that K.K. has a disorganized attachment to Mother. Mr. Ray noted that K.K. shows signs of significant neglect. Finally, Mr. Ray explained that A.W., Jr. has an avoidant attachment to Mother. According to Mr. Ray's testimony, A.W., Jr.[,] views Mother as unavailable and never felt any closeness with her. In this case, Mr. Ray explained that Mother should not have unsupervised contact with the children. Mr. Ray believes that continuing contact with Mother would be detrimental to the children. Both the children and Mother need years of intensive therapy. Mr. Ray was able to observe the children with their current foster parents/prospective adoptive parents. Mr. Ray found the children to be happy and to have healthy, secure attachments to their foster parents. Mr. Ray noted specifically that A.W., Jr.[,] and his foster father have a particularly close bond. Therefore, Mr. Ray's ultimate conclusion of his bonding assessment is that the benefits of permanency outweigh any detriment of severing their bonds with Mother. (Tr. Proceedings T.P.R. 69-71.)

Trial Court Opinion, 9/6/12, at 4-6.

The trial court made the following findings of fact based on Mother's testimony, and Mr. Ray's evaluation of Mother.

Mother explained that she is in counseling in order to work through the abuse she suffered in the past and her children's placement. [N.T., 8/21/12, at 163-64.] According to Mother, in October of 2011, she was able to realize her role in the placement of her children, though there is no documentation from her counselors that she has finally gained insight into how her actions led to the [C]hildren's placement. (Tr. Proceedings T.P.R. 194-96.) Mr. Ray also reviewed Mother's counseling records when he provided an update to his evaluation. Those records[,] according to Mr. Ray[,] show that Mother is still in denial as to the part she played in their placement and that she has yet to take responsibility for her actions. [*Id.* at 67-68.] Mother testified that she understands that it was her decision to bring abusive men into her children's lives. [*Id.* at 164.] Mother also testified about the visits she has with the [C]hildren. [*Id.* at 175-76.] They play games, and she will bring gifts to the visits for their birthdays. [*Id.* at 178, 181-82.] Mother explained that[,] at times[,] one child (often K.K.) will seek her attention and that it can be difficult at times to give her attention equally to all three during the visits. [*Id.* at 177.] Mother stated that her children "are [her] first priority" and "nothing is [going to come] above them again." (Tr. Proceedings T.P.R. 190: 24-25.)

Trial Court Opinion, 9/6/12, at 6-7.

In orders dated and entered on September 6, 2012, the trial court terminated Mother's parental rights pursuant to section 2511(a)(2), (5), (8), and (b) of the Adoption Act. On October 5, 2012, Mother filed a notice of appeal, along with a Concise Statement of Errors Complained of on Appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b).

Mother raises the following issue:

1. Did the trial court err in finding that there was sufficient, clear and convincing evidence that the termination of Mother's parental rights was in the best interest of the children?

Mother's Brief, at 5.³

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

³ We observe that Mother stated her issue somewhat differently in her Concise Statement of Errors Complained of on Appeal.

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., ___ Pa. ___, ___, 47 A.3d 817, 826-27 (2012).

The burden is upon 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 hesitation, of the truth of the precise facts in issue."

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

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*). Here, we will focus on section 2511(a)(2) and (b).

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.

With regard to Mother's sole issue, we observe that the trial court granted the petition to terminate Mother's parental rights under section 2511(a) and (b), but she challenges only the termination under section 2511(b). Thus, she has waived any challenge to section 2511(a). **See *Krebs v. United Refining 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)).

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., ___ Pa. ___, 47 A.3d at 827.

With regard to the sufficiency of the evidence to terminate Mother’s parental rights to the Children pursuant to section 2511(a)(2), the trial court made the following findings of fact.

The Agency[,] by clear and convincing evidence, established the termination grounds found in § 2511(a)(2) relative to Mother. The record indicates that Mother has consistently placed her children in abusive situations. Mother’s

continual relationships with men who abused her children have led to all three children being traumatized. Not only have the children been exposed to abusive environments, there is also evidence of all three being neglected by Mother. Mother's lack of empathy, her nonexistent protective capacity, and her inability to provide a safe environment for her children show that she is not a competent parent for these children. Accordingly, the court finds grounds to terminate Mother's parental rights pursuant to § 2511(a)(2).

Trial Court Opinion, 9/6/12, at 8.

We would find that the trial court's decision is supported by competent evidence in the record. The psychologist, Mr. Ray, gave his expert opinion that Mother lacks the protective capacity to parent, as she is in complete denial as to how her lifestyle has repeatedly traumatized the Children, and she has poor impulse control and a lack of empathy. N.T., 8/21/12, at 67, 76. As a result of her high dependency needs, Mother has moved her family extensively to maintain and change romantic relationships with little awareness of the effects on her Children. *Id.* at 67. Mr. Ray opined that Mother is a poor candidate for psychotherapy because she is in denial, and that, even with therapeutic services, it would require long-term therapy over years before the Children be around her without supervision. *Id.* at 68.

Accordingly, 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 Adoption of S.P.*, ___ Pa. at ___, 47 A.3d 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).

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 upon the testimony and evaluations of Mr. Ray, the trial court made the following findings of fact.

In this case, the Agency established terminating Mother's parental rights serves the children's best interests. Mr. Ray found that all three children have insecure attachments to Mother, and these attachments to Mother are not beneficial or healthy for the children to maintain. The [c]ourt finds that severing these insecure bonds with mother is in the children's best interests. Maintaining these unhealthy attachments to Mother will negatively impact the children's overall emotional development.

The [trial] court acknowledges that Mother has been to as many visits with the children as she could possibly attend and has been cooperative with the Agency overall. The [c]ourt also does not doubt that Mother loves her children. While Mother now has stable housing and is attending therapy regularly, allowing the children to return to Mother would be detrimental to any progress they have made in therapy. Mother's pattern of putting her needs above the needs of her children has lead [sic] to the children feeling unsafe in their [m]other's care.

As opposed to the children's fear of living with Mother, they have developed strong and healthy parent/child

relationships with their current foster parents. Mother will require years of therapy before she would be able to be an effective parent for her children. Without Mother having the understanding of the impact her actions have on her children, allowing an ongoing relationship with the children would ultimately be to their detriment. Mother's personality disorders prevent her from being able to understand the needs of her children, and will require years more therapy on her part to overcome. Unfortunately, it is not in the best interests of the children to deprive them of a permanent and stable family life for the years it will take Mother to address her issues fully. Therefore, the [c]ourt finds termination of Mother's parental rights serves the children's overall developmental, physical, and emotional needs and welfare.

Trial Court Opinion, 9/6/12, at 22-23.

Mother claims that the trial court did not properly assess the facts of the case because it underestimated the strength of the parent-child bond and the unnecessary, additional trauma that the termination of her parental rights will inflict on the Children. Mother argues that both she and the Children have been diagnosed with post-traumatic stress disorder. Mother asserts, without any support, that the termination of her parental rights would inflict additional trauma on the Children. Mother suggests that the trial court could delay the Children's reunification with her while she and the Children undergo therapy, and while she continues to establish a stable, non-abusive relationship with M.S. Mother argues that the trial court ignored the Children's expressions of love and affection and their desire to live with her. Mother urges that the trial court's decision renders the Children orphans in the emotional sense, and is contrary to their

developmental, physical, and emotional needs and welfare. **See** Mother's Brief, at 15.

In making its determination to terminate Mother's parental rights, the trial court did consider Mother's love for the Children, but it also considered that they feel unsafe in her care. **See** Trial Court Opinion, 9/6/12, at 10. In ***In re B.,N.M.***, 856 A.2d 847, 855 (Pa. Super. 2004), we stated: "a parent's basic constitutional right to the custody and rearing of . . . her child is converted, upon the failure to fulfill . . . her parental duties, to the child's right to have proper parenting and fulfillment of his or her potential in a permanent, healthy, safe environment." ***Id.*** at 856. This Court has stated that a parent's own feelings of love and affection for a child, alone, will not preclude termination of parental rights. **See *In re Z.P.***, 994 A.2d 1108, 1121 (Pa. Super. 2010). To the extent that Mother urges that she loves the Children and should be afforded more time to bond with them, this Court has held: "The court cannot and will not subordinate indefinitely a child's need for permanence and stability to a parent's claims of progress and hope for the future." ***In re Adoption of R.J.S.***, 901 A.2d 502, 513 (Pa. Super. 2006). Thus, we find no abuse of the trial court's discretion.

Additionally, Mother protests that the trial court did not consider the strength of the emotional bonds among the siblings. She also complains that the trial court did not consider whether the siblings could be separated

if the older children, S.S. and K.K., who are more than twelve years old, refuse to consent to their adoption in the future.⁴

In *In re R.N.J.*, 985 A.2d 273 (Pa. Super. 2009), a panel of this Court addressed a situation in which a mother's parental rights to two of her children, R.N.J. and G.J., were involuntarily terminated, and the permanency goals for her two older children, M.J. and B.M.J., were changed to permanent legal custody. R.N.J. and M.J. shared the same foster home, and G.J. and B.M.J. also shared a common foster home. On appeal, the mother argued that DHS had failed to present sufficient evidence for the trial court to determine the needs and welfare of the two children to whom her parental rights had been terminated. The mother contended that friction could develop among the siblings where each of the children to whom her parental rights had been terminated shared a foster home with a child as to whom her parental rights had not been terminated. We held that the trial court had not abused its discretion in concluding that the termination of the mother's parental rights to R.N.J. and G.J. would best serve the children's developmental, physical and emotional needs and welfare, and that the termination of the mother's parental rights was proper. *In re R.N.J.*, 985 A.2d at 279. We stated:

⁴ Mother cites section 2711 of the Adoption Act, 23 Pa.C.S.A. § 2711, for the proposition that the consent of an adoptee over twelve years of age is a requisite for adoption.

The trial court considered each child's situation independently. It found that the children's unique emotional needs and their respective relationships with [m]other compelled DHS to tailor individualized permanency goals that best served each child's needs and welfare.

In re R.N.J., 985 A.2d at 280.

On the basis of ***In re R.N.J.***, we discern no merit to Mother's contentions that the trial court failed to consider the impact of a child's refusal to be adopted and the potential separation of the siblings on their needs and welfare. The trial court conducted a thorough analysis of the needs and welfare of the Children, considering each of the Children's needs uniquely and individually.

Moreover, Mother asserts that the Children's pre-adoptive foster parents, with whom they have been placed since April of 2012, did not testify concerning the emotional bond between them and the Children. Mother suggests that the Children have lived with the pre-adoptive foster parents for such a short period of time that it is reasonable to conclude that no such emotional bond exists.

We observe that, for parental rights to be terminated, there is no requirement that an adoptive parent be in place. ***See In re Adoption of B.J.R.***, 579 A.2d 906, 915 (Pa. Super. 1990) (stating that the fact that the record offers no indication that CYS has found a prospective adoptive family for minor does not serve to bar the involuntary termination of parental rights where such termination is otherwise warranted); 23 Pa.C.S.A. § 2512(b).

Thus, the alleged insufficiency of the evidence concerning the bond between the foster parents and the Children, because the foster parents did not testify, is of no consequence.

Upon careful review of the evidentiary record, we conclude that the trial court's determinations are supported by competent evidence in the record. Mr. Ray opined that Mother cannot provide for the Children's physical or psychological needs. N.T., 8/21/12, at 67, 76. He further opined that, based on the Children's unhealthy attachments to Mother, the benefits to the Children from severing the bonds with Mother would outweigh any detriments. *Id.* at 77-78. Thus, we will not disturb the trial court's credibility and weight assessments on appeal. *See In re Adoption of S.P.*, ___ Pa. at ___, 47 A.3d at 826-827.

The trial court found from competent evidence in the record that Mother lacks the capacity to parent the Children, and that the termination of Mother's parental rights best serves the Children's needs and welfare. Accordingly, we discern no merit to Mother's argument that the trial court abused its discretion in terminating her parental rights. We, therefore, affirm the trial court's orders.

Orders affirmed.