

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

IN RE: ADOPTION OF C.S., A MINOR

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

APPEAL OF: J.S.

No. 107 MDA 2014

Appeal from the Order Dated December 19, 2013  
In the Court of Common Pleas of Northumberland County  
Orphans' Court at No(s): 43 Year of 2013

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MINOR

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No. 108 MDA 2014

Appeal from the Order Dated December 19, 2013  
In the Court of Common Pleas of Northumberland County  
Orphans' Court at No(s): 57 Year of 2012

BEFORE: LAZARUS, J., STABILE, J., and MUSMANNNO, J.

MEMORANDUM BY LAZARUS, J.:

**FILED JULY 02, 2014**

J.S. (Father) appeals from the trial court's order involuntarily terminating his parental rights to his minor son, J.S. (born April 2009) and daughter, C.S. (born April 2012) (collectively "Children"). On appeal, Father contends that Northumberland County Children and Youth Services (CYS) did not prove by clear and convincing evidence that grounds for termination exist and that the best interests of the children would be served by terminating his parental rights. After careful review, we affirm.

J.S. and C.S. were placed into the temporary care and custody of CYS in August 2001 and September 26, 2012, respectively, and ultimately adjudicated dependent as a result of Mother's<sup>1</sup> drug and alcohol abuse, parents' domestic problems, Father's mental health issues, and inappropriate caregiver issues. Children were placed in kinship care with their maternal aunt. Father was ordered to participate in services in order to reunify with Children. Specifically, he was ordered to undergo mental health treatment, parenting classes and relationship counseling.<sup>2</sup> Father refused mental health treatment, stating that he did not have any mental health issues, despite the fact that he has a history of psychiatric hospitalizations due to suicide attempts. Father did attend some counseling at a family center, but did not receive his certificate of completion. C.S. was returned to Father's care in June 2012 for two weeks; C.S. was later returned to kinship care with maternal aunt, after which visits with Father were supervised. Children have been residing together in a foster home since January 2013.<sup>3</sup>

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<sup>1</sup> Mother voluntarily relinquished her parental rights to children and is not a party to this appeal.

<sup>2</sup> Although Mother and Father attended counseling sessions with their pastor, CYS informed the couple that because the pastor was not a licensed therapist she was not a qualified counselor for purposes of complying with the court-ordered service.

<sup>3</sup> J.S. resided in the foster home from August 2011 until December 2011, prior to be transitioned back to kinship care with maternal aunt.

CYS filed termination petitions on November 20, 2012 (for J.S.) and August 14, 2013 (for C.S.); termination hearings were held in September 2013, October 2013 and December 2013. On December 19, 2013, the trial court entered an order involuntarily terminating Father's parental rights to Children under 23 Pa.C.S. §§ 2511(a)(1), (a)(2), (a)(5), (a)(8), and (b). Essentially, the trial court determined that: Father failed to comply with court-ordered services in any meaningful way and refused to acknowledge that he needed services; Father's refusal to cooperate with CYS and receive services interfered with his ability to accomplish any reunification with Children; Children had been removed from Father for at least 12 months;<sup>4</sup> the conditions that led to Children's placement continued to exist; and severing the bond between Father and Children would not have any lasting, detrimental effects on Children.

In a proceeding to terminate parental rights involuntarily, the burden of proof is on the party seeking termination to establish by clear and convincing evidence the existence of grounds for doing so. The 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." It is well established that a court must examine the individual circumstances of each and every case and consider all explanations offered by the parent to determine if the evidence in light of the totality of the circumstances clearly warrants termination.

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<sup>4</sup> At the time the termination petitions were filed, J.S. had been in placement for 24 months and C.S. for 12 months.

***In re adoption of S.M.***, 816 A.2d 1117, 1122 (Pa. Super. 2003) (citation omitted). ***See also In C.P.***, 901 A.2d 516, 520 (Pa. Super. 2006) (party seeking termination of parental rights bears burden of proving by clear and convincing evidence that at least one of eight grounds for termination under 23 Pa.C.S. § 2511(a) exists and that termination promotes emotional needs and welfare of child set forth in 23 Pa.C.S. § 2511(b)).

We review a trial court's decision to involuntarily terminate parental rights for an abuse of discretion or error of law. ***In re A.R.***, 837 A.2d 560, 563 (Pa. Super. 2003). Our scope of review is limited to determining whether the trial court's order is supported by competent evidence. ***Id.***

Father contends that CYS failed to prove that he could not "remedy any existing conditions and causes of incapacity, abuse, neglect or refusal," where he was consistent with visitation, lived in an appropriate home for the children, completed drug and alcohol and family center intakes, participated in a parenting class, and substantially improved his relationship with Mother over the course of Children's placement.

As the trial court notes, Father's continued failure to acknowledge his need for mental health treatment has the detrimental effect of placing the needs and welfare of his children ahead of his own pride. Father has a founded history of psychiatric hospitalizations due to suicide attempts and a long history of criminal behavior. In fact, at the time of the termination hearings, Father was still on probation for possession with intent to deliver. Doctor Kasey Shienvold, a licensed psychologist who clinically evaluated

Father, testified that Father is extremely defensive and paranoid about professionals conspiring in order to keep him away from Children. He appeared highly agitated at his assessment with Dr. Shienvold, demonstrating significant evidence of anger and persecutory thoughts.

CYS caseworkers testified that Father consistently attended his scheduled<sup>5</sup> visits with the children, as well as weekly attending the Pregnancy Care Center<sup>6</sup> for counseling. N.T. Termination Hearing, 9/9/13, at 50, 51. However, Father never successfully completed any parenting classes. Moreover, Father and Mother never completed ordered marriage therapy with a licensed therapist. CYS caseworkers testified that a large number of Father's prescribed pills were missing from his prescription. On one occasion Mother told a caseworker that J.S., who was three-years-old at the time, had thrown a handful of Father's pills down the toilet.

Essentially, the trial court found that the conditions that led to children's removal from the family still exist, namely, significant marriage problems and Father's mental health issues. Based on the evidence of record, we agree with this determination and conclude that CYS proved by clear and convincing evidence that termination is justified under sections

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<sup>5</sup> The visits began as supervised and slowly transitioned to some unsupervised visitation over the course of a few months. In February 2012 they changed to unsupervised weekends. N.T. Termination Hearing, 9/9/13, at 47.

<sup>6</sup> At the time, Mother and Father were expecting another child.

2511(a)(5) and (a)(8). **See *In the Interest of I.E.P.***, 87 A.3d 340 (Pa. Super. 2014) (involuntary termination of father's parental rights to three sons supported by evidence; children had been in agency custody for requisite period of time and father had not met objectives relating to drug and alcohol treatment, housing, and employment); ***In re S.D.T.***, 934 A.2d 703, (Pa. Super. 2007) (parental termination justified under sections 2511(a)(5) and (8) where it was supported by evidence that son had been removed from father's care for more 22 months prior to filing termination petition, conditions that led to that removal (incarceration and substance abuse treatment) continued to exist and it was reasonable to conclude that father was unlikely to remedy those conditions within reasonable period of time).

Father also asserts that because an emotional bond remains between him and Children, CYS failed to prove that it was in the best interests of the Children to terminate his parental rights.

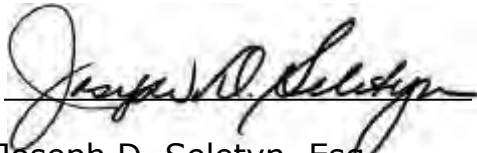
A clinical psychologist testified at the termination hearing that although there was a parental attachment with children and Father, there "really isn't the presence of strong attachments – or strong healthy attachments between the children and their biological parents." N.T. Termination Hearing, 9/9/13, at 26, 41. That same professional also opined that J.S. had a level of "guardedness" with regard to how he expressed affection to Father, which suggested that he did not have as strong an attachment with Father as he does with his foster parents. ***Id.*** at 24. The

doctor testified that based on Father's history of mental health issues, there lacked a strong, healthy attachment between Father and children. **Id.** at 26, 42. Finally, the psychologist opined that there would be no significant risk of long-term effects to the children if parental rights were terminated. **Id.** at 29.

Under such circumstances, we find that there was clear and convincing evidence that termination would meet the emotional needs and welfare of the children under section 2511(b). **See In re K.C.F.**, 928 A.2d 1046 (Pa. Super. 2007).

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 7/2/2014