

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN RE: ADOPTION OF G.X.E.

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: S.M.E., NATURAL FATHER

No. 1537 MDA 2014

Appeal from the Decree Entered August 15, 2014
In the Court of Common Pleas of Franklin County
Orphans' Court at No(s): 6 Adopt 2014

IN RE: ADOPTION OF S.L.E.

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: S.M.E., NATURAL FATHER

No. 1557 MDA 2014

Appeal from the Decree Entered August 15, 2014
In the Court of Common Pleas of Franklin County
Orphans' Court at No(s): 7 Adopt 2014

BEFORE: BENDER, P.J.E., OLSON, J. and OTT, J.

MEMORANDUM BY BENDER, P.J.E.:

FILED FEBRUARY 27, 2015

S.M.E. (Father) appeals from the August 15, 2014 decrees that involuntarily terminated his parental rights to S.L.E. (born in September of 2010) and G.X.E. (born in September of 2011) (Children) pursuant to 23 Pa.C.S. § 2511(a)(1), (2) and (b).¹ We affirm.

M.D. (Mother) filed termination petitions in which she asserted *inter alia* that A.A. (Stepfather), her present husband, wished to adopt the Children. A hearing was held on June 3, 2014, after an attorney was

¹ Father's appeals from the two decrees were consolidated *sua sponte* by order of this Court, dated October 7, 2014.

appointed to represent Father. On August 5, 2014, the court issued two identical opinions setting forth the factual and procedural background of the case, its findings relating to the testimony presented, and its reasons for determining that Father's parental rights should be terminated. On August 15, 2014, the court issued two decrees terminating Father's parental rights to both Children. Father filed timely notices of appeal and concise statements of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i). On October 1, 2014, the court issued two identical opinions pursuant to Rule 1925(a)(2)(ii) in which it addressed the seven issues raised by Father in his concise statements. Essentially, the court relied on its August 5, 2014 opinions, citing to pages in those decision that addressed Father's issues. These appeals are now ripe for review.

In his brief, Father raises the following issues:

I. Did the trial court err in considering testimony excluded from evidence in its opinion and decree terminating Father's rights?

II. Did the trial court err in terminating Father's parental rights under 23 Pa.C.S.A. § 2511(a)(1) and § 2511(a)(2) when Father was incarcerated the entire six-months preceding filing of the Petition, utilized services and programs while incarcerated, attempted to contact the Children through Mother and Mother's family, and whose sentence is not of such a length that his inability to presently care for the [C]hildren cannot be remedied in the near future?

III. Did the trial court err in determining there was sufficient evidence that termination of Father's parental rights would best serve the developmental, physical, and emotional needs and welfare of the Children?

Father's brief at 9.

When considering an appeal from an order involuntarily terminating parental rights, we are guided by the following:

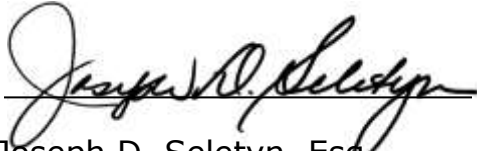
In cases involving termination of parental rights, our scope of review is broad. All of the evidence, as well as the trial court's factual and legal determinations, are to be considered. However, our standard of review is limited to determining whether the order of the trial court is supported by competent evidence, and whether the trial court gave adequate consideration to the effect of such a decree on the welfare of the child. We have always been deferential to the trial court as the fact finder, as the determiner of the credibility of witnesses, and as the sole and final arbiter of all conflicts in the evidence. ***In re S.D.T., Jr.***, 934 A.2d 703, 705-06 (Pa. Super. 2007), *appeal denied*, 597 Pa. 68, 950 A.2d 270 (2008) (citations omitted). The burden of proof in a termination case is on the petitioning party, who must establish valid grounds for termination by clear and convincing evidence.

In re E.M.I., 57 A.3d 1278, 1284 (Pa. Super. 2012) (quoting ***In re J.L.C.***, 837 A.2d 1247, 1251 (Pa. Super. 2003)).

We have reviewed the certified record, the briefs of the parties, the applicable law, and the comprehensive opinions authored by the Honorable Shawn D. Meyers of the 39th Judicial District—Franklin County Branch, issued on August 5, 2014 and October 1, 2014. We conclude that Judge Meyers' thorough, well-reasoned opinions properly dispose of the issues raised by Father. Accordingly, we adopt Judge Meyers' opinions as our own and affirm the decrees appealed from on that basis. Additionally, as requested by the trial court, we remand the cases to the trial court for the limited purpose of correcting the decrees as outlined in Judge Meyers' October 1, 2014 opinions.

Decrees affirmed. Cases remanded. Jurisdiction relinquished.

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: 2/27/2015