

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

IN THE MATTER OF: M.M., A MINOR

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

APPEAL OF: M.T.W., NATURAL FATHER

No. 2154 MDA 2011

Appeal from the Decree Entered November 3, 2011  
In the Court of Common Pleas of Dauphin County  
Orphans' Court at No(s): 9-ADOPT-2011/CP-22-DP-1342-2008

BEFORE: MUNDY, J., OTT, J., and STRASSBURGER, J.\*

MEMORANDUM BY MUNDY, J.:

Filed: February 8, 2013

Appellant, M.T.W. (Father), appeals from the decree dated and entered November 3, 2011, granting the petition of Dauphin County Social Services for Children and Youth (Agency) to involuntarily terminate his parental rights to his male child, M.M., pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), (8), and (b). After careful review, we affirm.

The record reflects that M.M., born in September 2008, has a half-brother, M.I.R.M., born in June 2005, and a half-sister R.M.H., born in

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\* Retired Senior Judge assigned to the Superior Court.

November 2010 (collectively, the Children), who are all the biological children of M.M.'s mother, S.H. (Mother).<sup>1</sup>

The trial court set forth the factual background and procedural history of this case as follows.

[The Agency] became involved with the family in December of 2006 after receiving a referral that another child of Mother's had injuries to his lip and eye. (Petition ¶ 12(A)). The family was accepted for voluntary protective services on January 19, 2007. (N.T. 08/25/11, pg. 13, ln. 1-4).<sup>1</sup>

The subject minor child, [M.M.] was born [in] September [ ] 2008 in Dauphin County, Pennsylvania. (Petition ¶ 2). M.M. was initially adjudicated dependent on November 5, 2008. M.M. remained with Mother under Court Ordered Protective Services. (N.T. 05/06/11, pg. 19, ln. 3-5).

On May 13, 2009, M.M. was removed from Mother's home and placed in a foster care home because Mother and her live-in husband, [S.H.,] both tested positive for marijuana. (Petition ¶ 9; N.T. 08/25/11, pg. 108, ln. 15-19).

Father was incarcerated and attended neither the initial Adjudication and Disposition hearing on November 5, 2008, nor the May 13, 2009 hearing. (N.T. 05/16/11, pg. 18-19).

M.M. was returned to Mother on June 8, 2010 under Court Ordered Protective Services. (Petition ¶ 12(U)). On August 11, 2010, M.M. was again returned to foster care due to Mother's failure to

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<sup>1</sup> The trial court terminated the parental rights of Mother, on a separate date in a decree dated May 3, 2012, and entered on May 4, 2012. Mother is not a party to this appeal. She filed a separate appeal at Docket No. 1025 MDA 2012, which we address in a separate Memorandum.

adhere to service objectives. (N.T. 05/06/11, p. 24)[.] M.M. has continuously remained in that foster home since August 11, 2010. (Petition ¶9).

As to Father, the Agency established the following service objectives on May 13, 2009;

1. Attend all court hearings, agency meetings, and treatment plan meetings;
2. Sign all releases of information forms requested by the Agency;
3. Notify Agency within twenty-four hours of new address/contact information;
4. Reimburse Dauphin County for child care in an amount determined by Domestic Relations Office;
5. Obtain drug and alcohol evaluation and follow any recommendations for treatment;
6. Submit to drug screening at the Agency on a bi-weekly basis;
7. Remain drug and alcohol free;
8. Comply with any legal requirements regarding any criminal convictions and any existing Protection from Abuse Orders regarding Mother.

(Petition ¶ 12(Z)(AA)(1-3); N.T. 05/06/11, p. 20, ln. 1-21).

Father did not comply with the objective of attending all court hearings, agency meetings, and treatment plan meetings. (N.T. 05/06/11, pg. 22, ln. 4-6). Although Father's service objectives were court-ordered on May 13, 2009, Father's first contact with the Agency was not until September 15, 2009, when Father indicated that he did not wish to work

toward family service goals if doing so required cooperation with Mother. (N.T. 05/06/11, pg. 41). Father did not contact the Agency again until November of 2009. (N.T. 05/06/11, pg. 23, ln. 1-4). Father had no contact with the Agency again until he attended a court hearing on June 6, 2010. (N.T. 05/06/11, pg. 23, ln. 16-20). Additionally, from his initial contact with the Agency until September 2010, Father attended only one of approximately three hearings regarding M.M. (N.T. 05/06/11, pg. 22, ln. 11-20). On at least two occasions, Father told the Agency that he did not want to work on his court-ordered objective goals if M.M. was going to be unified with Mother. (N.T. 05/06/11, pg. 29, ln. 14-19).

Father did not comply with the objective of obtaining a drug and alcohol evaluation. (N.T. 05/06/11, pg. 23, ln. 25 - pg. 25, ln. 17). Father did not obtain [a] drug and alcohol evaluation until February of 2011, approximately a year and a half after he was court-ordered to do so, and approximately one month after filing of the Petition to Terminate Parental Rights. (N.T. 05/06/11, pg. 25, ln. 3-17).

Father did not comply with the objective of submitting to drug screening on a bi-weekly basis until August 2010, more than one year after the establishment of that objective in May 2009. (Petition ¶ 12 (Z)(AA)(2)). Since he began participating, all drug screens have been negative. (N.T.[.] 05/06/11, pg. 47, ln. 12-18).

Father failed to comply with legal requirements regarding criminal convictions and any existing Protection from Abuse Orders regarding Mother. Mother obtained a Protection from Abuse [O]rder against Father in February of 2008 because Father attempted to choke Mother, injured her wrist and punched Mother. (N.T. 07/21/11, pg. 72-73). Father was incarcerated for violating that order on at least six occasions. (N.T. 05/06/11, pg. 26, ln. 1-5). On one occasion, the police were called to Father's

home because Father called Mother and told her he had killed M.M., placed him in a garbage bag, and buried him in the backyard. (N.T. 05/06/11, pg. 38-39). Father was charged and convicted of harassment against Mother and her husband in December of 2009.

Father did not begin supervised visits with M.M. until August of 2010, more than a year after the court[-]ordered family service plan. (N.T. 05/06/11, p. 26, ln. 16-24). Father has continuously participated in bi-weekly supervised visits at the YWCA since August of 2010. (N.T. 05/06/11, pg. 42, ln. 20-23). Father has never taken M.M. to any doctor's appointments. ([N.T.] 05/06/11, pg. 34, ln. 13-19).

Father has been incarcerated approximately fifteen times, dating back as far as October of 1996. (N.T. 05/06/11, pg. 28, ln. 15-21). Father was frequently incarcerated during M.M.'s placement with the Agency, from February to April, 2009, and in November of 2009. Father was on probation until September 7, 2010. (N.T. 05/06/11, pg. 28, ln. 1-14).

Although not ordered by the court as a service objective, Father underwent a psychological evaluation by Dr. Howard Rosen on October 4, 2010. (N.T. 07/21/11, pg. 17, ln. 6-11). Dr. Rosen conducted a parenting assessment test on Father and concluded that Father was at a high risk of abuse and neglect based upon the results as to two of the five tested areas, namely, understanding child development and lacking empathy. (N.T. 07/21/11, pg. 21, ln. 11-25; pg. 22, ln. 3-25). Dr. Rosen diagnosed Father with polysubstance abuse, and testified that Father likely fits the profile of a person having an antisocial personality disorder. (N.T. 07/21/11, pg. 29, ln. 19-22; pg. 32, ln. 8-14). Father has been diagnosed with and currently receives counseling for bipolar disorder. (N.T. 07/21/11, pg. 15-25).

The Agency filed a Petition for Goal Change to Adoption and Involuntary Termination of Parental Rights (hereinafter "Petition"), based upon 23 Pa.C.S.A. § 2511(a)(1), § 2511(a)(2), § 2511(a)(5), § 2511(a)(8), and § 2511(b) on January 24, 2011.

M.M. has resided in the foster home of [Mr. and Mrs. S.] since May 13, 2009, except for the brief period of time when he was returned to Mother. (N.T. 05/06/11, pg. 32, ln. 11-17). The [S.'s] are willing to provide permanency for M.M. (N.T. 05/06/11, pg. 32, ln. 18-20). The [S.'s] provide all of M.M.'s needs. (N.T. 05/06/11, pg. 37, ln. 6-13). They provide the same care for M.M.'s brother, [M.I.R.M.], and M.M.'s sister, [R.H.] (N.T. 05/06/11, pg. 37, ln. 14-22).

The permanency services casework [sic] for the Agency, Sherri J. Courchaine, testified that that [sic] termination of Father's parental rights serves M.M.'s best interests. (N.T. 05/06/11, pg. 32-33). Father has not been part of M.M.'s life, with the exception of supervised visits at the [YWCA]. (N.T. 05/06/11, pg. 33-34). Father has not performed any day[-]to[-]day parental responsibilities or taken M.M. to medical appointments. *Id.* He has had only one overnight visit with M.M.

Ms. Courchaine testified that M.M.'s bond and relationship with his foster mother is "immense". (N.T. 05/06/11, pg. 36). The foster mother cares for M.M. and his biological siblings full time. (N.T. 7/21/11, p. 90). M.M. calls the foster mother "Mama". (N.T. 7/21/11, p. 91). When M.M. came to the foster home, concerns existed regarding possible developmental delays. (N.T. 7/21/11, p. 84)[.] M.M. had a bald and flattened spot at the back of his head from the [sic] having spent an excessive amount of time in the car seat, was lethargic, and sat up on his own very little. (N.T. 7/21/11, p. 84-85)[.] The foster parents addressed these concerns with constant interaction during play with M.M., feeding, and bathing him. (N.T. 7/21/11, p. 85)[.] Within a week and a half of coming to the foster

home, M.M. was crawling, engaged, and happy. (N.T. 05/06/11, pg. 36). M.M. looks to his foster mother for comfort. *Id.*

M.M. also has a strong bond with the foster father. M.M. calls the foster father “[’]Daddy’. The foster father described M.M. as his ‘shadow”. (N.T. 7/21/11, p. 90)[.] For example, on one occasion, M.M. ran to catch up with the foster father to hold his hand and spend time with him in the yard. *Id.*

Trial Court Opinion, 2/6/12, at 1-6 (footnote in original).

On January 24, 2011, the Agency filed a petition seeking to terminate the parental rights of Father and Mother to M.M. On May 6, 2011, the trial court held a hearing, at which the Agency presented the testimony of its permanency services caseworker, Sherri Courchaine, and a licensed psychologist, Howard Rosen, Ph.D. N.T., 5/6/11, at 18, 52. On July 21, 2011, the trial court held a hearing, at which the Agency again presented the testimony of Courchaine and Dr. Rosen. The Agency also presented the testimony of Mother as a hostile witness, and Mr. S., the Children’s foster father. Father presented the testimony of Suella Colbert, the visitation monitor at the YWCA. N.T., 7/21/11, at 95. Additionally, Father testified, and presented the testimony of his mother, T.W., M.M.’s paternal grandmother. On August 25, 2011, the Agency presented the testimony of Courchaine. On September 28, 2011, the trial court convened an on-the-record conference to discuss continuing the hearings.

However, the hearings were not continued and on November 3, 2011, the trial court entered the decree terminating Father’s parental rights to

M.M. pursuant to section 2511(a)(1), (2), (5), (8), and (b). On December 5, 2011, Father filed a timely notice of appeal.<sup>2</sup>

On appeal, Father raises the following issues.

- I. Whether the [t]rial [c]ourt committed an error of law and/or abused its discretion by terminating the parental rights of Natural Father under Section 2511(a) of the Adoption Act, when the evidence clearly establishes that Natural Father substantially completed his service objectives prior to the filing of the Petition for Termination of Parental Rights and Goal Change to Adoption[,] and the Agency failed to meet its burden of establishing any grounds for termination of parental rights under the Adoption Act[?]
- II. Whether the [t]rial [c]ourt committed an error of law and/or abused its discretion by terminating parental rights of Natural Father under Section 2511(b) of the Adoption Act, when there was no evidence presented with regard to the impact the goal change and termination of parental rights would have on M.M[?]

Father's Brief at 4.

In reviewing an appeal from the termination of parental rights, we are guided by the following standard of review.

[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

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<sup>2</sup> Father and the trial court have complied with Pa.R.A.P. 1925.



determinations of the trial court if they are supported by the record. If the factual findings are supported, appellate courts review to determine if the trial court made an error of law or abused its discretion. As has been often stated, an abuse of discretion does not result merely because the reviewing court might have reached a different conclusion. Instead, a decision may be reversed for an abuse of discretion only upon demonstration of manifest unreasonableness, partiality, prejudice, bias, or ill-will.

As we discussed in [*In re R.J.T.*, 9 A.3d 1179, 1190 (Pa. 2010)], 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. 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 S.P.*, 47 A.3d 817, 826-827 (Pa. 2012) (some citations omitted).

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).

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 hesitation, of the truth of the precise facts in issue.

*Id.* (citation and internal quotation marks omitted). Moreover, 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). *In re B.L.W.*, 843 A.2d 380, 384 (Pa. Super. 2004) (*en banc*), *appeal denied*, 864 A.2d 1141 (Pa. 2004).

In the instant matter, we 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.

Our Supreme Court set forth 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 stated that it properly terminated Father's parental rights to M.M. based upon Father's failure to comply with any Family Service Plan (FSP) objectives for more than twelve months, and because termination of Father's parental rights serves M.M.'s best interests. Trial Court Opinion, 2/6/12, at 6. In the case *sub judice*, the trial court made the following findings of fact with regard to whether there was sufficient evidence to terminate Father's parental rights to M.M.

We must reject Father's argument that the court erred in granting the Petition to terminate his rights because he complied with service objectives within the six[-]month period immediately preceding the filing of the Petition. Father did not comply with the reunification plan for approximately fifteen months. Although Father was given service objectives on May 13, 2009, he failed to make any effort toward compliance until August of 2010.

We recognize that Father now indicates a willingness to remedy the conditions which led to the placement of M.M. and comply with his service objectives. Nevertheless, for an unreasonable period of time, Father made no such efforts, and allowed others to provide essential care, love and stability to M.M.

***Id.*** at 11.

The trial court found that the record included ample evidence that the conditions which led to the removal of M.M. continue to exist, that Father did not remedy those conditions within a reasonable period of time, and that the services reasonably available to Father are not likely to remedy the conditions which led to the removal. ***Id.***

This Court has stated that a parent is required to make diligent efforts towards the reasonably prompt assumption of full parental responsibilities. ***In re A.L.D.*** 797 A.2d 326, 337 (Pa. Super. 2002). A parent's vow to cooperate, after a long period of uncooperativeness regarding the necessity or availability of services, may properly be rejected as untimely or disingenuous. ***Id.*** at 340. The evidence showed that the Agency offered parenting resources to Father, but he did not utilize the services, and that Father's continued incapacity, abuse, neglect or refusal to parent could not or would not be remedied, despite the Agency's offering of reasonable efforts to assist in his reunification with M.M.

Father's argument regarding section 2511(a)(2) essentially seeks for this Court to make credibility and weight determinations different from those of the trial court. After our careful review of the record in this matter, including the testimony and the exhibits admitted into evidence, we find that the trial court's credibility and weight determinations are supported by competent evidence in the record. ***In re Adoption of S.P., supra*** at 826. The trial court properly considered the history of the case, including Father's failure to satisfy his FSP objectives, and his neglect as a parent to M.M., and determined that his failures would not be remedied. Accordingly, we find that the trial court's determinations regarding section 2511(a)(2) are supported by ample, competent evidence in the record.

We now turn to our analysis under section 2511(b). We must inquire whether the termination of Father's 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*, 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." ***Id.*** at 1287 (citation omitted). We 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.***

Specifically, this Court has set forth the following standard.

Once the statutory requirement for involuntary termination of parental rights has been established under subsection (a), the court must consider whether the child's needs and welfare will be met by termination pursuant to subsection (b). In this context, the court must take into account whether a bond exists between child and parent, and whether termination would destroy an existing, necessary and beneficial relationship.

***In re Z.P.***, 994 A.2d 1108, 1121 (Pa. Super. 2010) (internal citations omitted).

We have stated that the focus in terminating parental rights under section 2511(a) is on the parent, but it is on the child pursuant to section 2511(b). ***In re Adoption of C.L.G.***, 956 A.2d 999, 1008 (Pa. Super. 2008)

(*en banc*).<sup>3</sup> "In cases where there is no evidence of any bond between the parent and child, it is reasonable to infer that no bond exists. The extent of any bond analysis, therefore, necessarily depends on the circumstances of the particular case." *In re K.Z.S.*, 946 A.2d 753, 762-763 (Pa. Super. 2008). In *K.Z.S.*, this Court stated that there are some instances where direct observation of the interaction between the parent and the child is not necessary and may even be detrimental to the child. *Id.* at 762. Additionally, this Court instructed that the trial court should consider the importance of continuity of relationships, and whether any existing parent-child bond can be severed without detrimental effects on the child. *Id.* at 763.

With regard to the section 2511(b) analysis as to the termination of Father's parental rights to M.M., the trial court made the following factual findings, and concluded that the termination of Father's parental rights served M.M.'s best interests. *See* Trial Court Opinion, 2/6/12, at 11.

The record reflects that no emotional bond exists which, if broken, would be detrimental to M.M[.]'s best interests. Father was not present for the first twenty-four months of M.M[.]'s life. (N.T. 07/21/11, pg. 151, ln. 1-5). Although Father began

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<sup>3</sup> We observe that Father failed to preserve any challenge to the change of Child's permanency goal to adoption in his Statement of Questions Involved portion of his brief. *See Krebs v. United Refining Co. of Pa.*, 893 A.2d 776, 797 (Pa. Super. 2006) (stating that any issue not set forth in the Concise Statement and the Statement of Questions Involved in an appellate brief is deemed waived).

biweekly supervised visitations with M.M. in August of 2010, because of the long period of complete absence from M.M.'s life, M.M. appears to view his time with Father as merely "visits with a friend." (N.T. 05/06/11, pg. 32-33). M.M.'s foster father testified that M.M. does not discuss his visits with Father unless the [S.'s] initiate the conversations. (N.T. 07/21/11, pg. 91, ln. 5-21).

Father has failed to provide for M.M.'s needs and welfare since M.M. was born, and[,] for more than twelve months, failed to place the needs of M.M. before his own tendency toward drug use and criminal behavior. Father has been incarcerated at least fifteen times since 1996, and he was continuously incarcerated throughout M.M.'s placement.

In contrast, the foster parents have met all of M.M.'s day to day needs by providing a safe, stable and loving home, where he has resided continuously since May 13, 2009, but for a two-month period when he was returned to Mother.

Accordingly, this court is satisfied that termination of Father's rights serves M.M.'s best interests.

Trial Court Opinion, 2/6/12, at 22-23.

We have stated that, when conducting a bonding analysis, the trial court is not required to use expert testimony, but may rely on the testimony of social workers and caseworkers. *In re Z.P., supra* at 1121. Accordingly, it was reasonable for the trial court to conclude that, given Father's lack of contact with Child, who was approximately three-years-old at the time of the hearing, there would be no detrimental effect from the termination of his parental rights. *In re K.Z.S., supra* at 762-63.



After our careful review of the record in this matter, including the testimony and the exhibits admitted into evidence, we find that the trial court's credibility and weight determinations are supported by competent evidence in the record. *In re Adoption of S.P., supra* at 826-27. Thus, we will not disturb the trial court's credibility and weight assessments. *Id.* Pursuant to our Supreme Court's recent pronouncement in *In re Adoption of S.P.*, we find no merit to Father's argument that the trial court abused its discretion with regard to finding sufficient evidence to support the termination of his parental rights under section 2511(b). Therefore, we conclude the trial court did not abuse its discretion in its determination with regard to section 2511(b). *See In re K.Z.S., supra* at 762-763.

To the extent that Father wishes to have an opportunity to bond with M.M., this Court has held, "[t]he 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). 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 his or her child is converted, upon the failure to fulfill his or her parental duties, to the child's right to have proper parenting and fulfillment of his potential in a permanent, healthy, safe environment." *Id.* at 856 (citation omitted), *appeal denied*, 872 A.2d 1200 (Pa. 2005). This Court has also stated, "[a] parent cannot protect his parental rights by

merely stating that he does not wish to have his rights terminated. *Id.* (citation omitted). Thus, we reject Father's argument that he wishes to have a relationship with M.M. and requires more time to address his issues. As we stated in *In re Z.P.*, a child's life "simply cannot be put on hold in the hope that [a parent] will summon the ability to handle the responsibilities of parenting." *In re Z.P., supra* at 1125.

Accordingly, we conclude that there was competent evidence in the record to support the trial court's termination of Father's rights to M.M. under section 2511(a)(2) and (b). *See In re Adoption of S.P., supra* at 826-27. Accordingly, for all the foregoing reasons, we affirm the trial court's decree.

Decree affirmed.