

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN THE INTEREST OF: R.M.H., A MINOR

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: S.H., FATHER

No. 986 MDA 2012

Appeal from the Decree Entered May 4, 2012
In the Court of Common Pleas of Dauphin County
Orphans' Court at No(s): 61-ADOPT 2011/164 DP 2010

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

MEMORANDUM BY MUNDY, J.:

Filed: February 8, 2013

Appellant, S.H. (Father), appeals from the May 4, 2012 decree granting the petition of the Dauphin County Social Services for Children and Youth (Agency) to involuntarily terminate the parental rights to his female child, R.M.H.,¹ pursuant to 23 Pa.C.S.A. § 2511(a)(1), (2), (5), (8), and (b), and changing the permanency goal for R.M.H. to adoption. After careful review, we affirm.

The record reflects that R.M.H. has half-brothers, M.I.R.M., born in June 2005, and M.M., born in September 2008 (collectively, the Children),

* Retired Senior Judge assigned to the Superior Court.

¹ We note that R.M.H. was born in November 2010 and is also referred to as R.H. in this memorandum.

who are the sons of R.M.H.'s mother, S.H. (Mother).² The trial court set forth the relevant facts and procedural history of this case as follows.

[The Agency] became involved with Mother in December of 2006 after receiving a referral that M.I.R.M. had injuries to his lip and eye.² (M.I.R.[M.] Petition ¶ 14(A); R.M.H. Petition ¶ 11(A)). Mother was accepted for voluntary protective services on January 19, 2007 due to concerns regarding housing, domestic violence, and drug use. (M.I.R.[M.] Petition ¶ 14(B); R.M.H. Petition ¶ 11(B)).

On March 19, 2007, the Agency developed a safety plan to ensure the safety of Mother's children while in her care. (R.M.H. Petition ¶ 11(D)). The safety plan required Mother to complete a psychological evaluation and a drug and alcohol evaluation. (N.T. 08/25/11, p. 13).

On March 26, 2007, Mother received a psychological evaluation by Dr. Howard Rosen at Hempfield Behavioral Health, at which she was diagnosed with mild mental retardation and severe depression. (N.T. 02/06/12, p. 11-14). Although Dr. Rosen provided Mother with several recommendations to address her mental health issues, she did not fully comply with the recommendations.

Mother attended a drug and alcohol evaluation on May 3, 2007, and was recommended for

² On May 4, 2012, the trial court granted the Agency's petitions to involuntarily terminate Mother's parental rights to her other two male children, M.I.R.M. and M.M. Father is not the father of the male children. Mother's appeals from the termination of her parental rights to R.M.H., as well as M.I.R.M. and M.M., are pending before this Court at Docket Nos. 1025, 1026, and 1027 MDA 2012. We address Mother's appeals in a separate memorandum.

outpatient counseling. Mother was to attend sessions three days a week at Guadenzia, [sic] Inc., but she did not follow through with this treatment. (R.M.H. Petition ¶ 11(H)).

On May 16, 2007, M.I.R.M. was adjudicated dependent and placed under Court Ordered Protective Supervision ("COPS"). (M.I.R. Petition ¶ 14(J); R.M.H. Petition 11(J)). Subject to the COPS Order, Mother was required to obtain Agency approval for other caretakers of M.I.R.M. Mother violated the Order by allowing M.I.R.M. to live with his great aunt, [J.T.,] starting [on] December 3, 2007[,] without Agency approval. [J.T.] was herself involved with the Agency from 1995 to 1999 for inappropriate discipline of her children and truancy problems. (M.I.R.[M]. Petition ¶ 14(K); R.M.H. Petition ¶ 11(K)). Mother also violated the COPS Order by not attending her scheduled appointments and testing positive for drugs. As a result of Mother's noncompliance, the Agency filed a petition for placement of M.I.R.M. on December 19, 2007. (N.T. 08/25/11, p. 21-22).

An adjudication and disposition hearing was held on January 22, 2008, wherein M.I.R.M. was placed in the care and custody of the Agency. At that hearing, a court-ordered reunification plan was developed, which required Mother to comply with specific Agency objectives.

On September 5, 2008, Mother gave birth to M.M. At an adjudication and disposition hearing on November 5, 2008, M.M. was placed under Court Ordered Protective Services[,] and a court-ordered reunification plan was developed. The plan required Mother to abide by the same service objectives she had regarding M.I.R.M. (N.T. 08/25/11, p. 45-46.[sic]).

On October 17, 2008, Father submitted a negative drug screen to the Agency in order to be cleared as a member of Mother's household. (M.I.R.[M.] Petition ¶ 14(O); R.M.H. Petition 11(O)).

On December 28, 2008, Mother and Father married.

On May 13, 2009, M.M. was removed from Mother's custody and placed in foster care because Mother and Father tested positive for marijuana. At a hearing on May 14, 2009, Mother was again ordered to complete a drug and alcohol evaluation. (N.T. 08/25/11, p. 49).

On June 11, 2009, service objectives were implemented for Father as a step-parent to Mother's children. (R.M.H. Petition ¶ 11(V)).

On June 8, 2010, M.I.R.M. and M.M. returned to Mother's care under Court Ordered Protective Services[,] and a new safety plan was implemented. The safety plan required Mother and Father to attend family therapy sessions at Edgewater. Mother and Father did not attend the sessions[,] and they were discharged on August 12, 2010. (M.I.R.[M.] Petition ¶ 14(T); R.M.H. Petition ¶ 11(BB)). The safety plan also required Mother to take M.I.R.M. to play therapy. Although Mother eventually attended the intake session, she failed to do so on three separate occasions. (R.M.H. Petition ¶ 11(CC); N.T. 03/30/12, p. 19-21).

In July of 2010, a second safety plan was implemented requiring Mother and Father to obtain a separate bed for M.I.R.M. because he was exhibiting inappropriate sexual behavior toward his younger brother and step-sister. Despite the Agency's assistance in obtaining a bed, Mother and Father failed to obtain a separate bed for M.I.R.M. (N.T. 08/25/11, p. 56-58).

On August 4, 2010, Mother reported to the Agency that M.I.R.M. had tried to strangle her step-daughter. Mother took M.I.R.M. for an evaluation[,] and he was admitted to the Meadows psychiatric facility for a period of two weeks. (N.T. 08/25/11, p. 58-61).

On August 10, 2010, M.I.R.M. and M.M. were returned to foster care because Mother and Father were not complying with their service objectives. Besides not attending their scheduled appointments, both boys lost weight in the two months they were home[,] and there were allegations that Father was physically abusing M.I.R.M. M.I.R.M. and M.M. returned to the foster home of [Mr. and Mrs. S.], where they have continuously remained since August 12, 2010. (N.T. 08/25/11, p. 63-66).

On November 4, 2010, Mother gave birth to R.M.H. On November 5, 2010, R.M.H. was removed from Mother's care and placed in the Agency foster home of [Mr. and Mrs. S.]. (R.M.H. Petition ¶ 11 (KK-LL); N.T. 02/06/12, p. 89). A reunification plan was implemented regarding R.M.H., requiring Mother and Father to abide by additional services objectives.

Both Mother and Father were provided with intensive reunification services from 2007 until 2011. Reunification worker, Larry Stewart[,] testified that[,] although the normal reunification period is six to nine months, he worked with Mother and Father for twenty-one months, providing 450 hours of services. (N.T. 01/05/12, p. 9). The Agency provided the family with transportation on a regular basis[,] and it provided Mother with a bus pass on two occasions. The Agency helped Mother look for an apartment, took Mother to the grocery store, and even provided Mother with money for groceries, furniture and a security deposit for a new apartment. (N.T. 08/25/11, p. 67-68). The Agency also provided daycare services for M.I.R.M. so that Mother could work and complete her service objectives. (N.T. 08/25/11, p. 19).

...

M.I.R.M., M.M., and R.M.H. reside in the foster home of [Mr. and Mrs. S.,] who are willing to provide permanency for all three children. M.M. has resided continuously with the [S.'s] since May 13, 2009,

except for the two-month period in which he was returned to Mother's care. M.I.R.M. was first placed with a foster family that was not willing to provide permanency. He was then moved to the foster home of [Mr. and Mrs. S.] on December 29, 2009[,] where he has remained continuously, except for the two-month period in which he returned to Mother's care. (N.T. 08/25/11, p. 50-52). R.M.H. was placed in the [S.'s] foster home one day after she was born, and has continuously resided there since November 5, 2010. (N.T. 02/06/12, p. 89).

² M.M. and R.M.H. were not yet born at this time.

Trial Court Opinion, 8/8/12, at 2-6 (citations and footnote in original).

On January 21, 2011, the Agency filed petitions for termination of Mother parental rights as to M.I.R.M. and M.M. The Agency filed petitions for termination of the parental rights of Father and Mother as to R.M.H. on June 1, 2011, and requested the trial court incorporate the juvenile record from the proceedings relating to R.M.H. 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 second hearing, at which the Agency again presented the testimony of Sherri Courchaine and Dr. Rosen. The Agency also presented the testimony of Mother as a hostile witness, and Mr. S., the Children's foster father. M.T.W., the father of M.M., presented the testimony of Suella Colbert, the visitation monitor at the YWCA. N.T., 7/21/11, at 95. M.T.W. also 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 Sherri Courchaine. On September 28, 2011, the trial court convened an on-the-record conference to discuss continuing the hearings.

The trial court held additional hearings on the termination petitions on January 5, February 6, March 30, and April 10, 2012. The trial court incorporated transcripts from the proceedings held on May 6, July 21, August 25, and September 28, 2011. At the hearing on January 5, 2012, the Agency presented the testimony of Larry Stewart, a family preservation practitioner with Keystone Children and Family Services. N.T., 1/5/12, at 5-6. The Agency also presented the testimony of Dr. Howard Rosen, a licensed psychologist qualified as an expert in psychology. *Id.* at 156-157. At the hearing on February 6, 2012, Dr. Rosen continued his testimony. The Agency also presented the testimony of Nikki Lynn Elicker, a parent educator at Pressley Ridge, and Mr. S., the foster father of the Children. N.T., 2/6/12, at 36, 88. At the hearing on March 30, 2012, Mr. S. continued his testimony. The Agency also presented the testimony of Christina Zimmerman, a mental health counselor with Pressley Ridge, and Sherri Courchaine, a caseworker who provided services to Father through the Agency. *Id.* at 18, 47. Mother presented the testimony of Carey DeJesus, who worked in the Case Management Unit as a resource coordinator. *Id.* at 116. Father presented the testimony of Suella Colbert, who is employed by the YWCA as a monitor for visitation. *Id.* at 135.

On April 3, 2012, Mother filed a motion for a directed verdict with regard to R.M.H. At the hearing on April 10, 2012, Mother presented her motion for a directed verdict. Both Mother and Father testified on their own behalf at said hearing. On April 25, 2012, the trial court denied Mother's motion. Thereafter, on May 4, 2012, the trial court entered its decree terminating Father's parental rights, and changing the permanency goal for R.M.H. to adoption. Father's timely appeal followed.³

On appeal, Father raises the following issues for our review.

1. Did the trial court err or abuse its discretion when it granted the petition to change the goal to adoption and to terminate parental rights[,] when the evidence submitted in the cases regarding M.I.[R.]M. and M.M. should not have served as grounds for terminating Father's rights[,] given that Father was not provided nor [sic] offered an attorney during the adjudication proceedings for these two minor children[,] even though the statute entitled him to counsel[,] and the failure to ensure that he was represented at the proceedings violated his Fourteenth Amendment rights to due process[?]
2. Did the trial court abuse its discretion when it granted the [A]gency's petition for a goal change given that when the [A]gency filed the petition[,] Father had completed all the objectives but the parenting sessions[,] the [A]gency terminated the sessions at a point where Father was within a month of achieving the goals, and the child was barely 7 months old?

³ Father and the trial court have complied with Pa.R.A.P. 1925.

3. Did the [trial c]ourt err or abuse its discretion when it granted the petition to terminate Father's rights given that the [A]gency did not provide sufficient evidence to satisfy Section 2511(a) of the Adoption Act?
4. Did the [trial] court abuse its discretion or err when it found competent evidence to grant the petition to terminate Father's parental rights under Section 2511(b)[,] given that Father provided evidence that his child and he had developed a bond through the weekly visits[,] and the [A]gency never demonstrated that severing that bond would not be detrimental to the child?

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 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*, 863 A.2d 1141 (Pa. 2004).

In the instant matter, we focus on sections 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 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.

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 R.M.H.

The [trial] court considered evidence of Father’s failure to comply with service objectives relating to his step children [sic][,] M.I.R.M., and M.M., and failure to complete parent education in terminating his parental rights to R.M.H.

Father did not comply with the objective of cooperating and complying with the Agency. On

multiple occasions, Mother and Father were late answering the front door for reunification meetings with Larry Stewart because they were still in bed. On other occasions, Mother and Father answered the door for Mr. Stewart, but then returned to bed for the meetings. (N.T. 01/05/12, p. 12-13). Father even slept through visits and insisted that he did not need to participate because he had raised other children on his own. (N.T. 01/05/12, p. 17). Father also refused to work on a budget plan with Mr. Stewart even though Mother and he often came up short on bills. (N.T. 01/05/12, p. 39).

Father underwent a psychological evaluation by Dr. Howard Rosen on June 2, 2010. The Agency referred Father to Dr. Rosen because he had been previously diagnosed with Schizophrenia but was not taking medication or receiving any treatment. (N.T. 01/05/12, p. 157-58). Dr. Rosen diagnosed Father with mild mental retardation with the possibility of bipolar disorder. Dr. Rosen recommended that Father follow-up with a psychiatrist and start taking medication. (N.T. 01/05/12, p. 171-74). Dr. Rosen testified that[,] in terms of parenting skills, Father had a high risk of abuse and neglect. He also testified that he believed those skills worsened throughout the reunification period. (N.T. 01/05/12, p. 177).

Father did not comply with the objective of providing urine screens and remaining drug and alcohol free. Specifically, Father tested positive for marijuana on February 24, 2009, May 6, 2009[,] and May 11, 2009. (N.T. 03/30/12, p. 49).

The court-ordered reunification plan implemented on November 5, 2010 set forth the following objectives for Father, requiring him to:

1. Cooperate and comply with the Agency;
2. Address current mental health issues by attending outpatient therapy on a consistent basis;

3. Provide weekly drug screens and remain drug and alcohol free;
4. Complete an in-home parenting program referred to and approved by the Agency;
5. Attend all court hearings, Agency meetings, and Treatment Plan meetings;
6. Sign all release of information forms requested by the Agency to ensure compliance in meeting the identified service objectives;
7. Notify the Agency within 24 hours of new residence or contact information.

R.M.H. Petition ¶ 11(OO)).

Since R.M.H. was placed in Agency care on November 5, 2010, Father has complied with the objective of providing urine screens. Father has remained drug and alcohol free since R.M.H.'s placement, with the exception of testing positive for prescription pain relievers. (R.M.H. Petition ¶ 11(OO)(3)).

Since R.M.H. was placed in Agency care on November 5, 2010, Father has attended outpatient therapy on a weekly basis. (R.M.H. Petition ¶ 11(OO)(2)).

Father did not comply with the objective of completing an in-home parenting program referred to and approved by the Agency. [] Father's Adult Adolescent Parenting Inventory No. 2 testing results reflected [F]ather's inappropriate expectations, low level of empathy and a risk of strong belief in corporal punishment. (N.T. 02/06/12, p. 40). Although Father participated in the Parent Works in-home parenting program, he did not successfully complete the program. Parent educator, Nikki Elicker[,] testified that[,] after the typical three-month program, Father did not complete the specific

goals and objectives established by Parent Works. (N.T. 02/06/12, p. 46). The Agency declined to extent [sic] the program in view of the history of previous extensions and lack of progress.

Trial Court Opinion, 8/8/12, at 20-22 (citations in original).

The trial court concluded that the record included ample evidence that the conditions which led to the removal of R.M.H. 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.* The trial court also stated that it found sufficient evidence for terminating Father's parental rights pursuant to section 2511(a)(1), (2), and (8). *Id.*

This Court has long recognized 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. Herein, the evidence demonstrated that the Agency offered parenting resources to Father, but he did not utilize the services. N.T., 1/5/12, at 12-13, 17, 39. The Agency established, through the testimony of its caseworker, Sherri Courchaine, Dr. Rosen, and the Parent Works educator, Nikki Elicker, 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 R.M.H. N.T., 1/5/12, at 177; N.T., 2/6/12, at 46, N.T., 3/30/12, at 68-71.

Father's argument with regard to section 2511(a)(2) requests this Court to make credibility and weight determinations different from those of the trial court. Father's Brief at 10-12. Following our careful review of the record, including the testimony and the exhibits admitted into evidence, we conclude that the trial court's credibility and weight determinations are supported by competent evidence in the record. *See In re Adoption of S.P., supra* at 826. The trial court properly considered the history of the case, including Father's failures as a stepparent to M.I.R.M. and M.M., in considering the petition to terminate Father's parental rights to R.M.H. Accordingly, we conclude that the trial court's determinations regarding section 2511(a)(2) are supported by sufficient evidence in the record.⁴

⁴ Father further contends that he was deprived of his due process rights under the Fourteenth Amendment of the United States Constitution because the trial court failed to appoint an attorney for him, as a stepfather, in regard to the dependency proceedings relating to the family service plan in 2008. Father's Brief at 13-14. Father concedes that he was provided counsel for the adjudication and disposition in the dependency proceedings regarding R.M.H. on November 17, 2010, but he complains that R.M.H. had been in foster care for 12 days. *Id.* Father avers that, without counsel, he was unable to challenge the Agency's contention that he should be held responsible for Mother's inability to satisfy the conditions for a successful reunification with M.I.R.M. and M.M. *Id.* at 14. Additionally, Father argues that, without counsel, he could not effectively show that the allegations in the shelter care petition regarding R.M.H. were baseless. *Id.* Upon review, we discern no merit to Father's due process argument. Father should have complained about the timing of the appointment of counsel in the
(Footnote Continued Next Page)

We now turn to our analysis under section 2511(b) of the Adoption Act. Herein, the trial court made the following factual findings with regard to section 2511(b).

We also find the record establishes by clear and convincing evidence that R.M.H.'s best interest is served by terminating Father's parental rights. All of the reasons cited above relating to the best interest analysis as to [M]other apply to [F]ather. R.M.H.'s best interest is served in her foster home where she has resided continuously since November 5, 2010. Reunification worker, Larry Stewart[,] testified that Father never put the needs of R.M.H. before his own needs. (N.T. 01/05/12, p. 33). Agency caseworker, Sherri Courchaine[,] testified that Father demonstrated to her that he could not successfully parent a child. She also testified that R.M.H.'s best interest would be served by terminating Father's parental rights. (N.T. 03/30/12, p. 68-71).

As with Mother, no healthy bond exists between Father and R.M.H., which, if broken[,] would be detrimental to R.M.H. Ms. Courchaine testified that no parent-child bond existed between Father and R.M.H.[,] and that terminating Father's parental rights would not be detrimental to R.M.H. (N.T. 03/30/12, p. 72). Father exhibited frustration and impatience when R.M.H. cried during visits. (N.[T]. 2/6/12, p. 69)[.]

Trial Court Opinion, 8/8/12, at 22-23 (citations in original).

(Footnote Continued) _____

dependency proceedings, and thus, his failure to do so has resulted in his waiver of this issue. ***See Commonwealth v. Smith***, 47 A.3d 862, 866 (Pa. Super. 2012) (stating, "[i]ssues raised for the first time on appeal are waived, ... 'even issues of constitutional dimension[.]'" (citation omitted); ***accord*** Pa.R.A.P. 302(a).

Upon careful review of the evidentiary record, we conclude that the trial court's determinations are supported by competent evidence in the record, and decline to disturb the trial court's credibility and weight assessments on appeal. **See *In re Adoption of S.P.*, supra** at 826-827. Accordingly, Father's argument that the trial court erred in concluding that sufficient evidence existed to support the termination of his parental rights under section 2511(b) is without merit.⁵

Lastly, we turn to Father's claim that the trial court abused its discretion in granting the Agency's petition to change the permanency goal for R.M.H. to adoption. Father's Brief at 15.

Our standard of review in such matters is well settled.

In cases involving a court's order changing the placement goal ... to adoption, our standard of review is abuse of discretion. To hold that the trial court abused its discretion, we must determine its judgment was manifestly unreasonable, that the court disregarded the law, or that its action was a result of partiality, prejudice, bias or ill will. While

⁵ We further reject Father's contention that he wishes to have a relationship with R.M.H. and requires more time to bond and address his parental issues. **See** Father's Brief at 25. This Court has long recognized that it "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 (Pa. Super. 2004), *appeal denied*, 872 A.2d 1200 (Pa. 2005), a panel of this Court emphasized that, "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 855-856 (citation omitted).

this Court is bound by the facts determined in the trial court, we are not tied to the court's inferences, deductions and conclusions; we have a responsibility to ensure that the record represents a comprehensive inquiry and that the hearing judge has applied the appropriate legal principles to that record.

In re S.B., 943 A.2d 973, 977 (Pa. Super. 2008) (citations and internal quotation marks omitted), *appeal denied*, 959 A.2d 320 (Pa. 2008).

Furthermore, this Court has stated as follows.

Placement of and custody issues pertaining to dependent children are controlled by the Juvenile Act [42 Pa.C.S. §§ 6301-65], which was amended in 1998 to conform to the federal Adoption and Safe Families Act ("ASFA"). The policy underlying these statutes is to prevent children from languishing indefinitely in foster care, with its inherent lack of permanency, normalcy, and long-term parental commitment. Consistent with this underlying policy, the 1998 amendments to the Juvenile Act, as required by the ASFA, place the focus of dependency proceedings, including change of goal proceedings, on the child. Safety, permanency, and well-being of the child must take precedence over *all* other considerations, including the rights of the parents.

In re N.C., 909 A.2d 818, 823 (Pa. Super. 2006) (citations and footnotes omitted).

Following our careful review of the evidence, we discern no abuse of the trial court's discretion in changing R.M.H.'s permanency goal to adoption, as the credibility and weight determinations of the trial court are well supported by the evidence. *See e.g., In re R.J.T., supra* at 1190 (stating, "[t]he standard of review in dependency cases requires an appellate court to

accept the findings of fact and credibility determinations of the trial court if they are supported by the record...[.]"). Accordingly, for all the foregoing reasons, we affirm the May 4, 2012 decree of the trial court.

Decree affirmed.

Judge Strassburger files a Concurring Memorandum.