

IN RE: ADOPTION OF R.B.P, R.C.P., R.D.P.
Court of Common Pleas of the 39th Judicial District of Pennsylvania,
Franklin County Branch
Orphans Court Division, Adoption Docket 54-2006

Involuntary Termination of Parental Rights; Refusal or Failure to Perform Parental Duties; Incarceration as an Obstacle in Maintaining Parent-Child Relationship; Best Interests of the Child

1. The standard of proof required in involuntary terminations proceedings must be at least clear and convincing evidence.
2. As per the Adoption Act, 23 Pa.C.S. § 2511(a)(1), the rights of a parent may be terminated if the parent, by conduct continuing for a period of at least six (6) months immediately preceding the filing of the petition, either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties.
3. It is well established that when a parent is incarcerated, the incarceration itself does not provide grounds for the termination of parental rights. Parental responsibilities, however, are not tolled during a period of incarceration.
4. To determine whether one sustained parental responsibilities while incarcerated, the Court must consider whether the parent utilized resources available while in prison to maintain a relationship with his child, and the parent's explanation for apparent neglect.
5. Where the father did not maintain a place of importance in these children's lives and initiated no contact with the children since the time his incarceration began, he failed to perform his parental duties.
6. Parental rights may be involuntarily terminated pursuant to 23 Pa.C.S. § 2511(a)(2) when 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.
7. Where the parents have refused to complete requirements set before them to enable them to provide care for their children, or are without capacity and fail to establish contact with their children, the parents have caused their children to be without essential parental care.
8. Parental rights may be involuntarily terminated pursuant to 23 Pa.C.S. § 2511(a)(5) when the child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six (6) months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and the termination of the parental rights would best serve the needs and welfare of the child.
9. Where the children have been removed from parental care for more than one year, and the statutory time has been satisfied, the mother has failed to comply with any of the goals set for her and the father remains incarcerated and unable to provide care for the children, and has not sought the aid of the agencies involved to establish any place of importance in the children's lives, and the Guardian ad Litem believes it is in the best interest of the children to terminate the parental rights, said rights will be terminated.
10. Parental rights may be involuntarily terminated pursuant to 23 Pa.C.S. § 2511(a)(8) when the child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, twelve (12) months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best

serve the needs and welfare of the child.

11. Where more than twelve (12) months have elapsed since the children were placed in custody and the conditions requiring the placement remain unchanged, it is in the best interest of the children to terminate the parental rights of the mother and father.

Appearances:

Brian C. Bornman, Esquire, *Attorney for Petitioner*

Abigail J.W. Salawage, Esquire, *Attorney for Mother*

Kristen M. Gaddis, Esquire, *Attorney for Father*

Carrie M. Bowmaster, Esquire, *Guardian Ad Litem*

OPINION AND ORDER

Van Horn, J., October 13, 2006

Findings of Fact

1. This matter is before the Court due to the filing of a Petition for Involuntary Termination of Parental Rights by Franklin County Children and Youth Service ("FCCYS") on July 14, 2006. The Petition involves R.B.P., a minor female, R.C.P., a minor female, and R.D.P., a minor male, triplets sharing the birthday of August 30, 2003.

2. The biological mother of the triplets is W.J. ("Mother"), and the biological father of the triplets is R.P. ("Father"). The natural parents were not married at the time of the triplets' birth.

3. R.B.P., R.C.P., and R.D.P. were placed in the temporary legal custody of FCCYS on August 30, 2005 pursuant to an Emergency Verbal Order. The triplets were placed in foster care provided by the Children's Aid Society of Franklin County ("CAS"). This placement was made due to allegations that R.B.P., R.C.P., and R.D.P. were often in the care of their maternal grandmother, A.J., who was unable to provide enough milk or diapers for them, while their mother was engaging in drug use. Mother was given a field test for marijuana and cocaine and tested positive for both narcotics.

4. From the time of the triplets' birth to his incarceration on January 8, 2004, Father had seen the children only four times. Father is currently incarcerated for drug charges and is scheduled for release in January 2007. During the time the children have been in the custody of FCCYS, Father has had no contact with the children and has not participated in any planning meetings or otherwise engaged with FCCYS to establish contact with the triplets.

5. R.B.P., R.C.P., and R.D.P. have Reactive Airway Disease and continue to receive breathing treatments via a neubilizer, as needed. At the time of placement, the Franklin County Pediatrics medical records indicated they were behind with their immunizations, but have since been immunized. The triplets began Early Intervention ("EI") services on January 18, 2006, but R.B.P. and R.C.P. were both re-evaluated in May 2006 and it was determined that they no longer required EI services.

6. Father denied paternity and requested a paternity test when Mother tried to get more money from Father, though he still believed the triplets were his.^[1] The paternity test confirmed on December 1, 2005, that Father is the biological father of the triplets.

7. R.B.P., R.C.P., and R.D.P. were adjudicated dependant on October 17, 2005 and remained in the legal custody of FCCYS, with placement in specialized foster care provided by CAS. At this Adjudication Hearing it was further ordered that Mother attend and successfully complete parenting classes offered by the ESCAPE Center, undergo a drug and alcohol evaluation and follow recommendations for treatment, submit to random field drug testing, maintain stable employment and/or financial stability, obtain and maintain housing for herself and her children, and cooperate with FCCYS and CAS and follow

recommendations.

8. A Permanency Hearing was held on February 9, 2006, during which R.B.P., R.C.P., and R.D.P. were found to still be dependant and it was ordered that R.B.P., R.C.P., and R.D.P. remain in specialized foster care provided by CAS. It was also found that Mother had not participated in regular visitation with the children or in case planning for the children, nor had she completed any of the objectives or goals outlined in the family service plan. This Court reiterated the orders previously outlined for Mother. The placement goal at the Permanency Hearing was to return home.

9. After the Permanency Hearing, Father received and signed a Family Service Plan Placement Review prepared by FCCYS. Above his signature, dated February 20, 2006, Father wrote, "I don't want to lost my parental rights. I can't come to any hearings unless you call the jail and they bring me!"

10. Mother only sporadically attended visits with the triplets, from September 2005 through May 2006. Mother has not visited the triplets since May 2006. Mother's visitation with the triplets was suspended on August 8, 2006, as recommended by the Guardian ad Litem, Carrie Bowmaster, to ensure the safety of the children. Mother acknowledged her risk of safety because she repeatedly stated she could only visit with her triplets if she had a police escort.^[2] Mother has not followed the direction of FCCYS to remain in contact, often leaving FCCYS without a current address and phone number.

11. Throughout the children's placement, Mother has made no effort to be involved in her children's placement or treatment. Mother failed to attend Individual Service Plan meetings and Early Intervention evaluations.

12. Mother has failed to establish stable housing. Instead, Mother reported a new address every few months. All attempts to contact Mother via mail at her last known address were returned by the Post Office stamped "Return to Sender, Attempted - Not Known, Unable to Forward."

13. Mother underwent a drug and alcohol evaluation with Mr. Steve Manuel of the Franklin County Drug and Alcohol Program on March 28, 2006. After she failed to attend two appointments, Mr. Manuel recommended that Mother participate in inpatient treatment at White Deer Run. Mother did not follow the recommendation and on April 28, 2006, she informed Mr. Manuel that she no longer needed inpatient treatment. Thereafter, the recommendation was amended to outpatient drug and alcohol treatment. Mother admitted only to excessive drinking and denied use of illegal drugs, but admitted to being a confidential informant for the Chambersburg Police Department. Mother has not been available for FCCYS to perform random field drug testing since November 2005.

14. On May 30, 2006, Mother was admitted to Chambersburg Hospital's Behavioral Health Unit. On June 16, 2006, Mr. Manuel informed FCCYS that Mother was admitted to White Deer Run Inpatient Treatment Program on June 6, 2006. Mr. Manuel reported that Mother stated that "she began using again and had hit rock bottom," but did not state what she began using. Mother was scheduled to return to Chambersburg on June 20, 2006 to begin outpatient treatment on June 21, 2006, but Mother did not attend her intake meeting, later explaining that she could not be seen in Chambersburg.

15. Mother has yet to attend and complete parenting classes offered by the ESCAPE Center. Mother has scheduled to attend four different ESCAPE Center parenting classes, but did not attend any of them. On July 27, 2006, Ms. Jennifer Sterner of Parent Works, Harrisburg, PA, contacted FCCYS because she received calls from Mother inquiring about home parenting and parenting classes. Ms. Sterner reported that she informed Mother that Parent Works had no classes available until September 30, 2006, and could not provide home parenting because Mother did not have a stable housing or any children in her custody.

16. On July 14, 2006, FCCYS filed a Petition for Involuntary Termination of Parental Rights regarding both Mother and Father. FCCYS set forth the following legal ground for termination in said Petition:

a. 23 Pa.C.S. § 2511(a)(1)

The parent by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to the child or has refused or failed to perform parental duties.

b. 23 Pa.C.S. § 2511(a)(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.

c. 23 Pa.C.S. § 2511(a)(5)

The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six (6) months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

d. 23 Pa.C.S. § 2511(a)(8)

The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, twelve (12) months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

17. On Friday, September 8, 2006, this Court held a hearing on the Petition to Involuntarily Terminate the Rights of both parents.

18. Mother did not appear at the hearing, but was represented by Abigail Salawage, Esquire. Father appeared via telephone and was represented by Kristen Gaddis, Esquire.

19. Carrie M. Bowmaster, Esquire, was also present at the termination hearing acting as Guardian ad Litem to represent the interests of R.B.P., R.C.P., and R.D.P.

20. At the termination hearing, the former FCCYS caseworker for the triplets, Janelle Ebersole, described R.B.P., R.C.P., and R.D.P.'s relationship with their foster parents as "very attached."^[3] Ms. Ebersole explained that the triplets refer to their foster parents as "Mom and Dad," respond to the children of the foster parents as siblings, and that R.B.P., R.C.P., and R.D.P. enjoy being in the care of their foster family.^[4]

21. Father testified at the termination hearing that he would like the children to live with him at his mother's home upon his release from prison.

22. Father testified that his mother would be able to aid him in caring for the children when he had custody. This statement conflicts with Father's mother's statement to FCCYS on February 27, 2006 and June 1, 2006, when she informed the agency that she is unable to be a resource for these children due to health concerns.

23. Father addressed this inconsistency by stating that his mother refused to act as a resource on her own, but is willing to help Father provide care.

24. Father plans on working at night to be able to care for the children during the day.

25. Father has not completed parenting classes, but is on the waiting list for a parenting class at SCI Camp Hill.

26. Father read the reports he received from FCCYS updating R.B.P., R.C.P., and R.D.P.'s status. Father also states that he requested and received photographs, and wrote a letter requesting the children's clothing sizes so that he could send gifts, but he never received a response to that request.

27. Attorney Bowmaster believes that no action has been taken by Mother to complete any of the goals required of her. She further believes that Father's actions have been minimal. Father has asserted that he does not want his rights to be terminated, but has made only one phone call after receiving notice of the Petition and has written no letters inquiring as to the well-being of his children. Attorney Bowmaster further notes that Father has several other children who were older than the triplets at the time of Father's conduct that resulted in incarceration, and she points out that Father did not consider the needs of those children in his actions.

28. Attorney Bowmaster reports to the Court that she believes it is in the best interest of the children to have both maternal and paternal rights terminated at this time.

Discussion

"The U.S. Supreme Court determined in Santosky v. Kramer, 455 U.S. 745 (1982), that the due process clause of the Fourteenth Amendment to the U.S. Constitution requires that the standard of proof in involuntary termination proceedings must be at least clear and convincing evidence." In Re Adoption of D.M.L. and F.W.Z., 453 A.2d 664, 666 (Pa. Super. 1982). It is well established that this high burden of proof lies with the party seeking termination; therefore, in this case, FCCYS has the burden of proving grounds for involuntary termination by the clear and convincing evidence standard. See In the Matter of the Adoption of C.A.W. and A.A.W., 683 A.2d 911, 914 (Pa. Super. 1996).

Throughout these proceedings, Mother has failed to comply with any directives of FCCYS and this Court regarding her children. Mother, at the time of last contact with her attorney, opposed the termination of her rights, but has not contacted her attorney since May 2006, and failed to appear at the Termination Hearing. Father was incarcerated before the children entered placement, and his contact with the triplets prior to his incarceration was minimal. He opposes termination and sought counsel after receiving the Petition for Involuntary Termination, but failed to take action to establish contact with his children. The elements for Involuntary Termination pursuant to 23 Pa.C.S. § 2511(a)(1), § 2511(a)(2), § 2511(a)(5), and § 2511(a)(8), and the Court's analysis of each element are set forth below.

1. Involuntary Termination Pursuant to 23 Pa. C.S. § 2511(a)(1)

Section 2511(a)(1) provides a basis for involuntary termination of parental rights when:

The parent by conduct continuing for a period of at least six (6) months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to the child or has refused or failed to perform parental duties.

Mother has failed to perform parental duties since August 30, 2005, when R.B.P., R.C.P., and R.D.P. were taken into custody by FCCYS. Though she objects to the termination of her rights, Mother has failed to complete any of the requirements FCCYS and this Court have presented to her. Mother has only sporadically attended visits with her children, has not established stable housing or a means to support her children, has not attended and successfully completed parenting classes, has not completed recommended drug and alcohol treatment, has not submitted to random field drug testing, and has not cooperated with FCCYS and CAS in following their recommendations.

Father has failed to perform parental duties since at least January 8, 2004, when he became incarcerated. Father had seen the children only three to four times prior to his incarceration, and did not function as a parent to R.B.P., R.C.P., and R.D.P. at that time. Father objects to the termination of his rights and has described a plan in which he assumes care-taking responsibility upon his release from prison, but does not establish that parental duties were performed in the last six months.

It is well established that when a parent is incarcerated, the incarceration itself does not provide grounds for the termination of parental rights. In re: B., N.M., 856 A.2d 847, 855 (Pa. Super. 2004). It remains, however, that one's parental responsibilities are not tolled during a period of incarceration. Id. To determine whether one sustained parental responsibilities while incarcerated, the Court must consider whether the parent utilized resources available while in prison to maintain a relationship with his child, and the parent's explanation for apparent neglect. Id. It is said that although "a parent is not required to perform the impossible, he must act affirmatively to maintain his relationship with his child, even in difficult circumstances." Id. at 856, citing In re: G.P.-R., 851 A.2d 967, 976 (2004). A parent who is separated from his child does not escape his duty to love, protect, and support them, and additionally takes on a duty to maintain communication and association with his children. In re V.E. and J.E., 611 A.2d 1267, 1272 (Pa. Super. 1992), citing Adoption of McCray, 331 A.2d 652, 654 (Pa. 1975). It is not enough for a parent to protect his rights merely by stating that he does not want his rights to be terminated. In re: B., N.M., 856 A.2d at 855, citing In re C.M.S., 832 A.2d 457, 464 (Pa. Super. 2003).

In the instant case, Father has not maintained a "place of importance" in the lives of R.B.P., R.C.P., and R.D.P. It is true that Father's incarceration prohibited him from spending time with the children. However, in examining a parent's conduct, the Court measures a parent's performance "in light of what would be expected of any individual under similar circumstances." In re V.E. and J.E., 611 A.2d 1267, 1272 (Pa. Super. 1992), citing Matter of M.L.W., 452 A.2d 1021, 1023-23 (Pa. Super. 1982). The triplets have had no contact with Father at least since his incarceration January 8, 2004. Prior to that, Father saw the children only three to four times. Since his incarceration, Father has initiated no contact with the children, and has contacted FCCYS to obtain information about his children only one time. His family members may have made some phone calls to FCCYS, but those calls did not result in any contact between R.B.P., R.C.P., and R.D.P. and Father or Father's family. While incarcerated, Father did not send cards or letters to the children, inquire as to their health and well-being, or even ask questions about the foster family taking

care of the triplets. Father explained during the termination hearing that he was unaware that he could contact the foster family, and that he was apprised of the children's status through the reports he received from FCCYS and the information his family obtained through phone calls. Unfortunately, Father made assumptions that he would not be permitted to establish contact with his children rather than asking how he could establish contact with R.B.P., R.C.P., and R.D.P. Father did not maintain his duty to communicate with his children and had no association with them. Father reported to FCCYS on June 22, 2006 that he does not know his children.^[5] Because Father has not provided love, support, or protection for his children, and has had no communication or association with them for at least the last six months, Father has failed to perform parental duties.

2. Involuntary Termination Pursuant to 23 Pa. C.S. § 2511(a)(2)

Section 2511(a)(2) provides a basis for the termination of parental rights when:

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.

Mother has refused to complete the requirements presented to her with the knowledge that until she fulfills the requirements, she may not retain custody of her children. The children were removed from her custody because she could not provide them with fresh milk, clean diapers, or appropriate sleeping accommodations. When the children were removed they required medical attention and were behind in their immunizations. Since they have been placed in specialized foster care, the children have excelled as their medical, developmental, and emotional needs have been met. Mother continues to refuse to meet the children's needs on her own, a refusal she demonstrates by failing to meet any of the requirements that have been presented to her.

Father has been without the capacity to care for the children since before their placement due to his incarceration. Father has failed to establish any care for the triplets on his own, and has failed to even establish contact with his children since the time of his incarceration. Father remains incarcerated for a period of time, and is thus incapable of providing any care necessary for the health and well being of R.B.P., R.C.P., and R.D.P.

3. Involuntary Termination Pursuant to § 2511(a)(5)

Section 2511(a)(5) provides a basis for involuntary termination when:

The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and the termination of the parental rights would best serve the needs and welfare of the child.

a. The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six (6) months.

R.B.P., R.C.P., and R.D.P. were removed from Mother's care by the Court on August 30, 2005. Therefore it is undisputed that the statutory time periods have been satisfied since the triplets have been removed from parental care for more than one year, or twelve (12) consecutive months.

b. Conditions which led to the removal or placement of the child continue to exist and

c. the parent cannot or will not remedy those conditions within a reasonable period of time.

As previously discussed, R.B.P., R.C.P., and R.D.P. were removed from Mother's care because of drug use and a lack of fresh milk, clean diapers, and adequate sleeping arrangements. These conditions continue to exist today. Mother has failed to sustain housing, complete drug and alcohol treatment, complete parenting classes, maintain stable employment or financial stability, submit to random field drug testing, or otherwise cooperate with FCCYS. Mother has not even been able to maintain visits with R.B.P., R.C.P., and R.D.P. Mother has been given ample opportunity and assistance to obtain the goals set for her

by FCCYS, but she has failed to use the year her children were in placement to remedy the conditions that initiated the removal of the triplets. Father remains incarcerated and unable to provide care to R.B.P., R.C.P., and R.D.P.

d. Services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the within a reasonable period of time.

Mother has had the opportunity to attend parenting classes at ESCAPE Center, with costs paid by Franklin County. Mother has not taken advantage of this resource. Mother did undergo a drug and alcohol evaluation, but did not follow through with the recommended treatment. Mother has not submitted to random field drug testing, the costs of which would be paid by Franklin County. FCCYS and CAS have been working with Mother for more than one year and Mother has failed to take advantage of any of the assistance offered to her. Mother has in no way acted to remedy the conditions that led to the removal of R.B.P., R.C.P., and R.D.P. from her custody.

Father has remained incarcerated during the entirety of the triplets' placement, but Father has not sought the aid of the agencies involved to establish any kind of bond with R.B.P., R.C.P., and R.D.P., and has failed to establish himself as an important person in his children's lives. While Father testified that he would like to care for the children upon his release from prison, and that he has a plan for the children to live with him in his mother's home, he has taken no action on behalf of the children to this date. As discussed in In re: J.L.C. and J.R.C., plans for the future are no substitute for past conduct. 837 A.2d 1247, 1253 (Pa. Super. 2003). Father had one year to remedy his relationship with his children since they have been in placement, and he did not so much as write them a letter. Father has not utilized any aid afforded to him to begin the process of being able to care for his children.

e. Termination of parental rights would best serve the needs and welfare of the child.

R.B.P., R.C.P., and R.D.P. were removed from Mother's care when FCCYS found the children without sufficient food, clothing, and beds, and when two of the children were sick, and field testing showed positive drug use by Mother. At the time, Mother indicated she was going to treat the sick children with adult Nyquil and was unable to take her children to the doctor's office because she was without transportation, and could not arrange any transportation. The children were behind in their immunizations and in need of Early Intervention services upon their removal. After one year in specialized foster care, R.B.P., R.C.P., and R.D.P. are excelling. The children receive regular medical attention, which controls their Reactive Airway Disease, and are all active and involved in their environment. The children have bonded with their foster parents, calling them "Mom" and "Dad." Upon entering foster care the children called everyone "mom," not knowing what the term meant. The individual personalities of each child are blossoming, and R.D.P., in particular, is reaping the benefits of bonding with his foster father. The girls have met their Early Intervention goals and no longer require services. R.D.P. continues to receive speech therapy and physical therapy. The current caseworker believes that the children have a wonderful bond with the foster family and that the foster family will be able to offer the children permanency.[6]

Attorney Bowmaster believes that it would be in the best interest of R.B.P., R.C.P., and R.D.P. to terminate both Mother and Father's parental rights. She notes that Mother has failed to complete all of her requirements, and Father failed to consider the needs of any of his children when his actions resulted in incarceration. Attorney Bowmaster reiterates that R.B.P., R.C.P., and R.D.P. need permanency in their lives. [7] Permanency for these children will be possible by adoption after the termination of parental rights.

4. Involuntary Termination Pursuant to § 2511(a)(8)

Section 2511(a)(8) provides a basis for the involuntary termination of parental rights when:

The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, twelve months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

The children were removed from parental care on August 30, 2005. The involuntary termination hearing took place on September 8, 2006, more than twelve months after R.B.P., R.C.P., and R.D.P. were placed in the custody of FCCYS. The existence of the conditions leading to the removal of the children from parental care and the fact that termination of parental rights would best serve the needs and welfare of the children are discussed by the Court in detail above.

Conclusion

For all the above reasons, the Court believes that it is in R.B.P., R.C.P., and R.D.P.'s best interest to involuntarily terminate the parental rights of Mother and Father. The parents of these children have not been able to provide for the needs of these children, who have been able to grow physically, emotionally, and developmentally in specialized foster care. R.B.P., R.C.P., and R.D.P. deserve the stability of an environment in which they can continue to excel.

The Court understands that this decision greatly impacts both the parents and the children of this case. Therefore, the Court thoroughly analyzed the facts and circumstances before it. The Court is confident that FCCYS has met its burden in proving the above elements of 25 Pa.C.S. §§ 2511(a)(1), 2511(a)(2), 2511(a)(5), and 2511(a)(8) in compliance with the clear and convincing evidence standard. Mother has failed to abide by the requirements of the agencies involved, and Father has failed to form a bond with the children, failed to establish himself as an important person in their lives, and failed to maintain communication and association with the children. The County has worked with this family for more than one year in hopes that reunification would be possible; however, after a reasonable period of time Mother and Father have not taken advantage of the assistance offered by the County, and have failed to reunite with their children. R.B.P., R.C.P., and R.D.P. deserve a safe, stable, and permanent home and the Court believes such a home is possible if termination is granted and an adoption can move forward.

The statutory requirements of involuntary termination have clearly been met, therefore this Court hereby terminates the rights and duties of W.J., the natural mother of R.B.P., R.C.P., and R.D.P. and R.P., the natural father of R.B.P., R.C.P., and R.D.P.

ORDER OF COURT

And now this 13th day of October, 2006, after consideration of Petitioner's Petition for Involuntary Termination of Parental Rights, briefs submitted by counsel and evidence presented in the hearing on the matter, it is hereby determined that in light of the totality of the circumstances, Petitioner has established, by clear and convincing evidence, the statutory requirements of 23 Pa.C.S. § 2511(a)(1), 23 Pa.C.S. § 2511(a)(2), 23 Pa.C.S. § 2511(a)(5), and 23 Pa.C.S. § 2511(a)(8). It is hereby ordered that the Involuntary Termination Petition is granted; therefore, the parental rights and duties of W.J., the natural mother of R.B.P., R.C.P., and R.D.P. and R.P., the natural father of R.B.P., R.C.P., and R.D.P., are hereby terminated.

[1] Transcript of Proceedings of Involuntary Termination of Parental Rights, (September 8, 2006), 57:21 - 58: 11

[2] Petitioner's Exhibit I, p. 5.

[3] Transcript of Proceedings of Involuntary Termination of Parental Rights, (September 8, 2006), 28:7-10.

[4] *Id.*

[5] Petitioner's Exhibit I, p. 7.

[6] Transcript of Proceedings of Involuntary Termination of Parental Rights, (September 8, 2006), 44: 15-22.

[7] *See id.* at 71: 12-18.