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# ERIE COUNTY LEGAL JOURNAL

OPINION  
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In the Matter of Adoption of K.R.B. and Adoption of K.J.D.,  
Appeal of M.B., Mother

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## ERIE COUNTY LEGAL JOURNAL

Reporting Decisions of the Courts of Erie County  
The Sixth Judicial District of Pennsylvania

Managing Editor: Megan E. Anthony

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## ERIE COUNTY BAR ASSOCIATION CALENDAR OF EVENTS AND SEMINARS

### TUESDAY, SEPTEMBER 14, 2021

Family Law Section Meeting

Noon

ECBA Headquarters live (must RSVP)  
or via Zoom

### WEDNESDAY, SEPTEMBER 15, 2021

Workers' Compensation Section Meeting

Noon

ECBA Headquarters live (must RSVP)  
or via Zoom

### THURSDAY, SEPTEMBER 16, 2021

In-house Counsel Division

Lunch-n-Learn Meeting

Noon

ECBA Headquarters live (must RSVP)  
or via Zoom

### THURSDAY, SEPTEMBER 16, 2021

Bocce Beer and Bites Tournament

hosted by the Erie County Law Foundation

The Brewerier at Union Station,

123 West 14th Street, Upper Deck

5:15 p.m.

*Click link for details*

<https://www.eriebar.com/events/ecba-events/1736-bocce-beer-and-bites-tournament>

### FRIDAY, SEPTEMBER 17, 2021

Law Day Committee Meeting

Noon

ECBA Headquarters live (must RSVP)  
or via Zoom

### MONDAY, SEPTEMBER 20, 2021

Attorneys and Kids Together Meeting

Noon

ECBA Headquarters live (must RSVP)  
or via Zoom

### TUESDAY, SEPTEMBER 21, 2021

Solo/Small Firms Division Meeting

Noon

ECBA Headquarters live (must RSVP)  
or via Zoom

### WEDNESDAY, SEPTEMBER 22, 2021

Diversity & Inclusion Division Meeting

Noon

ECBA Headquarters live (must RSVP)  
or via Zoom

### THURSDAY, SEPTEMBER 23, 2021

Live ECBA Lunch-n-Learn Seminar

*Perspectives on Domestic Violence Prevention and Pro Bono Opportunities*

The Will J. Schaaf & Mary B. Schaaf

Education Center live or via Zoom

Noon - 1:00 p.m.

*Click link for details*

<https://www.eriebar.com/events/public-registration/1738>

To view PBI seminars visit the events calendar on the ECBA website

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**IN THE MATTER OF THE ADOPTION OF K.R.B. (D.O.B.: October 8, 2017)  
AND THE ADOPTION OF K.J.D. (D.O.B.: October 30, 2018),  
APPEAL OF: M.B., MOTHER**

*INFANTS / TERMINATION OF PARENTAL RIGHTS / EVIDENCE /  
DEGREE OF PROOF*

The party petitioning for termination of parental rights has the burden of proving by clear and convincing evidence the parent's conduct satisfies statutory grounds for termination under Section 2511(a).

*INFANTS / TERMINATION OF PARENTAL RIGHTS /  
CHILDREN IN NEED OF AID*

The focus in termination of parental rights action is on the conduct of the parent.

*INFANTS / TERMINATION OF PARENTAL RIGHTS / CHILDREN IN NEED /  
QUESTIONS OF FACT AND FINDINGS*

In a termination of parental rights case, the trial court, as the finder of fact, is the sole determiner of the credibility of witnesses and all conflicts in testimony are to be resolved by the finder of fact.

*INFANTS / TERMINATION OF PARENTAL RIGHTS /  
CHILDREN IN NEED OF AID / DETERMINATION AND FINDINGS*

Only if the court determines that the parent's conduct warrants termination of his or her parental rights does the court engage in the second part of the analysis: determination of the needs and welfare of the child under the standard of best interests of the child. 23 Pa.C.S. §2511(b).

*INFANTS / TERMINATION OF PARENTAL RIGHTS / EVIDENCE /  
DEGREE OF PROOF*

In a termination of parental rights case, the standard of "clear and convincing evidence" means the testimony is so "clear, direct, weighty, and convincing" for the trial judge as the trier of fact to arrive at "a clear conviction, without hesitation, of the truth of the precise facts in issue."

*INFANTS / TERMINATION OF PARENTAL RIGHTS / REUNIFICATION EFFORTS*

Parents are required to make diligent efforts toward the reasonably prompt assumption of full parental responsibilities in order to preserve parental rights when a termination petition has been filed. 23 Pa.C.S. §2511(a).

*INFANTS / TERMINATION OF PARENTAL RIGHTS / WEIGHT AND  
SUFFICIENCY / REHABILITATION AND REUNIFICATION EFFORTS*

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, in a proceeding to terminate parental rights. 23 Pa.C.S. §2511(a).

*INFANTS / TERMINATION OF PARENTAL RIGHTS /  
CHILDREN IN NEED OF AID / CHILDREN IN NEED*

A court may terminate parental rights where the parent demonstrates a settled purpose to relinquish parental claim to a child or fails to perform parental duties for at least the six months prior to the filing of the termination petition. 23 Pa.C.S. §2511(a)(1).

*INFANTS / TERMINATION OF PARENTAL RIGHTS /  
CHILDREN IN NEED OF AID / CHILDREN IN NEED / ABANDONMENT*

When considering whether to terminate parental rights on the ground that the parent failed

to perform parental duties for at least six months prior to the termination petition, a court should consider the entire background of the case and not simply mechanically apply the six-month statutory provision; the court must examine the individual circumstances of each case and consider all explanations offered by the parent facing termination of his parental rights, to determine if the evidence, in light of the totality of the circumstances, clearly warrants the involuntary termination. 23 Pa.C.S. §2511(a)(1).

*INFANTS / TERMINATION OF PARENTAL RIGHTS / CHILDREN IN NEED OF AID / CHILDREN IN NEED / DEPRIVATION, NEGLECT, OR ABUSE*

Statute authorizing termination of parental rights on ground of continued abuse or neglect does not emphasize a parent’s refusal or failure to perform parental duties, but instead emphasizes the child’s present and future need for essential parental care, control or subsistence necessary for his physical or mental well-being, and therefore, the language in statute should not be read to compel courts to ignore a child’s need for a stable home and strong, continuous parental ties, which the policy of restraint in state intervention is intended to protect, and this is particularly so where disruption of family has already occurred and there is no reasonable prospect for reuniting it. 23 Pa.C.S. §2511(a)(2).

*INFANTS / TERMINATION OF PARENTAL RIGHTS / REPORTS AND RECOMMENDATIONS; EXAMINATIONS AND ASSESSMENTS*

When conducting a bonding analysis in a proceeding to terminate parental rights, a court is not required to use expert testimony, and social workers and caseworkers can offer evaluations. 23 Pa.C.S. §2511(b).

*INFANTS / TERMINATION OF PARENTAL RIGHTS / NEEDS, INTEREST, AND WELFARE OF CHILD*

Before granting a petition to terminate parental rights, it is imperative that a trial court carefully consider the intangible dimension of the needs and welfare of a child, the love, comfort, security and closeness, entailed in a parent-child relationship, as well as the tangible dimension. 23 Pa.C.S. §2511(b).

*INFANTS / TERMINATION OF PARENTAL RIGHTS / CHILDREN IN NEED OF AID*

In a proceeding to terminate parental rights, a trial court, in considering what situation would best serve the children’s needs and welfare, must examine the status of the natural parental bond to consider whether terminating the natural parents’ rights would destroy something in existence that is necessary and beneficial. 23 Pa.C.S. §2511(b).

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
 ORPHANS’ COURT DIVISION  
 NOs. 65, 65A IN ADOPTION, 2020  
 376 WDA 2021 and 377 WDA 2021

Appearances: Gregory J. Grasinger, Esq., on behalf of Appellant, M.B., Mother  
 Christine F. Konzal, Esq., Legal Counsel for Minor Child  
 Kevin C. Jennings, Assistant Solicitor for ECCYS

**1925(a) OPINION**

April 16, 2021

Domitrovich, J.,

Appellant M.B. (“Mother”) appeals from the Final Decrees entered February 18, 2021 in the Erie County Court of Common Pleas granting a Petition of Involuntary Termination from the Erie County Children and Youth Services (“ECCYS”) thereby involuntarily terminating Mother’s parental rights pursuant to 23 Pa.C.S. §2511 (a) (1), (2), (5), (8) and (b), to her daughters, K.R.B. (“Minor Child K.R.B.”) born in October of 2017, and K.J.D. (“Minor Child K.J.D.”) born in October of 2018 (and collectively referred to as “Minor Children”). At the Common Pleas level, a set of Findings of Fact and Conclusions of Law was filed for both children with separate Final Decrees for each child. On appeal, Mother through her counsel raises identical issues as to each child; therefore, this IVT Court addresses both of Mother’s appeals in this consolidated 1925(a) Opinion.<sup>1</sup>

Mother through her counsel raises on appeal in essence one overarching issue which this IVT Court will address first: whether the IVT Court abused its discretion and/or erred by finding and concluding ECCYS met its burden of proof with clear and convincing evidence to terminate involuntarily Mother’s parental rights under 23 Pa.C.S. §2511 (a) (1), (2), (5), (8) and (b). Mother’s remaining three ancillary issues stem from the overarching issue: 1. Whether the impact of one clerical error in this IVT Court’s initial Findings of Fact was *de minimis* where the IVT Court erroneously noted as to the second Emergency Order, Mother was arrested on the same date Minor Children were removed from Mother’s care while in reality Mother was already incarcerated for her drug usage prior to Minor Children’s emergency removal and remained incarcerated on the date these Minor Children were removed by a second Emergency Protective Order<sup>2</sup>; 2. Whether this IVT Court considered Dependency Court’s initial reuniting Minor Child K.R.B. with Mother, where shortly thereafter, within seven months, Mother significantly regressed to the point that both Minor Children had to be removed on an emergency basis from Mother’s care; and 3. Whether implementation of Covid-19 procedures negatively affected Mother’s ability to follow her court-ordered treatment plan.

As to the overarching issue as well as any and all ancillary issues, the undersigned IVT Court judge was not the Dependency Court judge presiding in this case; therefore, this IVT Court performed its role by evaluating, reviewing and examining the entire record in this instant case and sets forth its methodology in determining the involuntary termination of Mother’s parental rights in this case, which includes but is not limited to, as follows: thoroughly reviewing all admitted Exhibits offered by Petitioner’s counsel and Respondent’s counsel, which were referred to and cited to herein and its initial Findings of Fact; determining the credibility of witnesses’ testimony and finding both Erica Moffett, ECCYS Caseworker and Nicole Seelbach, ECCYS Permanency Casework Clinician are credible witnesses; hearing, evaluating and reviewing written testimony from Mother as well as maternal

<sup>1</sup> Father D.D. voluntarily relinquished his parental rights to Minor Child K.R.B. and Minor Child K.J.D. on February 12, 2021. Father reasoned and explained, “I just think it’s best at this possible time right now to relinquish my rights. I understand if possible [Minor Children are] going to be in a good spot .... don’t normally want to do this, but I do understand it is for the best.” See N.T.: IVT Hearing, February 12, 2021, 9:1-6. Father completed and signed the required documentation voluntarily relinquishing his parental rights in the presence of this IVT Court via videoconference from the Albion State Correctional Institution after Father’s counsel explained Father’s rights. See N.T., 9:25-11:13.

<sup>2</sup> The IVT did correctly state for the First Emergency Protective Order that Mother was arrested on March 5, 2018 on the same day Dependency Court removed Minor Child K.R.B. due to Mother having an active warrant for her arrest. See Petitioner’s Exhibits 2A & 4.

grandmother, Sandra Bradley. Moreover, this IVT Court presided over this IVT proceeding regarding Mother and has also had the benefit of reviewing the written transcript which is now available to complete citations in this 1925(a) Opinion.

#### **FINDINGS OF FACT and PROCEDURAL HISTORY**

The instant case began in Dependency Court on March 5, 2018, with Minor Child K.R.B. being removed from Mother and Father's custody and placed temporarily into ECCYS's legal and physical custody. This first Emergency Protective Order stated removal was necessary for the welfare and best interest of Minor Child K.R.B. "[Mother] was arrested on March 5, 2018 due to having an active warrant." See Petitioner's Exhibits 2A, *Dependency Petition for K.R.B.* & 4, *Emergency Protective Order for K.R.B.*

On March 8, 2018, following a full hearing on the record, Dependency Court ordered custody of Minor Child K.R.B. to remain with ECCYS, as returning Minor Child K.R.B. to Mother's care was not in Minor Child K.R.B.'s best interest. Mother appeared in person at said hearing and stipulated to continued temporary shelter care pending an adjudication hearing. See Petitioner's Exhibit 3A, *Recommendation for Shelter Care.*

On March 15, 2018, following a full hearing on the record, Dependency Court adjudicated Minor Child K.R.B. dependent. Dependency Court found clear and convincing evidence existed indicating Minor Child K.R.B. was without proper parental care and control as it pertained to Mother for the following reasons: 1) Mother's history with Venango County Children and Youth Services due to "[Mother] abusing drugs, unstable mental health, failure to follow through with medical care and unstable housing and homelessness"; 2) Mother's severe drug addiction, including her being under the influence when Minor Child K.R.B. was removed from her custody; 3) Mother's history of unstable housing, including that she was homeless at the time of Minor Child K.R.B.'s removal; 4) Mother's "fail[ure] to attend at least three (3) medical appointments since [Minor Child K.R.B.]'s birth," and the fact that Minor Child K.R.B. had not seen a primary care physician since October 2017; 5) Mother's criminal history, including numerous retail theft and drug related criminal convictions; and 6) on the date Minor Child K.R.B. was removed from Mother's custody, Minor Child K.R.B. was found alone, "unrestrained in a car seat and near syringes in a vehicle that had all of the windows down despite the inclement weather," after which Mother, Sandra Bradley, and Mother's brother appeared at the scene under the influence of drugs and/or alcohol according to law enforcement performing the welfare check. Mother appeared at the adjudication hearing and stipulated to the accuracy of Dependency Petition allegations. See Petitioner's Exhibits 2A, *Dependency Petition for K.R.B.* & 3A, *Recommendation for Adjudication and Disposition for K.R.B.*

In Dependency Court's March 15, 2018 Order, Dependency Court established Minor Child K.R.B.'s permanent placement goal as return Minor Child K.R.B. to a parent or guardian. Dependency Court also approved Minor Child K.R.B.'s permanency plan, which directed Mother to meet the following requirements: 1) Mother shall maintain stable employment; 2) Mother shall maintain safe and stable housing, and all household members must be approved by ECCYS; 3) Mother shall refrain from drugs and/or alcohol and submit to urinalysis tests via Esper Treatment Center's Color Code Program; 4) Mother shall participate in a mental health assessment and follow any recommendations; 5) Mother shall comply with her probation through Erie County; 6) Mother shall execute all releases for ECCYS;

and 7) Mother shall contact Minor Child K.R.B.'s ECCYS on-going caseworker at least two (2) times per week. Mother was granted visitation with Minor Child K.R.B. at least two (2) times per month, which increased in frequency and duration if Mother complied with her requirements under Minor Child K.R.B.'s permanency plan. Mother's visitation was contingent upon Mother demonstrating she had clean urinalysis screenings. See Petitioner's Exhibit 3A, *Recommendation for Adjudication and Disposition for K.R.B.*

On June 1, 2018, Dependency Court issued a Permanency Review Order regarding Minor Child K.R.B.'s dependency proceedings, after conducting a full hearing on the record on May 30, 2018, to which Mother attended in person represented by her counsel. Dependency Court found Mother had made moderate progress toward alleviating the circumstances that necessitated Minor Child K.R.B.'s removal. Dependency Court found Minor Child K.R.B.'s best interest was to remain in ECCYS's custody, with placement in the Gibson foster home. Minor Child's permanent placement goal remained return Minor Child K.R.B. to a parent or guardian. Mother was to continue following the court-ordered treatment plan for reunification. Mother visited with Minor Child K.R.B. once per week, which would continue if Mother remained drug and alcohol free, and continued to follow Minor Child K.R.B.'s permanency plan. See Petitioner's Exhibit 4, *Permanency Review Order dated June 1, 2018 for K.R.B.*

On October 30, 2018, Minor Child K.J.D. was born. Mother had full custody of Minor Child K.J.D. at this time.

On November 11, 2018, Dependency Court issued a second Permanency Review Order regarding Minor Child K.R.B.'s dependency proceedings, after conducting a full hearing on November 21, 2018, to which Mother did not attend but was represented by counsel. Dependency Court found Mother substantially complied with Minor Child K.R.B.'s permanency plan. Dependency Court found Minor Child K.R.B.'s best interests were to remain in the Gibson foster home although Minor Child K.R.B.'s permanent placement goal continued to remain return to a parent or guardian. Mother was ordered to continue to meet the above listed requirements under Minor Child K.R.B.'s permanency plan. Dependency Court directed Mother's visitation with Minor Child K.R.B. to continue and directed Mother's visitation may progress to overnight visitation when deemed appropriate by ECCYS. See Petitioner's Exhibit 4, *Permanency Review Order dated November 29, 2018 for KR.B.*

In December 2018, Minor Child K.R.B. was returned to Mother's custody. At that time, Mother had custody of both Minor Children.

On May 22, 2019, Dependency Court issued a third Permanency Review Order regarding Minor Child K.R.B. following a full hearing on May 16, 2019, to which Mother attended in person represented by her counsel. Dependency Court found Mother fully complied with Minor Child K.R.B.'s permanency plan. Dependency Court changed Minor Child K.R.B.'s placement goal to remain with parent or guardian as Minor Child K.R.B. was in Mother's custody. Mother was directed to continue to meet the court-ordered treatment plan and a six month review hearing was scheduled. See Petitioner's Exhibit 4, *Permanency Review Order dated May 22, 2019 for K.R.B.*

On July 23, 2019, Minor Child K.J.D. was removed from Mother's and Father's custody and placed temporarily into ECCYS's legal and physical custody pursuant to an Emergency Protective Order stating removal was necessary for the welfare and best interest of Minor Child K.J.D. Moreover, Minor Child K.R.B. was also removed from Mother's custody. At

the time of removal of Minor Children on July 23, 2019, Mother was already incarcerated and had been incarcerated since July 17, 2019. *See* Petitioner's Exhibits 2B, *Dependency Petition for K.J.D.* & 4, *Emergency Protective Order for K.J.D.*

On July 26, 2019, following a full hearing on the record, Dependency Court ordered custody of Minor Child K.J.D. to remain with ECCYS in the best interest of Minor Child K.J.D. Mother did not appear at said hearing as Mother was incarcerated after failing a probation-required drug screening. *See* Petitioner's Exhibits 2B, *Dependency Petition for K.J.D.* & 3B, *Recommendation for Shelter Care.*

On August 6, 2019, following a full hearing on the record, Dependency Court adjudicated Minor Child K.J.D. dependent. Mother attended in person and was represented by her counsel. Dependency Court found clear and convincing evidence indicating Minor Child K.J.D. was without proper parental care and control as it pertained to Mother for the following reasons: 1) Mother's past history with ECCYS when Minor Child K.R.B. was adjudicated dependent and with Venango County, for another minor child not in her care nor subject to this IVT Trial, "due to concerns of drug use, lack of stable housing, and mental health"; 2) Mother had been incarcerated twice since June 28, 2019 due to failed probation-required drug screenings; 3) Mother's hospitalization at Millcreek Community Hospital due to her poor mental health, and that Mother checked herself out of Millcreek Community Hospital against medical advice; and 4) Mother's criminal history. Mother stipulated to Dependency Court allegations and agreed to Minor Child K.J.D.'s placement setting at said hearing. *See* Petitioner's Exhibits 2B, *Dependency Petition for K.J.D.* & 3B, *Recommendation for Adjudication and Disposition of K.J.D.*

In Dependency Court's August 6, 2019 Order, Dependency Court established Minor Child K.J.D.'s permanent placement goal as return Minor Child K.J.D. to a parent or guardian. Dependency Court also approved Minor Child K.J.D.'s permanency plan, which directed Mother to follow the court-ordered treatment plan under Minor Child K.R.B.'s permanency plan, and also required Mother to participate actively in drug and alcohol treatment so Mother could "gain an understanding of how her drug use affects her mental health and decision making." (*Recommendations for Adjudication and Disposition of K.J.D.* at pg. 3). Mother was granted visitation with Minor Child K.J.D., which would increase in frequency and duration if Mother complied with her court-ordered treatment plan. *See* Petitioner's Exhibit 3B, *Recommendations for Adjudication and Disposition of K.J.D.*

On November 7, 2019, Dependency Court issued two Permanency Review Orders, one for each Minor Child, following a full hearing on November 1, 2019 regarding both Minor Children and Mother attended in person represented by counsel. Dependency Court found Mother made minimal progress toward alleviating the circumstances necessitating Minor Children's removal from Mother's custody. Dependency Court found Minor Children's best interests were to remain in the Vivier-Lorenzi kinship home. Minor Children's permanent placement goals remained return Minor Children to a parent or guardian. Mother's visitation with Minor Children was contingent upon Mother demonstrating clean urinalysis screenings. Mother was directed to continue to follow the court-ordered treatment plan. *See* Petitioner's Exhibit 4, *Permanency Review Order dated November 11, 2019 for K.R.B.* and *Permanency Review Order dated November 11, 2019 for K.J.D.*

On May 6, 2020, Dependency Court issued two Permanency Review Orders, one for

each Minor Child, following a full hearing on May 5, 2020 regarding both Minor Children and Mother attended via telephone represented by her counsel, who appeared in person. Dependency Court found Mother minimally complied with Minor Children's permanency plans. Dependency Court found Minor Children's best interests were to remain in Ms. Vivier-Lorenzi's home. Dependency Court changed Minor Children's permanent placement goals to return Minor Children to a parent or guardian, concurrent with adoption. Mother was ordered to continue to comply with the court-ordered treatment plan and noted Covid-19 may affect how some services would be offered to Mother. Mother was granted visitation with Minor Children, which would increase in frequency and duration if Mother complied with Minor Children's permanency plans and remained drug and alcohol free. *See* Petitioner's Exhibit 4, *Permanency Review Order dated May 6, 2020 for K.R.B.* and *Permanency Review Order dated May 6, 2020 for K.J.D.*

On July 13, 2020, Dependency Court issued two Permanency Review Orders, one for each Minor Child, following a full hearing on July 6, 2020 regarding both Minor Children, and Mother attended in person represented by counsel. Dependency Court found Mother made only minimal progress toward alleviating the circumstances that necessitated Minor Children's removal from Mother's custody. Dependency Court found Minor Children's best interests were to remain in Ms. Vivier-Lorenzi's home. Dependency Court changed Minor Children's permanent placement goals to adoption. Dependency Court ordered no further services, including visitation, shall be offered to Mother. *See* Petitioner's Exhibit 4, *Permanency Review Order dated July 13, 2020 for K.R.B.* and *Permanency Review Order dated July 13, 2020 for K.J.D.*

On August 5, 2020, ECCYS filed these Petitions to Involuntarily Terminate Mother's parental rights as to each Minor Child. This IVT Court held the IVT hearing on February 12, 2021.

During the IVT Trial, Mother provided numerous reasons to attempt to justify her missing Esper Treatment Center random drug urinalysis tests. However, in summary, Mother's urinalysis testing results from the Esper Treatment Center during the life of Minor Children's dependency proceedings were: twenty (20) negative tests, seventy-two (72) "no-show positive" tests, two (2) "could not produce" tests, and eighty-four (84) positive tests. Eighty-two (82) of the positive tests were for Suboxone, which Mother was prescribed, one (1) was for cocaine, and one (1) was for methamphetamine. *See* Petitioner's Exhibit 7.

Erica Moffett, an ECCYS Caseworker, who transitioned into becoming the caseworker in this case prior to the second permanency review, provided credible testimony. *See* N.T.: IVT Hearing, February 12, 2021, 27:1-3. From May 2018 until November 2018, Caseworker Moffett stated Mother was following her treatment plan: Mother maintained employment and housing; Mother was engaged in mental health treatment; Mother failed to appear at only two urinalysis tests; Mother was compliant with her probation; and Mother was attending Minor Child K.R.B.'s medical appointments. *See* N.T., 27:21-25; 28:7-29:6. Minor Child K.R.B. was returned to Mother's care in December 2018. *See* N.T., 29:7-30:6. For a period of time, Mother had both Minor Children in her care and was "doing pretty well." *See* N.T., 30:13-21.

Starting in May 2019, Caseworker Moffett had "some concerns about [Mother] using [drugs]" and Mother's lack of compliance with her mental health treatment plan. *See* N.T., 32:13-21. Mother was committed to Millcreek Community Hospital in June 2019 due to her poor mental health as Mother was paranoid and hearing voices. *See* N.T., 32:18-33:4.

“[A]t one point [Mother] had left the home, was wandering around ....” *See* N.T., 33:4-5. However, Mother refused to stay for the full course of treatment and checked herself out of the hospital against medical advice. *See* N.T., 33:7-11.

In May 2019, Caseworker Moffett explained Dependency Court found Mother was in full compliance with the court-ordered treatment plan, and Mother was doing well until Dependency Court had to remove both Minor Children from Mother’s custody in July of 2019. *See* N.T., 31:7-15. Caseworker Moffett stated Minor Children were taken into ECCYS’s custody in July 2019 because “[Caseworker Moffett] was informed that [Mother] was incarcerated due to noncompliance, and [ECCYS] had received that ... it was due to her drug use, and [Mother] had been incarcerated for a period of time ...” *See* N.T., 31:22-32:4.

During the fourth Permanency Review period in November 2019, Mother admitted she was incarcerated twice due to testing positive for methamphetamine from June 28 until July 11, 2019, and again July 17 until October 6, 2019. *See* N.T., 34:24-35:13. Dependency Court found Mother’s compliance with her court-ordered treatment plan was minimal. *See* N.T., 34:16-21. Mother was a “no-show positive” for all urinalysis screenings during this review period. *See* N.T., 35:14-17. Caseworker Moffett explained Mother was incoherent during this review period: “When we talked about ... [Mother’s] accountability, and the importance for [Mother] meeting her appointments, [Mother] could not put two and two together that, in order for [Mother] to ... remain compliant, [Mother] had to follow through ....” *See* N.T., 36:9-23. Mother also was not maintaining her housing during this review period. *See* N.T., 37:2-4. Mother’s last visit with Minor Children was in October 2019, specifically, “[Mother] only had visits on October 7 and 8 during that [review period] ....” *See* N.T., 37:9-16. Mother only visited Minor Children twice since being removed from Mother’s care in July 2019. *See* N.T., 37:17-18. Minor Children are being cared for by a maternal aunt, Sarah Vivier-Lorenzi, since their removal in July 2019. *See* N.T., 37:19-38:5.

During the fifth Permanency Review period, Dependency Court found Mother only minimally complied with the court-order treatment plan at the Permanency Review Hearing in May 2020. *See* N.T., 41:6-8. Mother was incarcerated again from February 6 until March 10, 2020 due to “probation violations for drug abuse.” *See* N.T., 40:4-12. Mother failed to appear to at least twenty (20) urinalysis tests at Esper Treatment Center. *See* N.T., 38:20-39:8. Mother failed consistently to seek drug and alcohol treatment during this time. *See* N.T., 39:9-12. Mother also failed to follow through with her mental health treatment after beginning treatment at Stairways. *See* N.T., 39:13-22. Mother also did not obtain stable employment or housing during this time. *See* N.T., 39:23-40:3. Caseworker Moffett stated: “[Mother] would still continue to put blame on [ECCYS], not giving her the opportunity to be able to parent her kids, even though [Mother] was given the opportunity prior ....” *See* N.T., 40:18-23. Caseworker Moffett explained to Mother the effect of Mother’s incarcerations on her ability to parent Minor Children. *See* N.T., 40:13-18. Mother had not visited with Minor Children since October 2019. *See* N.T., 40:24-41:5. Mother was instructed by Dependency Court she was being given one final chance to comply fully with Minor Children’s permanency plan. *See* N.T., 41:6-11. Specifically, Dependency Court told Mother “step it up, or we’re changing the goal ....” *See* N.T., 41:9-15.

Dependency Court held a sixth Permanency Review hearing in July 2020 wherein the goal changed to adoption. *See* N.T., 41:16-19. During this review period from May to July

2020, Mother started out doing some of her court-ordered treatment plan, but “then lapsed right back to where she was before the hearing ....” *See* N.T., 42:5-9. When the COVID-19 pandemic commenced, Esper Treatment Center stopped doing random color-coded urinalysis testing, but allowed “one-time urines, which is, [ECCYS] ask[s] a client to show up one time and drop a urine for whatever reason.” *See* N.T., 42:20-43:9. Mother did not show up for either “onetime urines” she was asked to do and did not participate in color-code urines when Esper Treatment Center started allowing random color-code testing again. *See* N.T., 43:10-22. When Mother was released from prison, Mother would reside at the Thunderbird Motel along with Sandra Bradley, and such accommodations include a small, single room with 2 beds. *See* N.T., 44:17-23. Mother failed to obtain stable employment and housing. Mother continued only sporadically to treat her drug and alcohol addiction as well as her mental health. *See* N.T., 44:24-45:8. Caseworker Moffett explained that during a scheduled appointment with Mother to discuss her compliance with the court-ordered treatment plan and the “possible change of goal,” Mother “started yelling and screaming at [Caseworker Moffett]; then it just started becoming counter-productive.” *See* N.T., 46:1-7. This was the last meeting between Mother and Caseworker Moffett. *See* N.T., 45:17-19.

Caseworker Moffett also stated Minor Children’s interests are best served by terminating involuntarily Mother’s parental rights. *See* N.T., 46:24-47:2. Caseworker Moffett explained the reason was, “[I]argely due to [Mother’s] lack of compliance. [Mother] was afforded opportunity to have her kids back in her care, which [Mother] did for a period of time, but then [Mother] ended up getting into drugs again, not complying with her probation; her mental health was unstable; [Mother] lost her housing.” *See* N.T., 47:3-9. Caseworker Moffett stated no negative effects would occur to either of these Minor Children if Mother’s parental rights were involuntarily terminated. *See* N.T., 47:21-24.

ECCYS has been involved in Minor Child K.J.D.’s life “the entire time she’s been alive ...” and Minor Child K.R.B. was “five months old when [ECCYS] first got involved.” *See* N.T., 49:20-50:1. Minor Children are doing very well in Ms. Vivier-Lorenzi’s home. *See* N.T., 48:6-10. Minor Children have developed a “sibling bond” with Ms. Vivier-Lorenzi’s three other children, and a “maternal bond” has developed between Ms. Vivier-Lorenzi and Minor Children. *See* N.T., 48:18-24; 49:8-10. “For [Minor Child K.R.B.], she has referred to [Ms. Vivier-Lorenzi] as her mom on a few occasions when [Caseworker Moffett] was there. [Minor Child K.J.D.] will go to [Ms. Vivier-Lorenzi] if she wants something or she needs something ... if she was upset and she wants to be cuddled, [Minor Child K.J.D.] will go to [Ms. Vivier-Lorenzi] for nurturing.” *See* N.T., 49:2-7. Both Minor Children are developing normally in Ms. Vivier-Lorenzi’s care. *See* N.T., 49:16-18. Minor Children are behaviorally “typical” two- and three-year-olds. *See* N.T., 59:21-23.

Caseworker Moffett stated “... between April and May [2020], there was a total noncompliance with [Mother]” where Mother was missing scheduled appointments. *See* N.T., 50:20-24. Caseworker Moffett indicated Mother was not able to maintain being a parent to these Minor Children due to her drug usage despite being given ample opportunities to parent these Minor Children in 2018 through 2019. *See* N.T., 57:4-10. ECCYS could not offer “any other services” or done “anything more” to reunify Mother with these Minor Children. *See* N.T., 50:5-8. Caseworker Moffett stated there were no external factors that created problems for Mother, “because prior to ... the pandemic, [Mother] had ample opportunity to maintain

housing, to follow through with her mental health, to have visitation, and [Mother] was not able to do so.” *See* N. T., 57:11-18. Mother’s only source of income was Department of Public Works Benefits. *See* N.T., 58:18-59:2.

Caseworker Moffett confirmed Mother’s last visit with Minor Children was in October 2019. *See* N.T., 61:19-21. Mother was “afforded the opportunity to have video visits with [Minor Children]” in the spring of 2020, which Mother chose not to participate in. *See* N.T., 61:22-62:2. Mother did not show up for the video visit that was set up for Mother on Mother’s Day. *See* N.T., 62:3-5.

Nicole Seelbach credibly testified as the ECCYS Permanency Casework Clinician for both Minor Children. *See* N.T., 66:13-24. This case was referred to Permanency Casework Clinician Seelbach in December 2020 since Minor Children’s goals were changed to adoption at the last permanency review hearing on July 6, 2020. *See* N.T., 70:13-25. Minor Children are in an adoptive resource home with Ms. Vivier-Lorenzi, who is Mother’s half-sister, with whom Mother does not currently have an on-going relationship. *See* N.T., 63:4-22; 67:1-4. Permanency Casework Clinician Seelbach stated: “[Minor Children] are doing very well in the home. [Minor Children] appear to be very bonded with [Ms. Vivier-Lorenzi]. Due to Covid, [Minor Children] are no longer going to daycare, so they’re staying home, and [Minor Children] are both working on being potty trained.” *See* N.T., 67:6-9.

Permanency Casework Clinician Seelbach indicated Ms. Vivier-Lorenzi is meeting all of the social, physical, and emotional needs of Minor Children. *See* N.T., 67:14-20. Ms. Vivier-Lorenzi is a good adoptive resource for Minor Children. *See* N.T., 67:21-23. The Vivier-Lorenzi Kinship home includes three other children ages 14, 15, and 22, wherein only two of whom reside in the home, but all three help care for Minor Children. *See* N.T., 69:2-8. The Vivier-Lorenzi home has successfully completed all home studies and her house size is appropriate for Minor Children. *See* N.T., 69:9-11. Permanency Casework Clinician Seelbach explained: “[Minor Children] do need a provider that will provide them with a stable home, that will ensure all of their needs are being met, that they have food, snacks, that they’re being taken care of and loved, and [Minor Children] do have that in their current placement.” *See* N.T., 71:6-11. Permanency Casework Clinician Seelbach has observed Minor Children doing incredibly well in Ms. Vivier-Lorenzi’s home. *See* N.T., 71:15-21. Both Minor Children are meeting their developmental goals under the care of Ms. Vivier-Lorenzi and do not need any “extra” medical appointments. *See* N.T., 69:20-70:4.

Permanency Casework Clinician Seelbach stated Minor Children’s interests are best served by terminating involuntarily Mother’s parental rights because “[Minor Children] are in desperate need for stability. They are very bonded to the kinship resource. They have been there for quite some time, and [Minor Children] are doing incredibly well.” *See* N.T., 67:24-68:7. Permanency Casework Clinician Seelbach stated Minor Children refer to Ms. Vivier-Lorenzi as “mom.” *See* N.T., 68:8-9. Permanency Casework Clinician Seelbach indicated these Minor Children will not face any negative effects if Mother’s parental rights are involuntarily terminated. *See* N.T., 68:10-13.

Mother took the stand and testified. As to her drug usage during the time of this case, Mother admitted Minor Child K.J.D. was exposed to cocaine and Suboxone while Mother was pregnant, which caused Minor Child K.J.D. to be hospitalized after her birth. *See* N.T., 74:12-16. Mother was incarcerated four times due to her methamphetamine use, which “leads

to, all the paranoia and whatever issue, hallucinations, due to [Mother’s] drug use.” *See* N.T., 74:17-23. Mother testified she began using methamphetamine after meeting a friend who used it. Mother testified “[her] drug of choice in the past was heroin, but [Mother has] been clean off of heroin for five years now ....” *See* N. T., 75 :2-6. Further, Mother testified, “my children were in my care the whole time during this paranoia, so-called ... the meth use is just — it was uncalled for, I shouldn’t have been using it, but it was due to being badly influenced by another person. But I’m grown and I should have known better.” *See* N.T., 75:9-13.

Despite evidence presented to the contrary, Mother testified how her drug usage created her mental health issues and without her drug usage, she has no mental health issues to treat. Mother testified she believes her mental health has never been a problem. *See* N.T., 78:6-8. However, Mother testified “I feel as if everybody thinking that it’s the methamphetamine use, due to — like, they’re trying to tie that in to my mental health, and it did affect my mental health, but I didn’t let it take over my mental health.” *See* N.T., 78:9-12. Further, Mother testified, “why my mental health was going downhill for a second was because of the methamphetamine use, so I was able to acknowledge that and was able to get myself off of the methamphetamine.” *See* N.T., 78:14-17.

When Mother was asked about her compliance with her probation, Mother testified in a roundabout fashion, “I feel as if I’m in compliance but with using, that’s part of not being in compliance. I consider being not in compliance as being on the run — not complying at all.” *See* N.T., 88:3-12. Further, Mother admitted, “I know that I have to be compliant as far as keeping clean urines.” *See* N.T., 88:21-22. Mother testified she was incarcerated again from September 22, 2020 until November 6, 2020 due to her drug usage. *See* N.T., 90:13-91:1.

Mother placed her own responsibility onto Caseworker Moffett for Minor Children not being in Mother’s care due to “a lack of communication with [Caseworker Moffett].” *See* N.T., 91:21-92:4. Mother testified: “All [Caseworker Moffett] had to do was leave a message with my mother, whether it be random urines, one-time urines, color of the random urine — which I’ve never gotten, never received ... If I would have known, I would have been there.” *See* N.T., 94:19-25. Despite evidence to the contrary, Mother denied ever being scheduled for urinalysis tests between May and July 2020. *See* N.T., 84:6-23. Mother was informed about the sixth Permanency Review hearing at the fifth review hearing on May 5, 2020, and Mother testified, she knew about the hearing, but “not in an understanding of what was being asked of me due to not having a Permanency Review order in my hands ....” *See* N.T., 95:4-17.

When asked about her methamphetamine drug usage, Mother testified: “It’s not a problem for me. It’s not even my drug of choice at all. My drug of choice in the past was heroin, so why meth would be a problem or my drug of choice — it’s unheard of.” *See* N.T., 97:2-5. Mother testified she is in treatment through Safe Harbor for her drug use but also testified, “I don’t have current drug use, and I don’t feel as if [group] meetings work for me.” *See* N.T., 97:19-98:7. Mother testified she is currently engaged in mental health treatment through Safe Harbor; she will obtain Section 8 housing in the future; that said housing will be suitable for Minor Children; and Mother says she is currently taking medication to treat her mental health issues. *See* N.T., 73:21-74:8; 82:9-22. Although Mother testified, “I’m waiting on my Section 8 [housing]. They’re reviewing my case right now. I’ve been on the list for three years now ... but to bring my children home, I would be able to afford a trailer with two bedrooms, all beds, everything needed”, Mother is still residing in the Thunderbird Motel



with maternal grandmother in a room “that has kitchen, bathroom, living room, and it has an off bedroom with one bed in it.” *See* N.T., 91:6-20.

Finally, Mother blamed Ms. Vivier-Lorenzi for Mother’s lack of video visits with Minor Children. *See* N.T., 98:14-22. Mother testified, “there has been lack of communication between [Ms. Vivier-Lorenzi] and I for the past year since she’s had my children, and with that being said, it was her setting up last minute.” *See* N.T., 98:22-25. Further, Mother testified without any specific times noted: “There was a group set up on Mother’s Day, but before that, there was times when she never even answered her phones. And I was calling [ECCYS] trying to gain an understanding of why there wasn’t allowed contact visits due to the fact that [Minor Children] are two and three years old.” *See* N.T., 99:2-7.

Although Sandra Bradley, maternal grandmother, testified she would be an appropriate caregiver for her grandchildren, if custody of Minor Children were returned to Mother, this IVT Court finds Sandra Bradley is not an appropriate caregiver. When asked about Mother’s illegal drug usage, Sandra Bradley testified she was not aware of her daughter’s drug usage, “When [Mother] used methamphetamine ... I didn’t see any different actions from her that would make me aware that she had used. She seemed normal to me ... nothing she did was anything out of the ordinary. But she did openly come out and say that she used and was reaching out for help, and it shocked me.” *See* N.T., 103:1-8. Sandra Bradley testified, “[Methamphetamine is] definitely an issue. I mean, it’s illegal, it’s not good for [Mother’s] mental — I didn’t recognize anything different when she’d used. I don’t know the amount that she used.” *See* N.T., 105:18-23. Sandra Bradley testified she cannot imagine a better mother for Minor Children and that her daughter (Mother) has obtained a job, income, and is waiting for housing. *See* N.T., 101:20-102:1; 102:14-20. Sandra Bradley fails to realize the severity of her daughter’s (Mother’s) issues with continuing methamphetamine drug usage and her daughter’s (Mother’s) struggles and inability to recognize and stabilize her mental health.

**GROUND FOR TERMINATION - Section 2511(a)(1), (2), (5), (8), and (b)**

As to Mother’s overarching appellate issue pursuant to 23 Pa.C.S. §2511 (a)(1), (a)(2), (a)(5) and (a)(8) and (b) for involuntary termination of Mother’s parental rights, case law is clear “[p]arental rights may be involuntarily terminated where anyone subsection of Section 2511(a) is satisfied, along with consideration of the subsection 2511(b) provisions.” *In re Z.P.*, 994 A.2d 1108, 1117 (Pa. Super. 2010).

The party petitioning for termination of parental rights has the burden of proving by clear and convincing evidence the parent’s conduct satisfies statutory grounds for termination under Section 2511(a). *In re L.M.*, 923 A.2d 505, 511 (Pa. Super. 2007). The trial court is the finder of fact who is the sole determiner of the credibility of witnesses and resolves all conflicts in testimony. *Id.* at 1115-1116. Pursuant to 23 Pa.C.S. §2511, the trial court must conduct a bifurcated analysis wherein the court’s initial focus is on the conduct of the parent. *In re L.M.*, 923 A.2d at 511. Only if the court determines a parent’s conduct necessitates termination of her parental rights under Section 2511(a), the court then proceeds to decide the second part of the bifurcated analysis as to the needs and welfare of the child under the standard of best interests of the child under Section 2511(b). *Id.*

The specific relevant statutory grounds for terminating involuntarily a parent’s rights are stated in 23 Pa.C.S. §2511(a)(1), (2), (5), and (8) as well as 23 Pa.C.S. §2511(b):

**§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:

(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 a child or has refused or failed to perform parental duties.

(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.

...

(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 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.

...

(8) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 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.

**(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.

Generally, Pa.C.S. §2511(a) states parental rights to a child may be terminated if anyone of the grounds under Section 2511(a) is proven by clear and convincing evidence. *In re Z.P.*, 994 A.2d at 1117. In a termination of parental rights case, the standard of “clear and convincing evidence” means the testimony is so “clear, direct, weighty, and convincing” for the trial judge as the trier of fact to arrive at “a clear conviction, without hesitation, of the truth of the precise facts in issue.” *Id.* at 1116.

“Parents are required to make diligent efforts toward the reasonably prompt assumption of full parental responsibilities.” *In re Z.P.*, 994 A.2d at 1117-1118 (quoting *In re A.L.D.*, 797 A.2d at 340). “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 1118 (quoting *In re A.L.D.*, 797 A.2d 326, 340 (Pa. Super. 2002)).

There is no simple or easy definition of parental duties. Parental duty is best understood in relation to the needs of a child. A child needs love, protection, guidance, and support. These needs, physical and emotional, cannot be met by a merely passive interest in the development of the child. Thus, this court has held that the parental obligation is a positive duty which requires affirmative performance. This affirmative duty encompasses more than a financial obligation; it requires continuing interest in the child and a genuine effort to maintain communication and association with the child. Because a child needs more than a benefactor, parental duty requires that a parent exert himself to take and maintain a place of importance in the child’s life. Parental duty requires that the parent act affirmatively with good faith interest and effort, and not yield to every problem, in order to maintain the parent-child relationship to the best of his ... ability, even in difficult circumstances. A parent must utilize all available resources to preserve the parental relationship, and must exercise reasonable firmness in resisting obstacles placed in the path of maintaining the parent-child relationship. **Parental rights are not preserved by waiting for a more suitable or convenient time to perform one’s parental responsibilities while others provide the child with the child’s physical and emotional needs.**

*In re Z.P.*, 994 A.2d at 1118-1119 (quoting *In re B., N.M.*, 856 A.2d at 855).

“A court may terminate parental rights under Section 2511(a)(1) where the parent demonstrates a settled purpose to relinquish parental claim to a child or fails to perform parental duties for at least six months prior to filing of the termination petition.” *In re Z.P.*, 994 A.2d at 1117 (citing *In re C.S.*, 761 A.2d 1197, 1201 (Pa. Super. 2000)). “Our Supreme Court has stated: ‘Section 2511 does not require that the parent demonstrate both a settled purpose of relinquishing parental claim to a child and refusal or failure to perform parental duties. Accordingly, parental rights may be terminated pursuant to Section 2511(a)(1) if the parent either demonstrates a settled purpose of relinquishing parental claim to a child or fails to perform parental duties.’” *In Re: I.B.T.L., A Minor Appeal of S.L., Mother*, 1230 MDA 2020 (Pa. Super. Ct. April 9, 2021) (quoting *In re Adoption of Charles E.D.M.*, 708 A.2d 88, 91 (Pa. 1998)). “The court should consider the entire background of the case and not simply: mechanically apply the six-month statutory provision. The court must examine the individual circumstances of each case and consider all explanations offered by the parent facing termination of his ... parental rights, to determine if the evidence, in light of the totality of the circumstances, clearly warrants the involuntary termination.” *In re Z.P.*, 994 A.2d at 1117 (quoting *In re B., N.M.*, 856 A.2d 847, 855 (Pa. Super. 2004)).

As to 23 Pa.C.S. §2511(a)(1), in the instant case, Minor Children were removed from Mother’s care due to Mother’s drug usage resulting in Mother’s incarceration twice prior to Minor Children’s emergency removal in July 2019. *See N.T.*, 32:13-21; 34:24-35:13; Petitioner’s

Exhibit 4. Mother was committed into Millcreek Community Hospital in June 2019 due to “paranoia, hearing voices; at one point [Mother] had left the home, was wandering around ...”, but Mother refused to stay for the full course of mental health treatment and “left early” against medical advice. *See N.T.*, 32:18-33:11; Petitioner’s Exhibits 2B & 3B. Mother also failed to treat consistently her mental health. *See N.T.*, 39:13-22; 45:4-5. Mother did not maintain stable housing appropriate for Minor Children. *See N.T.*, 37:2-4; 40:1-3; 44:17-23. Mother failed to seek consistently drug and alcohol treatment as well as Mother failed to appear for numerous random drug screenings at Esper Treatment Center. *See N.T.*, 35:14-17; 38:20-39:12; 43:10-22; 44:24-45:3; Petitioner’s Exhibit 7. Mother “was not employed during that time period” of November 2019 to May 2020 and did not inform ECCYS caseworker as to whether she was employed during the final Permanency Review period from May 2020 to July 2020. *See N.T.*, 39:23-25; 45:6-8. Mother’s last visit with Minor Children was October 2019, despite Mother having “been afforded the opportunity” to have video visits with Minor Children during the Covid-19 pandemic in the spring of 2020, which included a May visit especially for Mother’s Day. *See N.T.*, 37:9-18; 40:24-41:5; 61:19-62:5.

ECCYS caseworker would discuss with Mother “her accountability, and the importance for her meeting her appointments, [Mother] could not put two and two together that, in order for [Mother] to ... remain compliant, she had to follow through ....” *See N.T.*, 36:9-23. ECCYS caseworker explained to Mother the effect of Mother’s incarcerations on her ability to parent Minor Children; however, Mother “would still continue to put blame on the agency, not giving her the opportunity to be able to parent her kids, even though she was given the opportunity prior.” *See N.T.*, 40:13-23; 57:4-10. Dependency Court found Mother minimally compliant with her court-ordered treatment plan in May 2020, despite “a total non-compliance with [Mother]” between April and May 2020, and “[Dependency Court] gave [Mother] another try.” *See N.T.*, 41:6-11; 50:20-24; Petitioner’s Exhibit 4. In May 2020, Dependency Court told Mother “step it up, or we’re changing the goal ...” *See N.T.*, 41:9-15. Despite having been informed about her court-ordered treatment plan at the final permanency review hearing, Mother testified she did not have an “understanding of what was bring asked of [her] due to not having a permanency review order in [her] hands ....” *See N.T.*, 95:4-17. “[Mother] started with a little bit ... right after [Dependency Court] gave her the warning, then lapsed right back to where she was before the hearing ....” *See N.T.*, 42:5-9.

Therefore, under 23 Pa.C.S. § 2511(a)(1), EECYS has proven by clear and convincing that Mother deprived Minor Children of essential care and control prior to filing the petition to terminate Mother’s parental rights to both Minor Children. ECCYS has proven by clear and convincing evidence that for a period of at least six months Mother has evidenced a settled purpose of relinquishing a parental claim as to Minor Child K.R.B. and Minor Child K.J.D., and Mother has failed and refused to perform parental duties regarding Minor Child K.R.B. and Minor Child K.J.D.

Regarding 23 Pa.C.S. §2511(a)(2), “the following three elements must be met: (1) repeated and continued incapacity, abuse, neglect or refusal; (2) such incapacity, abuse, neglect or refusal has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being; and (3) the causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied.” *In re: Involuntary Termination of Parental Rights: A.T.V., A Minor Appeal of H.M., Mother*, 1243 MDA 2020, 2021 WL 1235223, at

\*5 (Pa. Super. Ct. Apr. 1, 2021) (quoting *In re Adoption of M.E.P.*, 825 A.2d 1266, 1272 (Pa. Super. 2003)). “Unlike subsection (a)(1), subsection (a)(2) does not emphasize a parent’s refusal or failure to perform parental duties, but instead emphasizes the child’s present and future need for essential parental care, control or subsistence necessary for his physical or mental well-being. Therefore, the language in subsection (a)(2) should not be read to compel courts to ignore a child’s need for a stable home and strong, continuous parental ties, which the policy of restraint in state intervention is intended to protect. **This is particularly so where disruption of the family has already occurred and there is no reasonable prospect for reuniting it.**” *In re Z.P.*, 994 A.2d at 1117 (quoting *In re E.A.P.*, 944 A.2d 79, 82 (Pa. Super. 2008)). “Thus, while ‘sincere efforts to perform parental duties,’ can preserve parental rights under subsection (a)(1), those same efforts may be insufficient to remedy parental incapacity under subsection (a)(2).” *In re Z.P.*, 994 A.2d at 1117 (quoting *In re Adoption of M.J.H.*, 501 A.2d 648 (Pa. Super. 1985)).

As to 23 Pa.C.S. §2511(a)(2) in the instant case, Minor Child K.R.B. was initially removed from Mother’s custody after Minor Child K.R.B. was found alone, “unrestrained in a car seat and near syringes in a vehicle that had all of the windows down despite the inclement weather,” after which Mother, Sandra Bradley, and Mother’s brother appeared at the scene under the influence of drugs and/or alcohol according to law enforcement performing the welfare check. *See* Petitioner’s Exhibit 2A. Both Minor Children were removed from Mother’s care pursuant to an Emergency Protective Order in July 2019 because “[ECCYS caseworker] was informed that [Mother] was incarcerated due to noncompliance, and [ECCYS] had received that ... it was due to her drug use ...” *See* N.T., 31:22-32:4; Petitioner’s Exhibits 2B & 3B. From August 2019, when Minor Children’s permanency plan was approved by Dependency Court, until July 2020, when Minor Children’s permanency goal was changed to adoption, Mother made no more than minimal progress on her court-ordered treatment plan. *See* N.T., 34:16-21; 41:6-8; 41:16-19; 42:5-9; Petitioner’s Exhibit 4.

Mother testified, “[Methamphetamine is] not a problem for me. It’s not even my drug of choice at all. My drug of choice in the past was heroin, so why meth would be a problem or my drug of choice — it’s unheard of.” *See* N.T., 97:2-5. Mother testified she is in treatment through Safe Harbor for her drug use but also testified, “I don’t have current drug use, and I don’t feel as if [group] meetings work for me.” *See* N.T., 97:19-98:7. Mother explained her non-compliance with her probation by testifying, “I feel as if I’m in compliance but with using, that’s part of not being in compliance. I consider being not in compliance as being on the run — not complying at all.” *See* N.T., 88:3-12. Further, Mother admitted, “I know that I have to be compliant as far as keeping clean urines.” *See* N.T., 88:21-22. Despite evidence to the contrary, Mother denied ever being scheduled for urinalysis tests between May and July 2020. *See* N.T., 84:6-23; 94:19-25. Finally, Mother blamed Ms. Vivier-Lorenzi for Mother’s lack of video visits with Minor Children, but testified, “There was a group set up on Mother’s Day ...” which Mother also did not attend. *See* N.T., 98:14-99:2.

“[Minor Children] are in desperate need for stability. They are very bonded to the kinship resource. They have been there for quite some time, and [Minor Children] are doing incredibly well.” *See* N.T., 67:24-68:7. “[Minor Children] do need a provider that will provide them with a stable home, that will ensure all of their needs are being met, that they have food, snacks, that they’re being taken care of and loved, and [Minor Children] do have that in

their current placement.” *See* N.T., 71:6-11. Minor Children are two- and three-years old and “[Minor Children] have been in care for pretty much a two-year, or over two-year time period.” *See* N.T., 110:16-17.

Therefore, under 23 Pa.C.S. § 2511(a)(2), ECCYS has proven by clear and convincing evidence that Mother’s incapacity and neglect have caused Minor Children to be without essential parental care. Mother cannot and has not remedied the causes of this incapacity and neglect of these Minor Children.

Section 2511 (a)( 5) requires that: “(1) the child has been removed from parental care for at least six months; (2) the conditions which led to the child’s removal or placement continue to exist; (3) the parents cannot or will not remedy the conditions which led to removal or placement within a reasonable period time; (4) the services reasonably available to the parents are unlikely to remedy the conditions which led to removal or placement within a reasonable period of time; and (5) termination of parental rights would best serve the needs and welfare of the child.” *In the Interest of D.D-E.L.*, 1513 MDA 2020, at 7-8 (Pa. Super. Ct. April 14, 2021) (citing *In re B.C.*, 36 A.3d 601, 607 (Pa. Super. 2012)); 23 Pa.C.S.A. §2511(a)(5). “To terminate parental rights pursuant to 23 Pa.C.S. §2511(a)(8), the following factors must be demonstrated: (1) the child has been removed from parental care for 12 months or more from the date of removal; (2) the conditions which led to the removal or placement of the child continue to exist; and (3) termination of parental rights would best serve the needs and welfare of the child.” *In re Z.P.*, A.2d at 1118 (quoting *In re Adoption of M.E.P.*, 825 A.2d at 1275-1276); 23 Pa.C.S. §2511(a)(8). “Termination under Section 2511(a)(8) does not require the court to evaluate a parent’s current willingness or ability to remedy the conditions that initially caused placement or the availability or efficacy of Agency services.” *In re Z.P.*, 994 A.2d at 1118 (citing *In re Adoption of T.B.B.*, 835 A.2d 387, 396 (Pa. Super. 2003); *In re Adoption of M.E.P.*, 825 A.2d at 1275-1276). “Additionally, to be legally significant, the post-abandonment contact must be steady and consistent over a period of time, contribute to the psychological health of the child, and must demonstrate a serious intent on the part of the parent to recultivate a parent-child relationship and must also demonstrate a willingness and capacity to undertake the parental role. The parent wishing to reestablish his parental responsibilities bears the burden of proof on this question.” *In re Z.P.*, 994 A.2d at 1119 (quoting *In re D.J.S.*, 737 A.2d 283, 286 (Pa. Super. 1999)).

Regarding 23 Pa.C.S. §2511(a)(5) & (8), Mother has made no more than minimal progress toward remedying the conditions leading to Minor Children’s removals from Mother’s custody in July 2019. *See* N.T., 34:16-21; 41:6-8; 42:5-9; Petitioner’s Exhibit 4. While Mother initially complied with Minor Child K.R.B.’s permanency plan, even regaining custody of Minor Child K.R.B. for a time, it is clear Mother cannot and will not consistently remedy the conditions leading to Minor Children’s removal in July 2019. *See* N.T., 27:21-25; 28:7-30:6; 31:7-15. Mother was incarcerated from February 6, 2020 until March 10, 2020 and again September 22, 2020 until November 6, 2020 due to her drug usage. *See* N.T., 40:4-12; 90:13-91:1. ECCYS could not offer “any other services” or done “anything more” to reunify Mother with Minor Children. *See* N.T., 50:5-8. Although Mother testified, “I’m waiting on my Section 8 [housing]. They’re reviewing my case right now. I’ve been on the list for three years now ... but to bring my children home, I would be able to afford a trailer with two bedrooms, all beds, everything needed”, Mother is still residing in the Thunderbird Motel with maternal grandmother in a room “that has kitchen,

bathroom, living room, and it has an off bedroom with one bed in it.” *See* N.T., 91:6-20. Mother testified, “the reason [Minor Children] weren’t returned to [Mother] was lack of communication with [ECCYS] caseworker.” *See* N.T., 91:21-92:4.

Since being removed from Mother’s custody in July 2019, Minor Children are doing very well in Ms. Vivier-Lorenzi’s home. *See* N.T., 67:6. The Vivier-Lorenzi kinship home has more than met each Minor Child’s physical, emotional, and social needs. *See* N.T., 67:14-20. Ms. Vivier-Lorenzi is a good adoptive resource for Minor Children. *See* N.T., 67:21-23. “[Minor Children] have been there for quite some time, and they are doing incredibly well.” *See* N.T., 68:6-7.

Therefore, under 23 Pa.C.S. §§2511(a)(5) & (8), ECCYS has proven by clear and convincing evidence the conditions leading to these Minor Children’s removal still exist. Mother cannot and will not remedy these conditions within a reasonable period of time. Mother has refused to utilize the services available to her to remedy these conditions leading to these Minor Children’s removal within a reasonable period of time. Therefore, termination of Mother’s parental rights will best serve the needs and welfare of these Minor Children.

Since this IVT Court has determined above that ECCYS has proven by clear and convincing evidence that Mother’s conduct necessitates involuntary termination of her parental rights under Section 2511(a), this IVT Court must now proceed to conduct the second part of the statutory bifurcated analysis as to the needs and welfare of the child under the standard of best interests of the child under 23 Pa.C.S. §2511(b).

Although the statutory provision in Section 2511(b) does not contain the term “bond,” our appellate case law requires the Orphans’ Court judge evaluate the emotional bond, if any, between the parent and child, as a factor in the determination of “the child’s developmental, physical and emotional need.” *In the Matter of K.K.R.-S.*, 958 A.2d 529, 533 (Pa. Super. 2008)). “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 the Interest of D.D.-E.L.*, 1513 MDA 2020, at 14 (citing *In re K.Z.S.*, 946 A.2d 753, 762-63 (Pa. Super. 2008)). “Additionally ... 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.* “When conducting a bonding analysis, the court is not required to use expert testimony.” *In re Z.P.*, 994 A.2d at 1121 (citing *In re K.K.R.-S.*, 958 A.2d at 533). “Social workers and caseworkers can offer evaluations as well.” *In re Z.P.*, 994 A.2d at 1121 (citing *In re A.R.M.F.*, 837 A.2d 1231 (Pa. Super. 2003)). “In addition to a bond examination, the trial court can equally emphasize the safety needs of the child, and should also consider the intangibles, such as love, comfort, security, and stability the child might have with the foster parents.” *In re Adoption of C.D.R.* 111 A.3d 1212, 1219 (Pa. Super. 2015).

In the instant case as to 23 Pa.C.S. §2511(b), this IVT Court will now examine and evaluate whether termination of Mother’s parental rights is in the best interests of these Minor Children. In the instant case, Ms. Vivier-Lorenzi is Minor Children’s maternal aunt, with whom Mother does not have an on-going relationship, and her home is a kinship and adoptive resource for Minor Children. *See* N.T., 37:19-38:5; 63:4-22; 67:1-4. Minor Children are doing very well in Ms. Vivier-Lorenzi’s home. *See* N.T., 48:6-10; 67:6. The Vivier-Lorenzi kinship home has more than met both Minor Children’s physical, emotional, and

social needs. *See* N.T., 67:14-20. Ms. Vivier-Lorenzi is a good adoptive resource for Minor Children. *See* N.T., 67:21-23. “[Minor Children] have been there for quite some time, and they are doing incredibly well.” *See* N.T., 68:6-7; 71:15-21. Both Minor Children refer to Ms. Vivier-Lorenzi as “mom” and Minor Children have developed a “maternal bond” with Ms. Vivier-Lorenzi. *See* N.T., 49:2-10; 68:8-9. Minor Children have formed a “sibling bond” with the other Vivier-Lorenzi children. *See* N.T., 48:22-24. The other Vivier-Lorenzi children “play with [Minor Children] and interact with [Minor Children] in a positive manner.” *See* N.T., 48:16-21. The Vivier-Lorenzi home has passed all home studies and is size appropriate for Minor Children. *See* N.T., 69:9-11.

Minor Child K.R.B. is only three (3) years old, and Minor Child K.J.D. is only two (2) years old. ECCYS has been involved in Minor Child K.J.D.’s life “the entire time she’s been alive ...” and Minor Child K.R.B. was “five months old when [ECCYS] first got involved.” *See* N.T., 49:20-50:1. Mother has little, if any, relationship with Minor Children. Both Minor Children are developing normally in Ms. Vivier-Lorenzi’s care. *See* N.T., 49:16-18; 69:20-70:4. Minor Children are behaviorally “typical” two- and three-year-olds. *See* N.T., 59:21-23. “[G]iven [Minor Children’s] very young ages, [Minor Children] do need a provider that will provide them with a stable home, that will ensure all of their needs are being met, that [Minor Children] have food, snacks, that they’re being taken care of and loved, and they do have that in their current placement.” *See* N.T., 71:6-11. ECCYS could not offer “any other services” or done “anything more” to reunify Mother with Minor Children. *See* N.T., 50:5-8. Severing Mother’s parental rights will have no detrimental effect on these Minor Children and termination of Mother’s parental rights is in these Minor Children’s best interest. *See* N.T., 46: 24-47:2; 47:21-24; 67:24-68:2; 68:10-13. This IVT Court considered the relationship between Mother and Minor Children and found little, if any, parent-child relationship existed, therefore, severing Mother’s parental rights to these Minor Children will have no detrimental effect on each of these Minor Children.

This IVT Court has also considered statements made by the Minor Children’s Legal Counsel, Attorney Christine Konzal, wherein she expressed on the record she is in favor of terminating Mother’s parental rights. *See* N.T., 110:13-15. “[Minor Children] have been in care for pretty much a two-year, or over two-year time period.” *See* N.T., 110:16-17. Minor Children have not visited with Mother since October 2019, some sixteen (16) months prior to the IVT Trial. *See* N.T., 110:18-21. “I don’t believe Covid has been a factor, as was testified to by the caseworker Miss Moffett. I think that this mother has had a lot of opportunity to get housing, which is why the children came into placement. They had a lack of housing, the mom was a drug user, and obviously unable to take care of these children, and also had some mental health concerns.” *See* N.T., 110:22-111:3. Minor Children have formed an attachment to the members of the Vivier-Lorenzi home. *See* N.T., 111:12-17. Attorney Konzal stated: “I believe the best thing for [Minor Children’s] stability and permanency at this time is to remain in [the Vivier-Lorenzi] home and be adopted into that home.” *See* N.T., 111:17-20.

Therefore, this IVT Court finds and concludes ECCYS has established, pursuant to under 23 Pa.C.S. §2511(a)(1), (2), (5), (8), and (b), by clear and convincing evidence, all four separate grounds for the termination of Mother’s parental rights as to both Minor Children<sup>3</sup>,

<sup>3</sup> “Parental rights may be involuntarily terminated where anyone subsection of Section 2511(a) is satisfied, along with consideration of the subsection 2511(b) provisions.” *In re Z.P.*, 994 A.2d 1108, 1117 (Pa. Super. 2010).

even though only one is sufficient, and that termination of Mother's parental rights is indeed in the best interests, needs, and welfare of each Minor Child.

### **THREE ANCILLARY ISSUES RAISED**

Next, this IVT Court will address Mother's remaining three ancillary issues stemming from the overarching issue examined above. Mother's first ancillary issue concerns the impact, if any, of one clerical error in this IVT Court's initial Findings of Fact misstating Mother's arrest date as July 23, 2019, instead of July 17, 2019. *See* N.T., 77:17; Petitioner's Exhibit 4. However, this IVT Court did correctly state the Second Emergency Protective Order was on July 23, 2019; therefore, Mother was already arrested six days prior to the removal of her Minor Children and remained incarcerated for a probation violation regarding drug abuse. *See* N.T., 77:17; Petitioner's Exhibit 4. This IVT Court further correctly stated the First Emergency Protective Order for the removal of Minor Child K.R.B. was on the same day (March 5, 2018) that Mother was arrested on an active warrant. *See* Petitioner's Exhibits 2A & 4.

Harmless error is defined as "[a] trial-court error that does not affect a party's substantive rights or the case's outcome." *Error*, Black's Law Dictionary (11th ed. 2019). "An evidentiary error will be deemed harmless if: (1) the error did not prejudice the defendant or the prejudice was *de minimis*; or (2) the erroneously admitted evidence was merely cumulative of other untainted evidence which was substantially similar to the erroneously admitted evidence; or (3) the properly admitted and uncontradicted evidence ... was so overwhelming and the prejudicial effect of the error was so insignificant by comparison that the error could not have contributed to the verdict." *In re A.J.H.*, No. 1564 MDA 2016, 2017 WL 1573229, at \*9 (Pa. Super. Ct. May 1, 2017). Moreover, *de minimis* is defined as "trifling; negligible." *De minimis*, Black's Law Dictionary (11th ed. 2019).

In the instant case, the clerical error does not weigh in Mother's favor and is *de minimis* when weighed against all other evidence presented at the IVT Trial. For the Second Emergency Protective Order, this IVT Court inadvertently wrote Mother was arrested on July 23, 2019, when both Minor Children were removed from Mother's custody. In fact, Mother had been arrested six (6) days earlier on July 17, 2019 and was not released until October 6, 2019. *See* N.T., 35:8-10; 77:17. One of the reasons Minor Children were removed from Mother's custody was due to Mother's multiple incarcerations during this review period, from June 28 until July 11, 2019 and July 17 until October 6, 2019, due to Mother's drug abuse. *See* N.T., 35:3-13; 77:16-17. The properly admitted and uncontradicted evidence is so overwhelming, and any prejudicial effect of this clerical error is so insignificant by comparison that this error did not contribute adversely to the decision in this case.

Mother's second ancillary issue is whether this IVT Court properly weighed, considered, and evaluated the impact and importance of Mother's progress which led to Dependency Court's initial reuniting Minor Child K.R.B. with Mother, where shortly thereafter, within seven months, Dependency Court removed both Minor Children from Mother on an emergency basis when Mother significantly regressed.

"When parents have cooperated with the agency, achieved the goals of their permanency plans, and alleviated the circumstances that necessitated the child's original placement, the agency should continue to put forth efforts to reunite the child with his parents." *In re: W.Z.F.*, 796 WDA 2020, at p. 9 (Pa. Super. Ct. April 5, 2021) (citing *In re A.K.*, 906 A.2d 596 (Pa. Super. 2006)). "However, 'when the child welfare agency has made reasonable

efforts to return a ... child to ... [his or] her biological parent, but those efforts have failed, then the agency must redirect its efforts towards placing the child in an adoptive home.'" 796 WDA 2020, at p. 9 (quoting *In re N.C.*, 909 A.2d 818,823 (Pa. Super. 2006)).

Despite being initially reunited with Mother, Minor Children in the instant case had to be removed from Mother's care due to Mother's noncompliance with her probation resulting in Mother's incarceration. *See* N.T., 31:22-32:6. Dependency Court held a total of six (6) review hearings to assess Mother's progress with the court-ordered treatment plan, with three of those hearings being after Minor Children were removed in July 2019. *See* Petitioner's Exhibit 4. As found by Dependency Court, Mother only made minimal progress toward alleviating the situation which led to Minor Children's removal. *See* N.T., 34:16-18; 38:9-10; 41:6-7; Petitioner's Exhibit 4. In fact, Dependency Court scheduled an extra two-month review hearing for May 2020 and told Mother to "step it up" and make the changes necessary to reunify with these Minor Children or the goal would be changed to adoption. *See* N.T., 41:9-15. Due to Mother's refusal to change her situation that led to Minor Children being removed from her care, Dependency Court changed the goal to adoption and ECCYS filed the instant IVT Petition to terminate Mother's parental rights. *See* N.T., 41:16-42:9; 47:3-9; Petitioner's Exhibit 4. Therefore, this IVT Court considered, evaluated and weighed the impact and importance of Mother's progress as well as Mother's regression in determining that clear and convincing evidence existed to terminate Mother's parental rights.

The third remaining ancillary issue raised by Mother is whether implementation of Covid-19 pandemic procedures negatively affected Mother's ability to follow her Court-ordered treatment plan.

Appellate case law "recognizes that the pandemic has created unique challenges for families involved with the juvenile court system." *In the Interest of A.D.*, *A Minor Appeal of: K.F., Mother*, 1226 WDA 2020, 2021 WL 1233386, at \*6 (Pa. Super. Ct. Mar. 31, 2021). However, where a parent has not alleviated the circumstances leading to removal of a minor child from parental care prior to the Covid-19 pandemic, a parent cannot blame her lack of progress on the Covid-19 pandemic. *See also: In the Interest of Z.D.K.*, 765 WDA 2020, 2021 WL 73301, at \*13 (Pa. Super. Ct. Jan. 8, 2021); *In the Interest of Z.I.*, 964 WDA 2020, 2021 WL 944546, at \*4 (Pa. Super. Ct. March 12, 2021); *In the Interest of J.G.*, 715 WDA 2020, 2021 WL 530949, at \*9 (Pa. Super. Ct. Feb. 12, 2021).

In the instant case, at best the Covid-19 pandemic procedures had little if any effect on Mother's ability to follow through with her court-ordered treatment plan. When the Covid-19 pandemic commenced, various services offered to Mother became more accessible and convenient. Esper Treatment Center stopped performing random color-code urinalysis screenings, and Esper Treatment Center permitted ECCYS to request parents to submit to only a one-time random urinalysis test. *See* N.T., 42:20-43:9. Mother was asked to perform two of these one-time urinalysis screenings, which Mother failed to perform. *See* N.T., 43:10-16.

Due to the nature of the pandemic, in-person visits between parents and children had to be suspended for a time. Mother's last visit with Minor Children was in October 2019. *See* N.T., 61:19-21. Mother was offered video visits with Minor Children, which can be conveniently accomplished by Mother's phone regardless of where Mother was located. *See* N.T., 61:22-62:2. Specifically, a video call was scheduled for Mother to visit with Minor Children on Mother's Day through a virtual visitation program, and yet Mother failed to

follow through with the video call. *See* N.T., 62:3-5.

ECCYS caseworker stated there were no external factors that created problems for Mother, “because prior to ... the pandemic, [Mother] had ample opportunity ... to follow through with her mental health, to have visitation, and [Mother] was not able to do so.” *See* N.T., 57:11-16; 57:17-18. Further, predating the Covid-19 pandemic, Mother did not secure adequate stable housing for Minor Children, despite “ample opportunity to maintain housing.” *See* N.T., 57:16. Mother’s only source of income was Department of Public Works Benefits. *See* N.T., 58:18 - 59:2.

Therefore, the Covid-19 pandemic had minimal effect, if any, on Mother’s ability to accomplish reunification with Minor Children as Mother was only making minimal progress on her court-ordered treatment plan prior to the Covid-19 pandemic.

For all of the above reasons, since this IVT Court has carefully weighed, considered, and examined all evidence relevant to 23 Pa.C.S. §2511(a)(1), (2), (5), (8), and then (b), and addressed all issues raised by Mother. This IVT Court respectfully requests the Pennsylvania Superior Court affirm its February 18, 2021 Final Decrees involuntarily terminating Mother’s parental rights to each Minor Child.

**BY THE COURT**  
/s/ **Stephanie Domitrovich, Judge**

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

**IN THE MATTER OF THE ADOPTION OF: K.R.B.  
APPEAL OF: M.B., MOTHER**

IN THE SUPERIOR COURT OF PENNSYLVANIA  
No. 376 WDA 2021

Appeal from the Order Entered February 18, 2021  
In the Court of Common Pleas of Erie County  
Orphans’ Court at No(s): 65A In Adoption 2020

**IN THE MATTER OF THE ADOPTION OF: K.J.D.  
APPEAL OF: M.B., MOTHER**

IN THE SUPERIOR COURT OF PENNSYLVANIA  
No. 377 WDA 2021

Appeal from the Order Entered February 18, 2021  
In the Court of Common Pleas of Erie County  
Orphans’ Court at No(s): No. 65 in Adoption 2020

BEFORE: DUBOW, J., KING, J., and STEVENS, P.J.E.\*

MEMORANDUM BY KING, J.: **FILED: August 31, 2021**

Appellant, M.B. (“Mother”), appeals from the orders entered in the Erie County Court of Common Pleas, which granted the petitions of the Office of Children and Youth (“OCY”) for involuntary termination of Mother’s parental rights to her minor children, K.R.B. and K.J.D. (“Children”). We affirm.

The trial court set forth the relevant facts and procedural history of this case as follows:

The instant case began in Dependency Court on March 5, 2018, with Minor Child K.R.B. [(born 10/17)] being removed from Mother and Father’s custody and placed temporarily into [OCY]’s legal and physical custody. ... [Mother] was arrested on March 5, 2018 due to having an active warrant.

On March 8, 2018, following a full hearing on the record, Dependency Court ordered custody of ... K.R.B. to remain with [OCY], as returning ... K.R.B. to Mother’s care was not in ... K.R.B.’s best interest. Mother appeared in person at said hearing and stipulated to continued temporary shelter care pending an adjudication hearing.

On March 15, 2018, following a full hearing on the record, Dependency Court adjudicated ... K.R.B. dependent. Dependency Court found clear and convincing evidence existed

\* Former Justice specially assigned to the Superior Court.

indicating ... K.R.B. was without proper parental care and control as it pertained to Mother for the following reasons: 1) Mother's history with Venango County Children and Youth Services due to "[Mother] abusing drugs, unstable mental health, failure to follow through with medical care and unstable housing and homelessness;" 2) Mother's severe drug addiction, including her being under the influence when ... K.R.B. was removed from her custody; 3) Mother's history of unstable housing, including that she was homeless at the time of ... K.R.B.'s removal; 4) Mother's "fail[ure] to attend at least three (3) medical appointments since [K.R.B.]'s birth," and the fact that ... K.R.B. had not seen a primary physician since October 2017; 5) Mother's criminal history, including numerous retail theft and drug related criminal convictions; and 6) on the date ... K.R.B. was removed from Mother's custody, ... K.R.B. was found alone, "unrestrained in a car seat and near syringes in a vehicle that had all of the windows down despite the inclement weather," after which Mother, [maternal grandmother], and Mother's brother appeared at the scene under the influence of drugs and/or alcohol according to law enforcement performing the welfare check. Mother appeared at the adjudication hearing and stipulated to the accuracy of Dependency Petition allegations.

In Dependency Court's March 15, 2018 Order, Dependency Court established ... K.R.B.'s permanent placement goal as return ... K.R.B. to a parent or guardian. Dependency Court also approved ... K.R.B.'s permanency plan, which directed Mother to meet the following requirements: 1) Mother shall maintain stable employment; 2) Mother shall maintain safe and stable housing, and all household members must be approved by [OCY]; 3) Mother shall refrain from drugs and/or alcohol and submit to urinalysis tests via Esper Treatment Center's Color Code Program; 4) Mother shall participate in mental health assessment and follow any recommendations; 5) Mother shall comply with her probation through Erie County; 6) Mother shall execute all releases for [OCY]; and 7) Mother shall contact ... K.R.B.'s [OCY] on-going caseworker at least two (2) times per week. Mother was granted visitation with ... K.R.B. at least two (2) times per month, which increased in frequency and duration if Mother complied with her requirements under ... K.R.B.'s permanency plan. Mother's visitation was contingent upon Mother demonstrating she had clean urinalysis screenings.

On June 1, 2018, Dependency Court issued a Permanency Review Order regarding ... K.R.B.'s dependency proceedings, after conducting a full hearing on the record on May 30, 2018, to which Mother attended in person represented by her counsel. Dependency Court found Mother had made moderate progress toward alleviating the circumstances that necessitated ... K.R.B.'s removal. Dependency Court found ... K.R.B.'s best interest was to remain in [OCY]'s custody .... [K.R.B.]'s permanent placement goal remained return ... K.R.B. to a parent or guardian. ...

[In] October [of], 2018, ... K.J.D. was born. Mother had full custody of ... K.J.D. at this time.

On November [29], 2018, Dependency Court issued a second Permanency Review Order regarding ... K.R.B.'s dependency proceedings, after conducting a full hearing

on November 21, 2018, to which Mother did not attend but was represented by counsel. Dependency Court found Mother substantially complied with ... K.R.B.'s permanency plan. ... K.R.B.'s permanent placement goal continued to remain return to a parent or guardian.

In December 2018, ... K.R.B. was returned to Mother's custody. At that time, Mother had custody of both ... Children.

\* \* \*

On July 23, 2019, ... K.J.D. was removed from Mother's and Father's custody and placed temporarily into [OCY]'s legal and physical custody pursuant to an Emergency Protective Order stating removal was necessary for the welfare and best interest of ... K.J.D. Moreover, ... K.R.B. was also removed from Mother's custody. At the time of removal of ... Children on July 23, 2019, Mother was already incarcerated and had been incarcerated since July 17, 2019.

On July 26, 2019, ... Dependency Court ordered custody of ... K.J.D. to remain with [OCY] in the best interest of ... K.J.D. Mother did not appear at said hearing as Mother was incarcerated after failing a probation-required drug screening.

On August 6, 2019, ... Dependency Court adjudicated ... K.J.D. dependent. Mother attended in person and was represented by her counsel. Dependency Court found clear and convincing evidence indicating ... K.J.D. was without proper parental care and control as it pertained to Mother for the following reasons: 1) Mother's past history with [OCY] when ... K.R.B. was adjudicated dependent and with Venango County, for another minor child not in her care ... "due to concerns of drug use, lack of stable housing, and mental health;" 2) Mother had been incarcerated twice since June 28, 2019 due to failed probation-required drug screenings; 3) Mother's hospitalization at Millcreek Community Hospital due to her poor mental health, and that Mother checked herself out of Millcreek Community Hospital against medical advice; and 4) Mother's criminal history. Mother stipulated to Dependency Petition allegations and agreed to ... K.J.D.'s placement at said hearing.

In Dependency Court's August 6, 2019 Order, Dependency Court established ... K.J.D.'s permanent placement goal as return ... to a parent or guardian. Dependency Court also approved ... K.J.D.'s permanency plan, which directed Mother to follow the court-ordered treatment plan under ... K.R.B.'s permanency plan, and also required Mother to participate actively in drug and alcohol treatment so Mother could "gain an understanding of how her drug use affects her mental health and decision making." Mother was granted visitation with ... K.J.D., which would increase in frequency and duration if Mother complied with her court-ordered treatment plan.

On November 7, 2019, Dependency Court issued two Permanency Review Orders, one for each ... Child, following a full hearing on November 1, 2019 regarding both ... Children .... Dependency Court found Mother made minimal progress toward alleviating the circumstances necessitating ... Children's removal from Mother's custody.

Dependency Court found ... Children's best interests were to remain in [maternal aunt's] kinship home. ... Children's permanent placement goals remained return ... to a parent or guardian. Mother's visitation with ... Children was contingent upon Mother demonstrating clean urinalysis screenings. Mother was directed to continue to follow the court-ordered treatment plan.

[Following a May 5, 2020 hearing, Dependency Court again found Mother to be minimally compliant with Children's permanency plans. Dependency Court changed Children's permanent placement goals to return to a parent or guardian, concurrent with adoption.]

On July 13, 2020, Dependency Court issued two Permanency Review Orders, one for each ... Child, following a full hearing on July 6, 2020 regarding both ... Children .... Dependency Court found Mother made only minimal progress toward alleviating the circumstances that necessitated ... Children's removal from Mother's custody. Dependency Court found ... Children's best interests were to remain in [maternal aunt's] home. Dependency Court changed ... Children's permanent placement goals to adoption. Dependency Court ordered no further services, including visitation, shall be offered to Mother.

On August 5, 2020, [OCY] filed these Petitions to Involuntarily Terminate Mother's parental rights as to each ... Child. [The court] held the [termination] hearing on February 12, 2021.

(Trial Court Opinion, filed April 16, 2021, at 4-13) (internal citations and some quotation marks omitted).

Following the hearing, the court entered orders on February 18, 2021, terminating Mother's parental rights to Children. On March 18, 2021, Mother timely filed separate notices of appeal and concise statements of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2) (i).<sup>1</sup> This Court consolidated the appeals *sua sponte* on June 1, 2021.

Mother raises the following issues for our review:

Whether the Orphans' Court committed an abuse of discretion and/or error of law when it concluded that the agency had not established, by clear and convincing evidence grounds for termination of parental rights under 23 Pa.C.S.A. § 2511(a)(1), (2), (5), and (8)?

Whether the Orphans' Court committed an abuse of discretion and/or error of law when it concluded that the termination of [Mother's] parental rights was ... in the children's best interests under 23 Pa.C.S.A. § 2511(b)?

(Mother's Brief at 3).

In her issues combined, Mother challenges the trial court's decision to terminate her parental rights to Children under 23 Pa.C.S.A. § 2511(a)(1), (2), (5), (8) and (b). Regarding Section 2511(a), Mother claims the court erred in making this determination, where she (1) managed

<sup>1</sup> Father voluntarily relinquished his parental rights to Children and is not a party to this appeal.

to "remain clean of all drugs and alcohol during her time incarcerated;" (2) maintained employment for several months prior to the termination hearing; (3) had a family support system in place to provide childcare; (4) attended most of the permanency review hearings and "demonstrated a commitment to being present and working on her case ... to achieve reunification;" and (5) lived in a motel with maternal grandmother which, while "not ideal," could "accommodate ... [C]hildren." (Mother's Brief at 6-7).

Concerning Section 2511(b), Mother insists it is in the best interest and "permanent well-being" of Children to be in her care, as she is Children's mother. (*Id.* at 8). In support of this contention, Mother argues she "has demonstrated a stable living environment and employment with childcare to be provided by the maternal grandmother." (*Id.*) Mother concludes the trial court erred in terminating her parental rights, because it lacked clear and convincing evidence that the statutory grounds for termination were met under Section 2511(a)(1), (2), (5), (8) and (b). We disagree.

Appellate review in termination of parental rights cases implicates the following principles:

In cases involving termination of parental rights: "our standard of review is limited to determining whether the order of the trial court is supported by competent evidence, and whether the trial court gave adequate consideration to the effect of such a decree on the welfare of the child."

*In re Z.P.*, 994 A.2d 1108, 1115 (Pa. Super. 2010) (quoting *In re I.J.*, 972 A.2d 5, 8 (Pa. Super. 2009)).

Absent an abuse of discretion, an error of law, or insufficient evidentiary support for the trial court's decision, the decree must stand. ... We must employ a broad, comprehensive review of the record in order to determine whether the trial court's decision is supported by competent evidence.

*In re B.L.W.*, 843 A.2d 380, 383 (Pa. Super. 2004) (*en banc*), *appeal denied*, 581 Pa. 668, 863 A.2d 1141 (2004) (internal citations omitted).

Furthermore, we note that the trial court, as the finder of fact, is the sole determiner of the credibility of witnesses and all conflicts in testimony are to be resolved by [the] finder of fact. The burden of proof is on the party seeking termination to establish by clear and convincing evidence the existence of grounds for doing so.

*In re Adoption of A.C.H.*, 803 A.2d 224, 228 (Pa. Super. 2002) (internal citations and quotation marks omitted). The standard of clear and convincing evidence means 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. *In re J.D.W.M.*, 810 A.2d 688, 690 (Pa. Super. 2002). We may uphold a termination decision if any proper basis exists for the result reached. *In re C.S.*, 761 A.2d 1197, 1201 (Pa. Super. 2000) (*en banc*). If the court's findings are supported by competent evidence, we must affirm the court's decision, even if the record could support an opposite result. *In re R.L.T.M.*, 860 A.2d 190, 191[-92] (Pa. Super. 2004).



*In re Z.P., supra* at 1115-16 (quoting *In re Adoption of K.J.*, 936 A.2d 1128, 1131-32 (Pa. Super. 2007), appeal denied, 597 Pa. 718, 951 A.2d 1165 (2008)).

OCY filed petitions for the involuntary termination of Mother’s parental rights to Children on the following grounds:

### § 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:

(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 a child or has refused or failed to perform parental duties.

(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 [her] 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.

\* \* \*

(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 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.

\* \* \*

(8) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 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.

\* \* \*

**(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(a)(1), (2), (5), (8) and (b). “Parental rights may be involuntarily terminated where any one subsection of Section 2511(a) is satisfied, along with consideration

of the subsection 2511(b) provisions.” *In re Z.P., supra* at 1117. When conducting a termination analysis:

Initially, the focus is on the conduct of the parent. The party seeking termination must prove by clear and convincing evidence that the parent’s conduct satisfies the statutory grounds for termination delineated in Section 2511(a). Only if the court determines that the parent’s conduct warrants termination of ... [her] parental rights does the court engage in the second part of the analysis pursuant to Section 2511(b): determination of the needs and welfare of the child under the standard of best interests of the child.

*In re L.M.*, 923 A.2d 505, 511 (Pa. Super. 2007) (internal citations omitted).

Termination under Section 2511(a)(1) involves the following:

To satisfy the requirements of [S]ection 2511(a)(1), the moving party must produce clear and convincing evidence of conduct, sustained for at least the six months prior to the filing of the termination petition, which reveals a settled intent to relinquish parental claim to a child or a refusal or failure to perform parental duties. In addition,

Section 2511 does not require that the parent demonstrate both a settled purpose of relinquishing parental claim to a child and refusal or failure to perform parental duties. Accordingly, parental rights may be terminated pursuant to Section 2511(a) (1) if the parent either demonstrates a settled purpose of relinquishing parental claim to a child or fails to perform parental duties.

Once the evidence establishes a failure to perform parental duties or a settled purpose of relinquishing parental rights, the court must engage in three lines of inquiry: (1) the parent’s explanation for his or her conduct; (2) the post-abandonment contact between parent and child; and (3) consideration of the effect of termination of parental rights on the child pursuant to Section 2511(b).

*In re Z.S.W.*, 946 A.2d 726, 730 (Pa. Super. 2008) (internal citations omitted).

Under Section 2511(b), the court must consider whether termination will meet the child’s needs and welfare. *In re C.P.*, 901 A.2d 516, 520 (Pa. Super. 2006). “Intangibles such as love, comfort, security, and stability are involved when inquiring about the needs and welfare of the child. The court must also discern the nature and status of the parent-child bond, paying close attention to the effect on the child of permanently severing the bond.” *Id.* Significantly:

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.

When conducting a bonding analysis, the court is not required to use expert testimony. Social workers and caseworkers can offer evaluations as well. Additionally, Section 2511(b) does not require a formal bonding evaluation.

*In re Z.P., supra* at 1121 (internal citations omitted).

Instantly, regarding Section 2511(a)(1), the trial court discussed Mother's failure to follow her court-ordered treatment plan as follows:

[I]n the instant case, ... Children were removed from Mother's care due to Mother's drug usage resulting in Mother's incarceration twice prior to ... Children's emergency removal in July 2019. Mother was committed into Millcreek Community Hospital in June 2019 due to "paranoia, hearing voices; at one point [Mother] had left the home, was wandering around ... ," but Mother refused to stay for the full course of mental health treatment and "left early" against medical advice. Mother also failed to treat consistently her mental health. Mother did not maintain stable housing appropriate for ... Children. Mother failed to seek consistently drug and alcohol treatment [and] Mother failed to appear for numerous random drug screenings at Esper Treatment Center. Mother "was not employed during that time period" of November 2019 to May 2020 and did not inform [OCY]'s caseworker as to whether she was employed during the final permanency review period from May 2020 to July 2020. Mother's last visit with ... Children was October 2019, despite Mother having "been afforded the opportunity" to have video visits with ... Children during the Covid-19 pandemic in the spring of 2020, which included a May visit especially for Mother's Day.

[OCY's] caseworker would discuss with Mother "her accountability, and the importance for her meeting her appointments, [Mother] could not put two and two together that, in order for [Mother] to ... remain compliant, she had to follow through .... " [OCY's] caseworker explained to Mother the effect of Mother's incarceration on her ability to parent ... Children; however, Mother "would still continue to put blame on the agency, not giving her the opportunity to be able to parent her kids, even though she was given the opportunity prior." Dependency Court found Mother minimally compliant with her court-ordered treatment plan in May 2020, despite "a total non-compliance with [Mother]" between April and May 2020, and "[Dependency] Court gave [Mother] another try." In May 2020, Dependency Court told Mother "step it up, or we're changing the goal .... " Despite having been informed about her court-ordered treatment plan at the final permanency review hearing, Mother testified she did not have an "understanding of what was b[e]ing asked of [her] due to not having a permanency review order in [her] hands .... " "[Mother] started with a little bit...right after [Dependency Court] gave her A warning, then lapsed right back to where she was before the hearing .... "

(Trial Court Opinion at 30-32) (internal citations omitted).

Regarding Section 2511(b), the court explained:

In the instant case, [the kinship caregiver] is ... Children's maternal aunt, with whom Mother does not have an on-going relationship, and her home is a kinship and adoptive resource for ... Children. ... Children are doing very well in [maternal aunt's] home.

The ... kinship home has more than met both ... Children's physical, emotional and social needs. [Maternal aunt] is a good adoptive resource for ... Children. "[Children] have been there for quite some time, and they are doing incredibly well." Both ... Children refer to [maternal aunt] as "mom" and ... Children have developed a "maternal bond" with [maternal aunt]. ... Children have formed a "sibling bond" with the other...children [in maternal aunt's home]. The other ... children "play with [Children] and interact with [Children] in a positive manner." [Maternal aunt's] home has passed all home studies and is size appropriate for ... Children.

... K.R.B. is only three (3) years old, and ... K.J.D. is only two (2) years old. [OCY] has been involved in ... K.J.D.'s life "the entire time she's been alive ..." and ... K.R.B. was "five months old when [OCY] first got involved." Mother has little, if any, relationship with ... Children. Both ... Children are developing normally in [maternal aunt's] care. ... Children are behaviorally "typical" two- and three-year-olds. "[G]iven [Children's] very young ages, [Children] do need a provider that will provide them with a stable home, that will ensure all of their needs are being met, that [Children] have food, snacks, that they're being taken care of and loved, and they do have that in their current placement." [OCY] could not offer "any other services" or done "anything more" to reunify Mother with ... Children. Severing Mother's parental rights will have no detrimental effect on these ... Children and termination of Mother's parental rights is in these ... Children's best interest. This ... [c]ourt considered the relationship between Mother and ... Children and found little, if any parent-child relationship existed, therefore, severing Mother's parental rights to these ... Children will have no detrimental effect on [either] of these ... Children.

(Trial Court Opinion at 40-42) (internal citations omitted). We agree with the trial court's analysis. On this record, Mother has demonstrated a refusal or failure to perform parental duties warranting termination of her parental rights under Section 2511(a)(1). *See* 23 Pa.C.S.A. §2511(a)(1); *Z.S.W., supra*. Thus, we need not address the remaining Section 2511(a) subsections. *See In re Z.P., supra* at 1117. Further, the record makes clear termination will best serve the needs and welfare of Children, per Section 2511(b). *See* 23 Pa.C.S.A. §2511(b); *Z.P., supra*. Accordingly, we affirm.

Orders affirmed.

Judgment Entered.

/s/ Joseph D. Seletyn, Esq.

Prothonotary

Date: 08/31/2021

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Matt Wiertel  
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**ACTION TO QUIET TITLE  
IN THE EIGHTEENTH  
JUDICIAL DISTRICT  
DISTRICT COURT,  
SEDGWICK COUNTY, KANSAS  
CIVIL DEPARTMENT**  
CASE NO.: 2021-CV-001386-OT  
Ronald J. Cornejo, Plaintiff

vs.

Daniel Mininger; Kansas  
Department of Revenue; Kansas  
Highway Patrol; Defendants  
PURSUANT TO CHAPTER 60  
OF K.S.A.

**NOTICE OF SUIT**

THE STATE OF KANSAS, to the above-named defendants and all unknown claimants of defendants and their unknown heirs, executors, administrators, devisees, trustees, creditors and assigns of all any deceased defendants, including existing, dissolved, or dormant legal entities, and all other persons who are or may be concerned.

You are notified that Plaintiff has filed a Petition to Quiet Title to a 1956 Dodge Powerwagon (the "Petition"), for that certain vehicle, Vehicle Identification Number (VIN) 83948321, and is further described in the Petition (the "1956 Dodge Powerwagon"), with the District Court of Sedgwick County, Kansas, praying for a determination of ownership and quieting title to such 1956 Dodge Powerwagon in Plaintiff's name, and you are required to plead your objection(s) to the Petition **on or before September 16, 2021**, in the District Court of Sedgwick County, Kansas. If you fail to plead, judgment and decree will be entered in due course upon the Petition.

Respectfully submitted,

/s/ Morgan B. Koon

By: Morgan B. Koon, #21556

800 E. 21st Street, North,  
Wichita, KS 67214

Tel. (316) 201-1681/

Fax (316) 201-1686

Attorneys for Plaintiff

Aug. 27 and Sept. 3, 10, 17

**INCORPORATION NOTICE**

Erie High Football Boosters, Inc. has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation law of 1988. Janine McClintic, Esq. 6073 Pine Valley Lane, Fairview, PA 16415.  
Sept. 10

**LEGAL NOTICE**

ATTENTION: BRIAN ALLEN  
COURTEAU

INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS IN THE  
MATTER OF THE ADOPTION OF  
MINOR MALE CHILD A.D.C.S.  
DOB: 11/02/20  
BORN TO: JENNIFER MARIE  
HANEY

97 IN ADOPTION 2021  
If you could be the parent of the above-mentioned children, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Erin Connelly Marucci, Courtroom 214-D, City of Erie on September 29, 2021 at 1:30 p.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the Court's decision on whether to end your rights to your children. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your children may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or

cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's Court Administrator  
Room 204 - 205  
Erie County Court House  
Erie, Pennsylvania 16501  
(814) 451-6251

NOTICE REQUIRED BY ACT 101  
OF 2010: 23 Pa. C.S §§2731-2742.

This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

Sept. 10

**LEGAL NOTICE**

ATTENTION: JENNIFER MARIE  
HANEY

INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS IN THE  
MATTER OF THE ADOPTION OF  
MINOR MALE CHILD A.D.C.S.  
DOB: 11/02/20

97 IN ADOPTION 2021

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County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the Court's decision on whether to end your rights to your children. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your children may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

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or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-6688, or contact your adoption attorney, if you have one.

Sept. 10

**LEGAL NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
Civil Action  
No. 11260-2021  
Amy Zlobin, Plaintiff  
v.

Melissa Ferringer, Defendant  
**Nature of Action:** A civil action seeking damages for personal injury arising from a car accident which occurred on October 16, 2019 in Erie County, Pennsylvania.

**To:** Defendant Melissa Ferringer.

**NOTICE**

**Notice to Defend:** You are hereby notified the plaintiff, Amy Zlobin, has filed a Complaint against you at No. 11260-2021 in the Civil Division of the Court of Common Pleas of Erie, County.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral & Information Service  
P.O. Box 1792  
Erie, Pennsylvania 16507  
814/459-4411  
Mon. - Fri. 8:30 a.m.-noon;  
1:15 p.m.-3:00 p.m.  
Purchase George & Murphey, P.C.  
By: Craig Murphey  
Attorney I.D.: 53324  
2525 West 26th Street, Suite 200,  
Erie, PA 16506  
(814) 833-7100, Attorney for Plaintiff  
Sept. 10

**SHERIFF SALES**

Notice is hereby given that by virtue of sundry Writs of Execution, issued out of the Courts of Common Pleas of Erie County, Pennsylvania, and to me directed, the following described property will be sold at the Erie County Courthouse, Erie, Pennsylvania on

**SEPTEMBER 17, 2021  
AT 10 A.M.**

All parties in interest and claimants are further notified that a schedule of distribution will be on file in the Sheriff's Office no later than 30 days after the date of sale of any property sold hereunder, and distribution of the proceeds made 10 days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

All bidders are notified prior to bidding that they **MUST** possess a cashier's or certified check in the amount of their highest bid or have a letter from their lending institution guaranteeing that funds in the amount of the bid are immediately available. If the money is not paid immediately after the property is struck off, it will be put up again and sold, and the purchaser held responsible for any loss, and in no case will a deed be delivered until money is paid.

John T. Loomis  
Sheriff of Erie County  
Aug. 27 and Sept. 3, 10

**SALE NO. 1**

**Ex. #10211 of 2020  
U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF DWELLING SERIES IV TRUST, Plaintiff**

v.

**PAMELA A. YOUNG and TORREY J. YOUNG,**

**Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2020-10211, U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF DWELLING SERIES IV TRUST vs. PAMELA A. YOUNG and TORREY J. YOUNG

Torrey J. Young and Pamela A. Young, his wife, as tenants by the entirety, owner(s) of property situated in the Borough of Wesleyville, Erie County, Pennsylvania being 3112 Woodlawn Avenue, Erie a/k/a Wesleyville, PA 16510

0.1942 Acres  
Assessment Map number: (50) 4-45-16  
Assessed Value figure: \$76,660.00  
Improvement thereon: Residential Dwelling  
Adam J. Friedman, Esq.  
Attorney Id Number: 328223  
FRIEDMAN VARTOLO LLP  
1325 Franklin Avenue, Suite 160  
Garden City, NY 11530  
(212) 471-5100  
Attorneys for Plaintiff  
Firm Case No.: 201659-1  
Aug. 27 and Sept. 3, 10

**SALE NO. 3**

**Ex. #12297 of 2020  
Specialized Loan Servicing LLC, Plaintiff**

v.

**Jennifer Gray, known heir of the Estate of Alan K. Gray, deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Alan Gray, Deceased, Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12297-2020, Specialized Loan Servicing LLC vs. Jennifer Gray, known heir of the Estate of Alan K. Gray, deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Alan Gray, Deceased, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 2226 Cherry Street, Erie, PA 16502  
0.0657  
Assessment Map number: 19-6018.0-100.00  
Assessed Value figure: \$39,800.00  
Improvement thereon: a residential dwelling  
LOGS Legal Group LLP

Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Aug. 27 and Sept. 3, 10

**SALE NO. 5**

**Ex. #11823 of 2019  
The Huntington National Bank, Plaintiff**

v.

**Christopher R. Thomas;  
Durham Dickerson, Defendants  
DESCRIPTION**

By virtue of a Writ of Execution file to No. 2019-11823, The Huntington National Bank vs. Christopher R. Thomas; Durham Dickerson, owner(s) of property situated in the Township of Millcreek, Erie County, Pennsylvania being 3444 Anne Marie Drive, Erie, PA 16506  
2,222 sq. ft.  
Assessment Map Number: 33125555121000  
Assessed Value figure: \$213,800.00  
Improvement thereon: Single Family Dwelling  
Joseph E. DeBarberie, Esquire  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Aug. 27 and Sept. 3, 10

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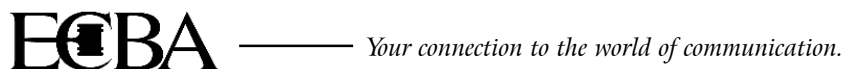
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Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

#### FIRST PUBLICATION

**BURKE, LINDA LOUISE, a/k/a LINDA L. BURKE, a/k/a LINDA BURKE, deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Lisa Ann Estes, c/o 504 State Street, Suite 300, Erie, PA 16501  
*Attorney:* Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**CARTER, GLENN A., a/k/a GLENN ARTHUR CARTER, a/k/a GLENN CARTER, deceased**

Late of the Township of Conneaut, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Judith M. Noerr, 10403 Barney Road, Albion, Pennsylvania 16401  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**DAESCHNER, MARGARETEA., deceased**

Late of Millcreek Township, Erie County, Pennsylvania  
*Co-executors:* Rolf E. Daeschner and Bernd P. Daeschner, c/o Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507  
*Attorney:* Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

**DeMARCO, PAUL R., a/k/a PAUL DeMARCO, deceased**

Late of the Borough of Girard, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Jane T. DeMarco, 1113 Lawrence Court, Girard, PA 16417  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**FLAHERTY, SUSAN L., deceased**

Late of Millcreek Township, Erie County  
*Executor:* Stephen Flaherty  
*Attorney:* William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

**HESS, DAVID W., deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Judith Chiamardas, c/o Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501  
*Attorney:* Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501

**HOOK, MICHAEL J., III, a/k/a MICHAEL JOHN HOOK, III, deceased**

Late of the Township of Millcreek, Erie County, Commonwealth of Pennsylvania  
*Administratrix:* Dianna E. Fleming, c/o 120 W. 10th St., Erie, PA 16501  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**KOMISARSKI, ARLENE R., a/k/a ARLENE KOMISARSKI, deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Peggy Ann Gilmore, 3743 Avonia Road, Fairview, Pennsylvania 16415  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**MARCHAL, ANDRE, a/k/a ANDRE G. MARCHAL, deceased**

Late of 536 Zephyr Avenue, Millcreek Township, Erie County, Pennsylvania  
*Administration, C.T.A.:* Mary H. Till, c/o 2580 West 8th Street, Erie, Pennsylvania 16505  
*Attorney:* Ralph R. Riehl, III, Esquire, 2580 West 8th Street, Erie, Pennsylvania 16505

**MICHALCZIK, SANDRA LEE, a/k/a SANDRA L. MICHALCZIK, deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Cynthia L. Pacileo, c/o Stephen H. Hutzelman, Esq., 333 State Street, Suite 203, Erie, PA 16507  
*Attorney:* Stephen H. Hutzelman, Esq., 333 State Street, Suite 203, Erie, PA 16507

**NICHOLAS, MARY K., a/k/a MARY NICHOLAS, deceased**

Late of the Borough of Lake City, County of Erie, Commonwealth of Pennsylvania  
*Co-executors:* William B. Nicholes, 10386 Hall Avenue, Lake City, PA 16423 and Jennifer L. Nicholes, 6466 Bostic Sunshine Hwy., Bostic, NC 28018  
*Attorney:* Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**ROCKEY, ROLAND R.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Karen M. Rockey, 2111 Poplar St., Erie, PA 16502  
*Attorney:* Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**TRABERT, RITA M.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Co-executrices:* Gail A. Ardery and Sheila M. Ardery, c/o Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507  
*Attorney:* Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

**WIENCZKOWSKI,  
MATTHEW R., a/k/a  
MATTHEW WIENCZKOWSKI,  
a/k/a MATT WIENCZKOWSKI,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Robert Francis Wienczkowski, c/o 504 State Street, Suite 300, Erie, PA 16501  
*Attorney:* Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**SECOND PUBLICATION**

**AMATANGELO, MARGARET E.,  
a/k/a MARGARET AMATANGELO,  
a/k/a PEGGY AMATANGELO,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Aaron A. Amatangelo, c/o James J. Bruno, Esquire, 3820 Liberty Street, Erie, PA 16509  
*Attorney:* James J. Bruno, Esquire, 3820 Liberty Street, Erie, PA 16509

**BARLOW, JOAN M., a/k/a  
JOAN M. LAMB BARLOW,  
deceased**

Late of the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Benjamin B. Barlow, c/o Leigh Ann Orton, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428  
*Attorney:* Leigh Ann Orton, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428

**BEVELACQUA, DONALD L.,  
a/k/a DONALD BEVELACQUA,  
deceased**

Late of the City of Erie, Erie County  
*Executor:* Donald C. Bevelacqua  
*Attorney:* Rachel A. George, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**CAMPAGNE, NANCY L.,  
deceased**

Late of the City of Erie  
*Executrix:* Lisa M. Winschel  
*Attorney:* John Mizner, Esquire, 311 West Sixth Street, Erie, PA 16507

**DANDAR, RONALD G., a/k/a  
RONALD GEORGE DANDAR,  
a/k/a RONALD DANDAR,  
deceased**

Late of the Borough of North East, County of Erie, Commonwealth of Pennsylvania  
*Co-administrators:* Troy C. Dandar, 1541 Cobb Road, Spartansburg, PA 16434 and Brian K. Dandar, 21341 Trask Drive, Venango, PA 16440  
*Attorney:* Valerie J. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**DeSANTO, ANGELO P., a/k/a  
ANGELO DeSANTO,  
deceased**

Late of Erie County, Pennsylvania  
*Executor:* Timothy DeSanto, c/o David W. Bradford, Esq., 731 French Street, Erie, PA 16501  
*Attorney:* David W. Bradford, Esq., 731 French Street, Erie, PA 16501

**DUDA, KAREN K.,  
deceased**

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania  
*Administratrix:* Eric Duda, c/o Knox Law Firm, 120 W. 10th St., Erie, PA 16501  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**GILROY, MICHAEL A., a/k/a  
MICHAEL ASHLEY GILROY,  
deceased**

Late of the Township of Springfield, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Debra Thaler Gilroy  
*Attorney:* David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West Sixth Street, Erie, PA 16507

**GRANT, SARA L.,  
deceased**

Late of the City of Corry, County of Erie, Pennsylvania  
*Executrix:* Cindy Lee Snyder, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**MARCHITELLI, PHYLLIS J.,  
deceased**

Late of the Township of Wayne, County of Erie, Pennsylvania  
*Executor:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**McCLELLAND, ROBERT J., a/k/a  
ROBERT J. McCLELLAND, SR., a/k/a  
ROBERT JOSEPH McCLELLAND,  
deceased**

Late of the Township of North East, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Deborah L. McClelland, c/o Leigh Ann Orton, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428  
*Attorney:* Leigh Ann Orton, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428

**McFATE, ROBERT J., a/k/a  
ROBERT JOHN McFATE,  
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Terri McAndrew, 3914 Feidler Drive, Erie, PA 16506-2206  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**McLAUGHLIN, PAULA.,  
deceased**

Late of the City of Erie  
*Administratrix:* Emily Hummel  
*Attorney:* John Mizner, Esquire, 311 West Sixth Street, Erie, PA 16507

**MILLER, RALPH J., a/k/a  
RALPH J. MILLER, JR., a/k/a  
RALPH JOHN MILLER,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Nancy A. Loker, 2148 Stoneybrook Drive, Erie, PA 16510  
*Attorney:* Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**MITCHELL, GREGORY DALE,  
deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania  
*Executor:* Stephan M. Mitchell, 13150 Kinter Rd., Waterford, PA 16441  
*Attorney:* Gerald J. Villella, Esquire, Dailey, Karle & Villella, 731 French Street, Erie, PA 16501-1207

**MITCHELL, SANDRA L.,  
deceased**

Late of the City of Corry, Erie County, Pennsylvania  
*Executor:* Keith A. Mitchell, 5518 Woods Drive, Edinboro, PA 16412  
*Attorney:* James E. Douglas, Esquire, Douglas, Joseph & Olson, 409 North Hermitage Road, Hermitage, PA 16148

**MURZYNSKI, PATRICIA J.,  
deceased**

Late of the City of Erie  
*Executrix:* Michele A. Murzynski  
*Attorney:* John Mizner, Esquire, 311 West Sixth Street, Erie, PA 16507

**RAUCCI, PASQUALE,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Nicholas P. Raucci, c/o Leigh Ann Orton, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428  
*Attorney:* Leigh Ann Orton, Esquire, Orton & Orton, LLC, 68 East Main Street, North East, PA 16428

**SWAB, CLARENCE F.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Roberta Riesdorff, c/o Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507  
*Attorney:* Joseph P. Martone, Esquire, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

**WICK, DURINDA ANN, a/k/a  
DURINDA A. WICK,  
deceased**

Late of Wesleyville Boro, Erie County  
*Executrix:* Natalie Ditzler  
*Attorney:* Edwin W. Smith, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**THIRD PUBLICATION**

**BEISEL, DAWN R., a/k/a  
DAWN BEISEL,  
deceased**

Late of the Borough of Edinboro, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Amy Beisel-Hill, c/o Zanita A. Zacks-Gabriel, Esq., A TO Z LAW ERIE LLC, 402 West Sixth Street, Erie, PA 16507  
*Attorney:* Zanita A. Zacks-Gabriel, Esq., A TO Z LAW ERIE LLC, 402 West Sixth Street, Erie, PA 16507

**BERBERICH, JOHN H., a/k/a  
JOHN H. BERBERICH, JR.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Dan E. Briggs, 23214 Mackey Hill Rd., Cambridge Springs, PA 16403  
*Attorney:* None

**BERRY, DOROTHY E.,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* James F. Berry, c/o Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508  
*Attorney:* Darlene M. Vlahos, Esq., Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508

**CONNOLLY, DANIEL E.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Co-executors:* Daniel M. Connolly and Gerald D. Connolly, c/o John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507  
*Attorney:* John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

**DeLAURA, MARSHA ANN,  
deceased**

Late of Fairview Township, Erie County  
*Co-administrators:* Pamela DeLaura, 407 Mount Vernon Street, Grosse Pointe Farms, MI 48236, Deanna DeLaura, 27 West 33rd Street, Erie, PA 16508 and Robert DeLaura, 1219 West 41st Street, Erie, PA 16509  
*Attorney:* Christopher A. Papa, Esquire, 318 Highland Avenue, New Castle, PA 16101

**DUDENHOEFFER, WILBERT,  
deceased**

Late of North East Township, Erie County, North East, PA  
*Executor:* Steven Dudenhoefter, c/o 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esq., Knox McLaughlin Gornall & Sennett, P.C., 33 East Main Street, North East, Pennsylvania 16428

**GALES, EUGENE H.,  
deceased**

Late of the Township of Summit, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Daniel E. Gales, 1154 Grouse Run Road, Bethel Park, PA 15102  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**GORE, CLAUDIA LINDSEY,  
a/k/a CLAUDIA MAE GRAHAM,  
deceased**

Late of the City of Erie  
*Administrator:* Clifton Gore  
*Attorney:* Andrew J. Sisinni, Esquire, 1314 Griswold Plaza, Erie, PA 16501

**HOLDERER, ROBERT  
WILLIAM, a/k/a  
ROBERT HOLDERER, a/k/a  
ROBERT W. HOLDERER,  
deceased**

Late of the Township of Washington, County of Erie and State of Pennsylvania  
*Administrator:* David R. Devine, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412  
*Attorney:* David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**HOOVER, GARY L.,  
deceased**

Late of Harborcreek Township, Erie County, Harborcreek, PA  
*Executor:* Gregory Hoover, c/o 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esq., Knox McLaughlin Gornall & Sennett, P.C., 33 East Main Street, North East, Pennsylvania 16428

**MOORE, JOSEPHINE,  
deceased**

Late of Harborcreek Township, Erie County, Harborcreek, PA  
*Executor:* Danny Ray Moore, c/o 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esq., Knox McLaughlin Gornall & Sennett, P.C., 33 East Main Street, North East, Pennsylvania 16428

**PETERSON, FREDERICK  
EUGENE,  
deceased**

Late of Washington Township, County of Erie, Commonwealth of PA  
*Administratrix:* Anna Farmer, c/o 102 East 4th Street, Erie, PA 16507  
*Attorney:* Richard E. Filippi, Esquire, 102 East 4th Street, Erie, PA 16507

**RIZZO, BETTIE V., a/k/a  
BETTIE RIZZO,  
deceased**

Late of the Borough of North East, County of Erie, Commonwealth of Pennsylvania  
*Co-executors:* Dennis P. Rizzo and Gary T. Rizzo, c/o 337 West 10th Street, Erie, PA 16502  
*Attorneys:* THE FAMILY LAW GROUP, LLC, 337 West 10th Street, Erie, PA 16502

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September 10, 2021

# Perspectives on Domestic Violence Prevention and Pro Bono Opportunities

Thursday, September 23, 2021

The Will J. Schaaf & Mary B. Schaaf Education Center  
at the ECBA, 429 West 6th Street, Erie, PA 16507

**Registration:** 11:45 a.m.  
**Seminar:** 12:00 - 1:00 p.m.  
**Cost:** \$47 - ECBA Members (Judges & Attorneys)  
and their Non-attorney Staff  
\$60 - Non-members

If attending in-person, a boxed lunch will be provided.



## 1 Hour Ethics CLE Credit

### Presenters:

**Hon. Cynthia Eddy** is the Chief United States Magistrate Judge for the U.S. District Court, Western District of Pennsylvania. She is active in numerous organizations and initiatives, including the Rise Re-entry Court, the Allegheny County Bar Association, the ACBA Federal Court Council, Phipps Conservatory and Habitat for Humanity.

**Hon. John Trucilla** has served the citizens of Erie County since taking the bench in 2002. He has diligently worked to ensure access to the Courts for all citizens including indigent and pro se litigants. Judge Trucilla has worked closely with members of the Bar to uphold the integrity and dignity of the practice of law.

**Hon. Richard Lanzillo** is a United States Magistrate Judge in the Erie Division of the U.S. District Court for the Western District of Pennsylvania. He has been active in the Erie County Bar Association and served as the Association's president in 2015. He is active in many other local charities and civic organizations.

**Amy Blackman**, Co-assistant Director and Director of Prevention Education, has been with the Crime Victim Center of Erie County for over 20 years. She has provided programming and presentations to thousands of individuals on both the local and state levels. She serves as the Chair of the Education Committee for the Pennsylvania Association of Sexual Assault Centers and is the agency representative on the Erie County Child Abuse Prevention Task Force.

**Robyn Young** is the Director of Domestic Violence Services and Interim Executive Director for SafeNet. She has been working in the field of domestic violence for 23 years and joined SafeNet in 2008. As SafeNet's Director of Domestic Violence Services, she regularly provides educational and professional programming.

### Program:

**SafeNet** is Erie's only accredited domestic violence agency. SafeNet has been providing services to 1,500 people annually, including victims of domestic violence, and provides these comprehensive services free of charge.

SafeNet provides: an emergency shelter, counseling and advocacy, legal representation, children's programs, education and training and transitional housing.

The **Crime Victim Center of Erie County** provides a full continuum of services to victims and witnesses of any type of crime including sexual assault, homicide, simple and aggravated assault, robbery, home invasion, and child and elder abuse. Trained Counselor Advocates provide crisis intervention, counseling, accompaniment through the criminal justice and medical systems, and victim compensation and restitution assistance to help victims cope and begin healing.

Services: 24/7 hotline / crisis intervention, individual and group counseling, individual therapy, prevention education, accompaniment to police, medical, and court proceedings, assistance in filing for victim compensation and restitution, satellite offices, mandated reporter training, equine therapy for trauma and sexual abuse survivors.

**New study: two-thirds of Americans had at least one legal problem, only half were completely resolved** - Across all income levels, two-thirds of people in the United States experienced at least one legal problem in the past four years — and slightly less than half of those identified legal issues were completely resolved. That's according to "Justice Needs and Satisfaction in the United States of America 2021," a study released last week by the Institute for the Advancement of the American Legal System and the Hague Institute for Innovation of Law. The study, based on an online survey of 10,058 Americans conducted last year, addresses access to justice as a broad social problem and explores how people of various income levels and races and ethnicities experience legal issues differently.

**Fudging the details?** - Conagra Brands was hit with a food labeling class action Saturday in Illinois Central District Court over its Duncan Hines "Chewy Fudge Brownie Mix." The suit, filed by Sheehan & Associates, contends that the product's labeling gives the false impression that the mix contains essential fudge ingredients. Counsel have not yet appeared for the defendant. The case is 4:21-cv-04147, *Huston v. Conagra Brands, Inc.*

**New Census data available for development of AAPs** - On September 3, 2021, OFCCP issued a notice requiring federal contractors to use the recently released 2014-2018 Equal Employment Opportunity Tabulation ("2018 EEO Tab") to develop any Affirmative Action Programs ("AAPs") that commence on or after January 1, 2022. The 2018 EEO Tab was released earlier this year by the U.S. Census Bureau. It replaces the 2006-2010 EEO Tabulation contractors have been using for AAP purposes. Read more ... <https://www.natlawreview.com/article/new-census-data-available-development-aaps>

**Ex-high school football head coach alleges he lost job over claims he permitted hazing** - An Allegheny County man who served as a high school football head coach for eight years alleges that his contract was not renewed and that he was then defamed by District officials with false claims that he permitted hazing and bullying in the football program. Read more ... <https://pennrecord.com/stories/606923278-ex-high-school-football-head-coach-alleges-he-lost-job-over-claims-he-permitted-hazing>

**New NLRB majority can swiftly alter labor law with cases at hand** - National Labor Relations Board's new Democratic majority can select from cases available in the agency's pipeline to quickly reconsider Trump-era precedents, with subjects like workplace rules, employee classification, and the scope of labor law protections poised for review. Read more ... <https://news.bloomberglaw.com/daily-labor-report/new-nlrbs-majority-can-swiftly-alter-labor-law-with-cases-at-hand>

Reservations due to the ECBA office by September 16, 2021.  
Register at: <https://www.eriebar.com/events/public-registration/1738>



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