

[Int. of K.T., 296 A.3d 1085 \(Pa. 2023\)](#). Justice Dougherty authored majority opinion.

Background: Case arose when Office of Children, Youth and Families (CYF) petitioned for involuntary termination of Mother's rights to child K.T. K.T. had remained in familial foster care for nearly four years prior to the petition. The trial court found that statutory grounds for termination under § 2511(a) were met, since Mother was unable to remedy the causes of K.T.'s placement. However, the court denied the petition under § 2511(b), reasoning that the child maintained a meaningful bond with her mother and that severing it would adversely affect her, even though her strongest bond was with her foster parent. On appeal, a divided Superior Court panel affirmed, holding that the trial court had applied the correct standard and acted within its discretion. CYF and the child then sought review in the Pennsylvania Supreme Court, which reversed.

Majority's holdings:

- The Supreme Court **vacated and remanded** to trial court for further proceedings. The Court found that the **trial court and Superior Court erred** by applying the wrong standard under Section 2511(b).
- It found that the Superior Court “conducted a legally erroneous parental bond analysis” when it affirmed the trial court’s denial of a petition for involuntary termination of parental rights. (p. 46).
- The Court found that “a fuller review of relevant case law indicates that bond, plus permanency, stability and all ‘intangible’ factors may contribute equally to the determination of a child’s specific developmental, physical, and emotional needs and welfare, and thus are all of ‘primary’ importance in the Section 2511(b) analysis.” (p. 35-36)
- The Court clarified that trial courts must determine whether the bond is **necessary and beneficial** to the child, whether severance would cause **extreme emotional consequences**, and weigh those findings against the child’s need for **permanency, stability, and security** in the foster/adoptive home.
- Because the lower courts only considered whether detriment might occur, the Supreme Court reversed the Superior Court’s affirmance and remanded for further proceedings under the clarified standard.

Issue Statement:

- The issues before the Court were whether it should ensure uniform application of the correct § 2511(b) bond standard across Pennsylvania courts by:
  - Clarifying that the trial court must evaluate whether the bond is necessary and beneficial to the child and not just whether any parent-child bond exists; and
  - Clarifying that the trial court must evaluate whether severing that bond would cause the child to experience extreme emotional consequences and not just any adverse effect?
- Whether the Superior Court erred by ignoring *In re T.S.M.* and *In re E.M.* in affirming denial of termination where the nearly five-year-old child had been in a stable, pre-adoptive kinship foster home for almost four years, the mother remained subject to

supervised visitation due to behavioral concerns, and expert testimony supported adoption for permanency. (p. 18-19)

Dissenting opinion:

- Wecht dissented arguing that the majority imposed a "new four-part test" (p. 1) for analyzing whether termination of parental rights served a child's "needs and welfare" (p. 1) under 23 Pa.C.S. § 2511(b). Wecht rejected the majority finding that "only a necessary and beneficially bond...should be maintained." (p. 24)
- **He argued the majority reframed and heightened the Section 2511(b) standard** in a way not supported by the statute or precedent.
- Wecht emphasized that the law requires courts to give **primary consideration** to the child's developmental, physical, and emotional needs, considering *all* relevant factors—including bonds, potential harm from severance, and the benefits of permanency—without demanding proof of "necessity" or "extreme" consequences.
- He warned that the majority's new standard, by minimizing parent-child ties and "pre-tilt[ing]" (p. 2) decisions toward adoption in the name of "permanency," does "a disservice" to children whose imperfect but meaningful family bonds still carry value. (p. 35-36) Wecht wrote, "[t]he demanding standards of removal and termination of parental rights exist in order to protect the family, of which the child is a part, from 'harmful and unwarranted state intrusion.'" (p. 12-13)
- He also found the majority disregarding the trial court's factual findings, and intruding on the discretion generally given to trial judges who directly assess the child's needs.
- Wecht found that the trial court had properly balanced the relevant factors, and the Superior Court rightly deferred to those findings.

Applicable Statute: §2511(b) states: "(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. . . . 23 Pa.C.S. §2511." (p. 11)