

In re A.E.S., Appeal of J.K. (2021). Judge Dubow authored opinion.

Holding: The Court affirmed the decree terminating a father's parental rights to his young daughter. The Court held that Lebanon County Children and Youth Services had presented clear and convincing evidence under 23 Pa.C.S. § 2511(a)(1) that the father failed for nearly twenty months to perform essential parental duties, including securing safe housing, maintaining employment, paying support, and providing consistent, prepared visitation, and under § 2511(b) that termination was in the child's best interests.

Analysis: The Court emphasized that although the father and child shared a bond, testimony showed that severing it would not harm the child, who was thriving with her foster family that intended to adopt her. In rejecting the father's arguments—that he was powerless to change the unsafe home conditions or excused by his “immature, lackadaisical attitude”—the Court noted that parental rights are not preserved by waiting for a more convenient time while others meet the child's needs.

Background: The case arose after the child, born in 2018, was twice hospitalized for failure to thrive and placed in foster care when the unsafe and unsanitary family home proved unfit. Despite agency services, the father failed to comply with court-ordered goals until after the termination petition was filed, leading both the trial and appellate courts to conclude that termination served the child's developmental, physical, and emotional welfare.