

In re S.G.P. (2022). Judge Dubow authored opinion.

Holding: The Court affirmed Orphans' Court order terminating Mother's parental rights to S.G.P. under 23 Pa.C.S. § 2511(a)(1), (2), (5), and (b), and granting the petition for adoption by the child's maternal grandmother (grandmother). Mother appealed. Mother argued that evidence was insufficient to terminate rights under § 2511(a)(1), (2), and (5) and that it was not in the best interest of the child under § 2511(b).

Analysis: The Court found the lower court record showed that Mother failed to perform her parental duties for at least six months prior to the petition, thus meeting the requirements under § 2511(a)(1). In considering § 2511(a)(2) the Court determined the conditions that led to the child's placement remained unchanged, and Mother was either unable or unwilling to address and remedy them. Under § 2511(b), the court relied on testimony establishing that the child shared a strong, positive bond with the grandmother, had little connection with Mother, and that terminating Mother's rights would not cause harm to the child. Although Mother showed some improvements, the Court found them "too little, too late" (p. 5) after years of minimal compliance and no sustained progress. The Court found the bond between S.P.G and Mother was "pleasant but not necessary" (p. 6). Further, the Court found evidence demonstrating that the child was thriving in Grandmother's care, which the Court found provided stability, consistency, and met the child's emotional, physical, and developmental needs. Ultimately, the child's need for permanency and stability was deemed to outweigh preserving the parent-child relationship.

Background: S.G.P., born in 2016, had been in the maternal grandmother's care since shortly after birth following Mother's arrest for retail theft and reports of child abuse concerning burns on the child. The record showed that Mother suffered from depression, possible substance abuse, and relied heavily on Grandmother to meet S.G.P.'s needs. It also established that Mother failed to meet reunification requirements by skipping or not completing outpatient treatment, refusing drug testing until termination proceedings began, remaining unemployed for most of the case, and failing to establish stable housing— often staying in others' homes even after leasing her own apartment.

Applicable law: Under 23 Pa.C.S. § 2511(a)(1), parental rights may be terminated if, for at least six months before the petition is filed, a parent has shown an intent to give up their parental role or has failed or refused to carry out parental duties. Under § 2511(a)(2), termination is allowed when a parent's repeated inability, abuse, neglect, or refusal has deprived the child of essential care for their physical or mental well-being, and those problems cannot or will not be fixed. Section 2511(a)(5) applies when a child has been out of the parent's care for at least six months, the issues that led to removal still exist, the parent cannot or will not resolve them within a reasonable time, available services are unlikely to help in time, and termination would best serve the child's needs. Under § 2511(b), the court must give primary consideration to the child's developmental, physical, and emotional needs and welfare. Rights cannot be ended solely because of poverty or poor living conditions if those are beyond the parent's control. For cases under § 2511(a)(1), (a)(6), or (a)(8), the court will disregard efforts to correct problems if they began only after the parent received notice of the termination petition.