

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37**

IN THE INTEREST OF: T.S., A MINOR : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
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APPEAL OF: R.S., MOTHER :  
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: No. 2220 EDA 2023

Appeal from the Order Entered August 10, 2023  
In the Court of Common Pleas of Delaware County Criminal Division at  
No(s): CP-23-DP-0000264-2018

IN THE INTEREST OF: C.J., A MINOR : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
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APPEAL OF: R.S., MOTHER :  
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: No. 2221 EDA 2023

Appeal from the Order Entered August 10, 2023  
In the Court of Common Pleas of Delaware County Civil Division at  
No(s): CP-23-DP-0000265-2018

IN THE INTEREST OF: T.S., A MINOR : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
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APPEAL OF: R.S., MOTHER :  
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: No. 2222 EDA 2023

Appeal from the Order Entered August 10, 2023  
In the Court of Common Pleas of Delaware County Criminal Division at  
No(s): CP-23-DP-0000266-2018

BEFORE: DUBOW, J., KING, J., and LANE, J.

MEMORANDUM BY DUBOW, J.:

**FILED APRIL 17, 2024**

Appellant, R.S. (“Mother”), appeals from the August 10, 2023 order that changed the permanency goal of her three children, nine-year-old T.S (“T.S. (I)”), six-year old C.J., and five-year-old T.S. (“T.S. (II)”) (collectively, “Children”), from Reunification to Adoption.<sup>1</sup> Appellant’s counsel, Shelly Chauncey, Esq., has filed a petition to withdraw as counsel and an **Anders**<sup>2</sup> Brief, to which Mother has not filed a response. Upon review, we grant counsel’s petition to withdraw and affirm on the basis of the trial court’s October 6, 2023 opinion.

In its Pa.R.A.P. 1925(a) opinion, the trial court has provided a thorough and accurate factual and procedural history, which is supported by the record, and we adopt it for purposes of this appeal. Trial Ct. Op., 10/6/23, at 1-15. Briefly, Mother and Children became known to the Delaware County Children and Youth Services (the “Agency”) in 2018 for concerns regarding neglect and physical abuse of Children. After the Agency implemented services and safety plans to no avail, the trial court adjudicated Children dependent on December 11, 2018. The court ordered Mother to participate in mental health and drug and alcohol evaluations and comply with recommendations, participate in parenting education, obtain suitable housing, and consistently visit with Children.

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<sup>1</sup> Children’s father is not a party to this appeal.

<sup>2</sup> **Anders v. California**, 386 U.S. 738 (1967).

Children have been in the custody of the Agency for approximately five years. Mother has weekly supervised visits with Children, alternating in-person visits with virtual visits. In the past, Mother has been inconsistent with visitation. During the past year, she has consistently attended in-person visits but has been inconsistent with virtual visits. Mother often brings inappropriate food for Children, despite being aware of their dietary restrictions. During visits, she has limited engagement with Children and typically just watches them play together. When staff tries to redirect Mother to engage with Children, she is dismissive and belligerent. On one occasion in May 2023, Mother threatened to call the cops and to “grip up,” or grab a firearm, when the caseworker attempted to assist Mother with her interactions with Children.

The Agency categorizes Mother’s progress as moderate. While Mother has successfully completed drug and alcohol treatment and her last three random drug screens have been negative, Mother has failed to follow through with recommended mental health treatment.

Children have a myriad of physical, emotional, and behavioral issues.<sup>3</sup> During the past five years, the Agency has placed T.S.(I) and C.J. in six

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<sup>3</sup> T.S. (I) is diagnosed with Oppositional Defiant Disorder (“ODD”), Attention Deficit Hyperactivity Disorder (“ADHD”), and aggressive behaviors for which he receives medication management and individual therapy. C.J. is diagnosed with ODD, ADHD, and Post Traumatic Stress Disorder. She receives numerous medications and attends weekly trauma-based therapy and bi-weekly individual therapy. T.S.(II) has exhibited extreme and violent behaviors and has been asked to leave several daycares. He is diagnosed with Cerebral Palsy and has urological issues that may require surgery. His foster mothers are home-schooling him and are in the process of arranging appropriate therapy.

different foster homes while the Agency has placed T.S.(II) in seven different homes. Children are currently placed in pre-adoptive homes where they are thriving and receiving the necessary educational, behavioral, medical, and emotional services. T.S. (I) and C.J. are placed in a foster home together and have both expressed a desire to stay in their current foster home forever. T.S.(II) is placed in a separate foster home and has expressed that he wants to remain living there.

On August 10, 2023, after a permanency review hearing, the trial court changed Children's permanency goals from Reunification to Adoption.

Mother timely appealed. Both Mother and the trial court complied with Pa.R.A.P. 1925.

On November 21, 2023, Attorney Chauncey filed an **Anders** brief indicating that, upon review, Mother's appeal is wholly frivolous. Mother failed to respond.

In the **Anders** brief, counsel indicated that Mother wished to raise the following issues for our review:

1. Did the trial court abuse[] its discretion when it changed the permanency goal from Reunification to Adoption without giving appropriate weight to progress that Mother has made toward alleviating the circumstances that resulted in [] Child's placement, including completion of parenting classes, maintaining stable housing, consistency in visits, and mental health treatment.
2. Did the trial court abuse[] its discretion when it changed the permanency goal from Reunification to Adoption without giving appropriate weight to the lack of reasonable efforts made by the Agency to assist Mother with appropriate services and support in parenting [] Children to include, notifying and

- allowing Mother to participate in therapy and medical appointments for [] Children; referring and/or providing appropriate trauma therapy to both [] Children and family; increasing the duration and times of visits with [] Children.
3. Did the trial court abuse its discretion when finding that changing the goal from Reunification to Adoption would best serve the needs and welfare of the child without weighing the child's desire to continue her relationship with [] Mother and her siblings who remain in separate foster homes.
  4. Did the trial court abuse[] its discretion when finding that changing the goal from Reunification to Adoption would best serve the needs and welfare of [] Child[ren] without giving appropriate weight to the beneficial relationship between the siblings that only occurs during visits with [] Mother.

**Anders** Br. at 2-3 (unpaginated) (some capitalization changed).

**A.**

As a preliminary matter, we address appellate counsel's request to withdraw as counsel. "When presented with an **Anders** brief, this Court may not review the merits of the underlying issues without first passing on the request to withdraw." **Commonwealth v. Daniels**, 999 A.2d 590, 593 (Pa. Super. 2010). In order for counsel to withdraw from an appeal pursuant to **Anders**, our Supreme Court has determined that counsel must meet the following requirements:

- (1) provide a summary of the procedural history and facts, with citations to the record;
- (2) refer to anything in the record that counsel believes arguably supports the appeal;
- (3) set forth counsel's conclusion that the appeal is frivolous; and
- (4) state counsel's reasons for concluding that the appeal is frivolous. Counsel should articulate the relevant facts of record,

controlling case law, and/or statutes on point that have led to the conclusion that the appeal is frivolous.

***Commonwealth v. Santiago***, 978 A.2d 349, 361 (Pa. 2009).

Counsel has complied with the mandated procedure for withdrawing as counsel. Additionally, counsel confirms that she sent Appellant a copy of the ***Anders*** brief and petition to withdraw, as well as a letter explaining to Appellant that she has the right to retain new counsel, proceed *pro se*, and to raise any additional points. ***See Commonwealth v. Millisock***, 873 A.2d 748, 751 (Pa. Super. 2005) (describing notice requirements).

Because counsel has satisfied the above requirements, we will address the substantive issue raised in the ***Anders*** brief. Subsequently, we must “make a full examination of the proceedings and make an independent judgment to decide whether the appeal is in fact wholly frivolous.” ***Santiago***, 978 A.2d at 355 n.5 (citation omitted); ***see also Commonwealth v. Yorgey***, 188 A.3d 1190, 1197 (Pa. Super. 2018) (*en banc*) (noting ***Anders*** requires the reviewing court to “review ‘the case’ as presented in the entire record with consideration first of issues raised by counsel”).

## **B.**

We review a trial court’s decision to change a child’s permanency goal to Adoption for an abuse of discretion. ***In re R.J.T.***, 9 A.3d 1179, 1190 (Pa. 2010). In order to conclude that the trial court abused its discretion, this Court “must determine that the court’s judgment was manifestly unreasonable, that the court did not apply the law, or that the court’s action was a result of partiality, prejudice, bias or ill will, as shown by the record.”

***Interest of H.J.***, 206 A.3d 22, 25 (Pa. Super. 2019) (citation omitted). Our standard of review in dependency cases requires this Court “to accept the findings of fact and credibility determinations of the trial court if they are supported by the record, but does not require the appellate court to accept the lower court’s inferences or conclusions of law.” ***R.J.T.***, 9 A.3d at 1190. This Court is “not in a position to make the close calls based on fact-specific determinations.” ***Id.*** Rather, “we must defer to the trial judges who see and hear the parties and can determine the credibility to be placed on each witness and, premised thereon, gauge the likelihood of the success of the current permanency plan.” ***Id.*** Notably, even if this Court “would have made a different conclusion based on the cold record, we are not in a position to reweigh the evidence and the credibility determinations of the trial court.” ***Id.***

The overarching purpose of the Juvenile Act, which governs goal change requests, is “[t]o preserve the unity of the family whenever possible or to provide another alternative permanent family when the unity of the family cannot be maintained.” 42 Pa.C.S. § 6301(b)(1). At each dependency review hearing, the trial court must consider, *inter alia*, the continuing necessity for and appropriateness of the child’s placement, the extent of compliance with the permanency plan, the extent of progress made toward alleviating the circumstances which necessitated the child’s placement, the appropriateness and feasibility of the current placement goal for the child, the likely date the goal might be achieved, and the child’s safety. 42 Pa.C.S. § 6351(f). The focus of goal change proceedings, like all dependency proceedings, is on “the

safety, permanency, and well-being of the child and the best interests of the child must take precedence over all other considerations.” **H.J.**, 206 A.3d at 25. “The parent’s rights are secondary in a goal change proceeding.” **In re R.M.G.**, 997 A.2d 339, 347 (Pa. Super. 2010) (citation and internal quotation marks omitted).

The Agency has the burden to show that a goal change would serve the child’s best interests. **Id.** If reunification with the child’s parent or guardian is not in the child’s best interest, the trial court may determine that Adoption is the appropriate permanency goal. **H.J.**, 206 A.3d at 25; 42 Pa.C.S. § 6351(f.1)(2). Notably, “Adoption may not be an appropriate permanency goal if severing an existent parent-child bond would have a detrimental effect on a child.” **H.J.**, 206 A.3d at 25. Further, “[b]ecause the focus is on the child’s best interests, a goal change to [A]doption might be appropriate, even when a parent substantially complies with a reunification plan.” **R.M.G.**, 997 A.2d at 347.

This Court has held that placement in a pre-adoptive home should be completed within 18 months. **H.J.**, 206 A.3d at 25. “A child’s life simply cannot be put on hold in the hope that the parent will summon the ability to handle the responsibilities of parenting.” **In re Adoption of M.E.P.**, 825 A.2d 1266, 1276 (Pa. Super. 2003) (citation omitted). “Thus, even where the parent makes earnest efforts, the court cannot and will not subordinate indefinitely a child’s need for permanence and stability to a parent’s claims of



progress and hope for the future.” **R.M.G.**, 997 A.2d at 347 (citation and internal quotation marks omitted).

**C.**

The first two issues presented in the **Anders** brief aver that the trial court’s decision to change Children’s permanency goal was against the weight of the evidence. **Anders** Br. at 3 (unpaginated). Counsel raises the argument that the trial court failed to consider Mother’s progress and the fact that she satisfied all of the court-ordered requirements. **Id.** at 7 (unpaginated). Counsel also raises the argument that the trial court did not place appropriate weight on the fact that the Agency did not make reasonable efforts or offer appropriate services to reunify Mother with Children. **Id.**

In issues three and four in the **Anders** brief, counsel avers that changing Children’s permanency goal from Reunification to Adoption was not in Children’s best interest. **Anders** Br. at 4 (unpaginated). Counsel argues that the trial court failed to consider the Children’s wishes to reunify with Mother as well as the Children’s sibling relationships. **Id.** at 7-8 (unpaginated). Upon review, all of the issues raised are belied by the record and, therefore, lack merit.

The Honorable Richard H. Lowe has authored a comprehensive, thorough, and well-reasoned opinion, including a discussion of relevant case law and the Juvenile Act, to explain why the court changed Children’s permanency goal from Reunification to Adoption. **See** Trial Ct. Op. at 16-30 (concluding that: 1) Children need to remain in placement as Mother has not

demonstrated the ability to safely and appropriately care for Children; 2) Mother has been moderately compliant with the family service plan; 3) although Mother has made moderate progress on her housing, drug use, and mental health issues, Mother remains incapable of caring for Children; 4) after almost five years, it is no longer feasible that Children could ever be safely returned to Mother's care; 5) it is unlikely that Mother would ever learn or demonstrate the parenting skills and temperament necessary to safely and appropriately care for Children; 6) continued placement is required for the Children's safety; 7) Children have been continuously in placement for almost five years, significantly longer than the fifteen out of twenty-two months' standard recognized by the statute; 8) the Agency has made reasonable efforts to reunify Children with Mother for the last five years, offering a myriad of services; 9) Children expressed a desire to continue visiting with Mother but also exhibit elevated behaviors and an increase in psychosomatic symptoms before and after visitation; 10) Children expressed a desire to remain living in their foster homes; 11) the Agency should continue to facilitate sibling visitation; and 12) a permanency goal change from Reunification to Adoption is in Children's best interest). The record supports the trial court's findings, and we discern no abuse of discretion. We, thus, affirm on the basis of the trial court's October 6, 2023 opinion.

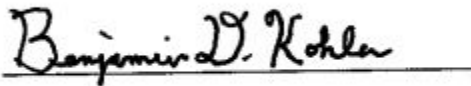
**D.**

In summation, following our review of the issues raised in counsel's **Anders** brief, we agree with counsel that the trial court did not abuse its

discretion in changing Children's permanency goal from Reunification to Adoption. In addition, our independent review of the proceedings reveals there are no issues of arguable merit to be raised on appeal. Accordingly, we grant counsel's petition to withdraw and affirm the order changing Children's permanency goal from Reunification to Adoption.

Order affirmed; petition to withdraw as counsel granted. Mother is directed to attach copies of the trial court's October 6, 2023 opinion to any future filings.

Judgment Entered.

A handwritten signature in black ink that reads "Benjamin D. Kohler". The signature is written in a cursive style and is positioned above a solid horizontal line.

Benjamin D. Kohler, Esq.  
Prothonotary

Date: 4/17/2024

1\_Opinion dated  
10-6-2023

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  
PENNSYLVANIA

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	:	JUVENILE DIVISON
In Re: T.S.	:	No: 264-18
C.J.	:	No: 265-18
T.S	:	No: 266-18

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Kristen Ferraro, Esquire, Attorney for CYS  
 Shelly Chauncey, Esquire, Attorney for Mother  
 Anna Samuelian, Esquire, Attorney for Father  
 Nick Orloff, Esquire, Guardian Ad Litem, and Attorney for Children

Lowe, J.

Filed: October 6, 2023

**I. Introduction:**

This is an appeal from this court’s August 10, 2023, decision to change the permanency goal for three children from reunification to adoption.<sup>1</sup> The children are

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<sup>1</sup> CYS had open cases for each child. Separate Goal Change Petitions were filed and docketed in each child’s case. The Petitions were consolidated and heard at the same hearing on August 10, 2023. The Goal Change Petitions were all granted. Each Petition involved the same Mother, same issues, and sought the same relief. Mother’s counsel filed three identical, but separate statements of matters complained of on appeal. All three raised the same issue/complaints and involved the same record. Pursuant to Pa.R.A.P 1931 (e) this court has addressed all the issues or complaints raised by Mother in this single opinion. *Smithers v. Stanton*, 2014 W.L. 10913214 (Pa. Super) (Single opinion can address multiple statements of matters complained even if different docket numbers, where the matters complained of are identical and relate to same issues).

T.S., date of birth 04/02/15 (male), C.J., date of birth 08/14/17 (female), and T.S.(II), date of birth 10/09/18 (male) (collectively “the Children”). Notes of Testimony 08/10/23 (“N.T”) at 3. R.S. is the mother of all the Children (“Mother”). *Id.* M.J. is the father of T.S. and C.J. as well as the purported father of T.S.(II) (“Father”).<sup>2</sup>

The questions presented on appeal can be summarized as:

Did this court abuse its discretion when it changed the permanency goal for three children from reunification to adoption where 1) the Children have been in placement for almost five years; 2) the Children have been in six to seven different foster homes; 3) Mother has not learned, acquired nor demonstrated the parenting skills to safely and appropriately parent the Children; 4) Mother has no significant bond with the Children; and 5) the Children are living with adoptive resources who have provided the Children with stability for the first time in the Children’s lives.

Answer: No.

As explained below, changing the permanency goal for the Children from reunification to adoption was supported by the record and did not constitute an abuse of discretion.

## II. Background and Findings of Fact

### a. CYS became involved with the family in 2018.

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<sup>2</sup> Father has been a non-factor in the children’s lives. He has not participated in any of the planning or taken a paternity test for T.S.(II). He was given notice of Goal Change Hearing and had a phone conversation with CYS where he confirmed receipt of the hearing notice. Father indicated he intended to appear at the hearing but did not appear. N.T. 44-45. Father was represented by counsel and his counsel appeared on his behalf at the Goal Change Hearing. Father did not appeal the decision. This opinion will focus on Mother and her appeal.

The Children became known to CYS in September 2018.<sup>3</sup> CYS 2 at 3. The oldest child, T.S., then only three years old, was found wandering by himself down 20<sup>th</sup> Street in the City of Chester, PA. *Id.* The person who found him brought the child home and found Mother upstairs in her bedroom. *Id.* There was no indication that Mother was aware that T.S. had left the home or that Mother had made any effort to find him or bring him home. Mother's home was cluttered, and there were prescription pill bottles laying on the dining room and/or living room tables. *Id.* at 3, 5. Following an investigation, a case was opened and CYS offered its services to Mother. *Id.*

On November 2, 2018, CYS received another referral regarding this family. *Id.* at 3. This referral alleged possible physical abuse regarding C.J. *Id.* C.J. had suffered a fractured right leg.<sup>4</sup> Mother was unable to explain the injury and offered inconsistent details surrounding the injury. *Id.* CYS put a "safety plan" in place requiring that the Children reside with their maternal grandmother.<sup>5</sup> Mother's interactions with the Children were to be supervised by maternal grandmother and maternal aunt. *Id.* at 5.

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<sup>3</sup> A summary of CYS's involvement with the Children and Mother over the last almost five years was prepared and admitted into evidence without objection. N.T. at 85. The summary was marked as CYS Exhibit 2. ("CYS 2" or "the Summary"). The Summary provides the basis for much of the Background section in this Opinion.

<sup>4</sup> The child suffered a fractured right distal femur.

<sup>5</sup> The court understands a "safety plan" to be a written agreement or plan put together by CYS and the family that clearly sets forth or describes the conditions and services that will be used to manage threats to a child's safety. It can be an alternative to placement.

- b. Just a few weeks later, Mother violated the “safety plan,” and no kin were available or willing to care for the Children.

On November 27, 2018, the CYS caseworker found that the Children were not present at the maternal grandmother’s home during an unannounced home visit. *Id.* The maternal grandmother admitted that Mother had violated the “safety plan” by taking the Children—without supervision—to her home the night before.<sup>6</sup> *Id.* The caseworker immediately reported the safety plan violation. That same day, CYS sought and received protective custody of the Children. *Id.* The caseworker went to Mother’s residence to recover the Children. *Id.* The caseworker asked Mother to surrender custody of the Children and showed her the protective orders. *Id.* Mother refused and became verbally aggressive. *Id.* Mother eventually slammed the door on the caseworker. *Id.* The caseworker called the police for assistance. *Id.* Mother then became aggressive with the police. Mother had to be tased and was ultimately arrested. *Id.*

After recovering the Children, CYS unsuccessfully tried to set up a new “safety plan.” with other family members. *Id.* at 6. CYS also engaged in family finding. No family members were able and willing to care for the Children. The maternal grandmother and step maternal grandfather stated they could not be a long-term resource. *Id.* Family members suggested by Mother, including a maternal aunt, were unwilling to commit to caring for the Children. CYS contacted Mother’s other

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<sup>6</sup> The caseworker concluded that maternal grandmother was “scared” or intimidated by Mother. CYS 2 at 5.

adult children.<sup>7</sup> None wanted to assist. *Id.* at 6. One adult child stated that “the children would be better in foster care.” *Id.*

c. The Children have languished in six to seven foster homes.

Unable to be cared for by family, the Children were adjudicated dependent on December 11, 2018.<sup>8</sup> Since then, the Children have been in foster care—now almost five years. CYS 2 at 8-9. T.S and C.J. have been in six different foster homes. *Id.* T.S.(II) has been in seven. *Id.* at 9-10. CYS initially placed the children together. N.T. at 76. Unfortunately, the Children’s needs and behavior made it impractical for them all to remain together. *Id.* at 77. Since September 9, 2019, T.S.(II) has been placed separately from his siblings. CYS 2 at 8-10.

d. The Children are finally in loving homes with adoptive resources.

All three Children are currently placed with adoptive resources. N.T. at 6, 10. Since April 2, 2021, T.S. and C.J. have been placed with a loving couple in Sellersville, PA. N.T. at 6, 8. During an in-camera interview of the Children, T.S. and C.J. described their current foster home as “good,” “awesome,” and “excellent.” N.T. at 6. When asked if they wanted to stay in their current foster home; T.S. responded “yes, forever.” *Id.* C.J. responded “forever and a million.” *Id.* It was

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<sup>7</sup> All of Mother’s other adult children “were displaced [removed] from her and raised by other people.” CYS 2 at 8.

<sup>8</sup> At adjudication, T.S. was three, C.J. was a year old, and T.S.(II) was a month old. N.T. at 76.



reported that C.J. sometimes calls the foster parents “daddy and mommy.” *Id.* at 7. T.S. stated he just calls the foster parents by their names.<sup>9</sup> *Id.* The Court Appointed Special Advocate for the Children (their “CASA”) supervisor, Bronwen DiSalvia,<sup>10</sup> who has supervised the Children’s CASA advocate for almost five years, testified that T.S. and C.J. have experienced “increased stability with their current foster family.” *Id.* at 86. Ms. DiSalvia also characterized “the stability all three of [the Children] have been experiencing in their [current foster] homes is a needed reprieve” from what they had endured. *Id.* at 88.

T.S.(II) has been placed with two foster mothers in York, PA since August 15, 2022.<sup>11</sup> CYS 2 at 10. He resides in that home with his two foster mothers and a teenage foster sister. N.T. at 9. T.S.(II) is less verbally expressive than his siblings. When asked by the court if he wanted to keep living in his current foster family, T.S. (II) responded “yeah.” *Id.* at 10. When asked why, it was reported he said, “because I want to.” *Id.*

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<sup>9</sup> A supervisor at Grandma’s House, a social services provider where Mother’s supervised visits have taken place, testified that T.S. would frequently refer to his foster parents as “mom and dad.” The supervisor also testified that when Mother heard him do that, she would become upset and scold him that “they are not your mom’s, I’m your mom.” N.T. at 31. On June 24, 2023, during a visit with Mother T.S. excitedly stated “my mom is taking me ice skating next week.” Mother responded, “that white lady is not your mom. I am your mom.” CYS 2 at 27.

<sup>10</sup> Ms. DiSalvia name is misspelled in the N.T. The Correct spelling is used herein.

<sup>11</sup> The N.T. state the T.S. (II)’s foster parents reside in New York. N.T. at 9. CYS 2 states the foster mothers reside in York, PA. The reference to New York in the N.T. is an error.

e. The Children present significant challenges.

The Children have “intense behavioral needs” that would present significant challenges to any parent. *Id.* at 74, 88. T.S. has completed the first grade. He has been diagnosed with Oppositional Defiant Disorder, Attention Deficit Hyperactivity Disorder, and aggressive behaviors. CYS 2 at 7. He has been prescribed a regular medication routine.<sup>12</sup> T.S. has a history of “extreme behaviors” and can be “violent and aggressive.” *Id.* T.S. was hospitalized from October 5 to October 20, 2020, and again on February 14, 2023, due to self-harm and threatening others. *Id.* T.S. receives bi-weekly individual therapy.

Even though C.J. has only completed kindergarten, she has been diagnosed with Oppositional Defiant Disorder, Attention Deficit Hyperactivity Disorder, and Post Traumatic Stress Disorder. *Id.* at 8. She has just started medicine to help with her ADHD and has been prescribed Clonidine and Concerta. *Id.* She attends weekly trauma-based therapy and bi-weekly individual therapy.

T.S.(II) has not started school but has been “kicked out of many daycares due to his behavior.” CYS 2 at 9. He is being home-schooled.<sup>13</sup> He has been diagnosed with Cerebral Palsy. *Id.* He also has urological issues that may require surgery. T.S.(II) has been described as “shy” but has demonstrated “extreme behaviors in school and tends to be violent toward peers.” N.T. at 7 and CYS 2 at 9.

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<sup>12</sup> T.S. has been prescribed Methylphenidate, Concerta, Clonidine, and Risperdal.

<sup>13</sup> T.S.(II)'s foster mothers have taken it upon themselves to educate the child. N.T. at 86. His foster mothers are home-schooling him and have converted a room in their home to serve as T.S.(II)'s classroom. *Id.*

All of the Children have Individual Education Plans (“IEPs”) at school, and T.S. and C.J. are in therapy. N.T. at 59. T.S. and C.J. attend bi-weekly therapy. C.J. also attends weekly trauma therapy. CYS is trying to get therapy set up for T.S.(II) but is having insurance issues. *Id.* Both T.S. and C.J. reported that they liked their school and their therapists. *Id.* at 8-9.

f. Mother has not engaged with the Children.

Even though the Children were removed from Mother’s custody in November 2018, Mother’s first documented supervised visit with the Children was not for six months, on May 16, 2019.<sup>14</sup> *Id.* at 73. Since 2020, Mother has been having supervised visitation through Grandma’s House.<sup>15</sup> N.T at 51. Mother’s visits have been supervised by a visitation coach. Originally all the Children visited with Mother at the same time. But the Children being altogether proved to “too much for one coach to monitor.” N.T. at 29. The Children’s “bad behavior” like roughhousing, running out of the room, and throwing things at other children created safety concerns. *Id.*

Mother has had weekly visits. One week the visit is virtual and the next week it is in-person. N.T. 27-29. The virtual visits are scheduled for forty-five minutes. Due

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<sup>14</sup> In-person visitation was suspended during the COVID-19 pandemic. Mother had an unspecified number of supervised in person-visits with the Children before the COVID- 19 pandemic. N.T. at 73-74. Mother was also incarcerated on two occasions during this time. CYS 2 at 8.

<sup>15</sup> Grandma’s House is a social service agency that provides a safe place for visitations, supervision for visits, and parental or visitation coaching when needed.

to Mother's lack of engagement with the Children, the visits sometimes end early. N.T. at 28. The in-person visits are scheduled for two and a half hours. *Id.*

Currently T.S.(II) arrives first. T.S. (II) is one-on-one with Mother from 10:30 a.m. to 12:00 p.m. *Id.* T.S. and C.J. arrive at 11:30 a.m. and remain until 1:00 p.m. *Id.*

Each in-person visit is designed to include about a half hour overlap when all three siblings are together. *Id.* The weekend schedule was set up at least in part based on Mother's statement that "she only has time on weekends ..." and the distance the Children must travel. CYS 2 at 14.

Mother has brought food or snacks to the visits. N.T. at 34. Unfortunately, the food has been inappropriate sugary foods or cheese that T.S.(II) is not supposed to eat. *Id.* T.S.(II) has told Mother "I am not supposed to eat that." *Id.* Mother has responded "its ok ... eat it anyway." *Id.* Mother has been asked multiple times not to bring inappropriate foods to the visits, but she continues to do so. *Id.*

During the visits, Mother usually just watched the Children play. Mother would sometimes be on her phone, make phone calls, and/or listen to music. CYS 2 at 27. The visitation coach described the visits as "typically ... sibling visits" that Mother just observed. N.T at 18. The visitation coaches credibly testified that during in-person as well as virtual visits Mother struggled to interact with the Children, to show the Children affection, and to address bad behavior or safety concerns. N.T. at 16-21. The visitation coach, Ms. Orr, who has supervised the visits for the last year, testified about Mother's lack of engagement and significant parental shortcomings:

[T]here isn't much communication, if any [between Mother and T.S.(II) during the visits]. When we first arrive, they eat at a table, but there is mainly silence during that. And then there is a lot of time [T.S.(II)] spends playing alone, waiting for his siblings to arrive. There have been times where [T.S. (II)] tries to interact with me and I try to let him know to interact with his mom ... [T]he first portion of visit is usually, mainly quite very silent with [T.S. (II)] playing with toys [and Mother sitting on the couch watching]. ... When the other children arrive ... [t]he Children typically play together ... Sometimes [T.S.(II)] and [C.J.] roughhouse and [T.S.] plays alone. I try to kind of get [Mother] to initiate [a] redirection [or to engage with the Children]. She will ... usually [remain] in her seat. Then I would have to kind of redirect the children myself.

N.T. at 16-17.

Ms. Orr was asked "if the children are playing and doing their own thing, what is (Mother) doing during the visits?" Ms. Orr responded, "typically sitting on the couch." *Id.* at 18. Ms. O'Malley, a supervisor at Grandma's House who coached and supervised the virtual visits, reinforced Ms. Orr's testimony.

[Mother has] limited engagement with her children. A lot of the time she is sitting and watching the children as they play. ... [Rather than interacting with the Children by] getting out [of her seat] and getting [down on floor] with them, playing with them, it's more of her just sitting in her chair watching them. ... [The] visits that are virtual are supervised by me and [are] similar. ... [The virtual visits are] pretty much silent. ... [After brief hellos and introductions] the kids will start to talk amongst themselves. [C.J.] will talk to [T.S.(II)]. [They] will play dress up together, back and forth changing outfits. But [Mother] basically just watches them. She doesn't say like, oh, I like that outfit or anything to them. She's just kind of staring at them through the screen.

*Id.* at 27-28.

CYS and the visitation coaches have all tried to address Mother's lack of engagement with the Children. They have offered Mother suggestions and strategies to improve her communication and ability to redirect the Children. Unfortunately, Mother has responded negatively, indifferently, and sometimes

angrily. Mother has hung up on the phone, slammed the door, become aggressive, kicked them out of her home, walked out of a courtroom, and simply refused to listen to or adopt to any of the suggestions or strategies. CYS 2.

Ms. Carla Graham, a CYS caseworker assigned to this case, credibly testified that during a home visit in May of 2023 she attempted to discuss with Mother her “interactions” with the Children and her lack of engagement. N.T. at 52 and CYS 2 at 17. Ms. Graham told Mother:

It wasn't enough to just sit and watch [the Children] play. That maybe a better way to interact with [the Children] would be to get down on the floor and play with [them] because that is what [they] like. So you have to meet [them] on [their] level.

N.T. at 53.

Mother became upset and kicked Ms. Graham out of her home. CYS 2 at 17. Mother threatened to call the cops on Ms. Graham and to “grip up.”<sup>16</sup> *Id.* Mother also declared “It’s not her job to play with [a child]. That’s what the other children are for.” N.T. at 53.

Ms. Orr also tried, on more than one occasion, to discuss with Mother her lack of engagement. Ms. Orr described Mother as dismissive and “not redirectable.” *Id.* at 20. CYS arranged a meeting between Mother and a previous foster parent so the foster parent could share with Mother strategies that worked for her to engage

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<sup>16</sup> According to the Urban Dictionary, to “grip up” means to grab your pistol or firearm. Urban Dictionary (ed. 2020).

with, redirect, and control the Children's behavior. Mother never adopted the strategies.

Mother's lack of engagement was also evident in her inability to show signs of affection to the Children and her inability control or redirect the Children's behavior. Mother has not initiated signs of affection with the Children. N.T. at 31. If one of the Children, usually C.J., initiated a hug, she will return the affection. *Id.* The visitation coaches reported observing very few signs of affection or emotions during the visits.

Mother has "consistently attended" the in-person visits over the last year or so. N.T. at 16. She has been inconsistent with the virtual visits and even when she is present is does not fully engage with the Children. The uncontroverted evidence clearly and convincingly established that after almost five years, Mother still had significant parental deficiencies including an inability or unwillingness to: 1) engage or interact with the Children; 2) show the Children affection; 3) accept or take constructive advice or suggestions; 4) cultivate a significant bond with the Children; and 5) correct or address the Children's negative and risky behaviors. This court does not believe that giving Mother additional time would significantly improve her parenting abilities or the bond, if any, she has with the Children.

g. The Children have proven too much for Mother. The Children have significant physical, mental and behavioral issues. When all the Children have been

together even for just a two-and one-half hour supervised visit, the Children have proved too much for a professional visitation coach and Mother. Mother is a single parent with mental health issues.<sup>17</sup> Mother resides with her elderly parents, who have stated they are too old to care the Children. CYS 2 at 5. As Ms. DiSalvia testified because of the Children's special needs and challenges it would be difficult for any one person to care for all three children at once. N.T. 88. The current foster homes are multi-parent and hands-on.

h. Mother's conduct has been extremely alarming.

Mother's conduct has been extremely alarming. Mother ignored and violated the "safety plan." When CYS came to recover the Children, Mother got so aggressive and threatening, that she had to be tased and arrested by the police. In May of 2023, Mother threatened a caseworker that she was going to "grip up" or grab a firearm.

During visits with the Children, Mother fails to engage and acts as though it is too much trouble for her to get on the floor to play with the Children, including a toddler. There is little to no communication or signs of affection between Mother and the Children. Mother also refuses to respect the Children's dietary restrictions. Mother ignores or rejects all helpful advice she is offered, from the court appointed

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<sup>17</sup> Dr Mechanic opined that Mother had an "unspecified personality disorder and Cannabinoid use disorder in remission." CYS 2; N.T, at 81-82. Mother is also "prescribed medications for depression and anxiety." N.T. at 82.



psychologist, the bonding expert, CYS staff members as well as the visitation coaches.

This court was able to witness Mother's demeanor firsthand, when Mother became disruptive during the Goal Change Hearing. During the testimony of the first witness, Mother interrupted testimony. *Id.* at 20. Mother proclaimed "I don't have to listen to that. I am going to go outside." *Id.* Mother then rambled off a series of complaints. Mother responded to the court's efforts to restore order by stating "I won't sit down and listen ..." and left the courtroom "in a huff."<sup>18</sup> *Id.* at 20, 96. Mother left the courtroom on her own volition. *Id.* at 23. Mother voluntarily walked out of the Goal Change Hearing and never returned. Mother chose not to participate in the hearing.<sup>19</sup>

Rather than work on herself and implement the advice and parental strategies she has been offered, Mother has chosen to lash out at those who have tried to help her, even her own attorney.<sup>20</sup> After almost five years, it is unlikely that Mother's attitude or conduct will sufficiently change or improve.

i. Mother filed a timely appeal.

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<sup>18</sup> In July 2019, Mother also walked out or "disappeared" from a courtroom. In 2019, Mother left before her case had even been called. CYS 2 at 11.

<sup>19</sup> Nothing prevented Mother from rejoining the hearing after voluntarily walking out. There was no indication Mother made any attempt to return to the hearing.

<sup>20</sup> Mother unsuccessfully tried to fire and replace her attorney before the hearing. N.T. at 22-23.

Mother filed an appeal of this court's decision to change the permanency goal of all three children from reunification to adoption.<sup>21</sup> Three identical but separate statements of matters complained of were filed.<sup>22</sup> All of the statements related to the August 10, 2023, Goal Change Hearing and a single record. Pursuant to Pa.R.A.P 1931(e), this court has addressed all the issues raised in this single opinion.

### III. Standard of Review

The standard and scope of review applicable to a goal change is abuse of discretion. *In re A.B.*, 19 A.3d 1084, 1088 (Pa. Super. 2011). Absent an abuse of discretion, the trial court's decision must stand. As our Supreme Court has stated:

[T]he standard of review in dependency cases requires an appellate court to accept the findings of fact and credibility determinations of the trial court if they are supported by the record but does not require the appellate court to accept the lower court's inferences or conclusions of law. Accordingly, we review for an abuse of discretion.

*In re R.J.T.*, 9 A.3d 1179, 1190 (Pa. 2010) (citation omitted). The Court explained:

[W]e must defer to the trial judges who see and hear the parties and can determine the credibility to be placed on each witness and, premised thereon, gauge the likelihood of the success of the current permanency plan. Even if an appellate court would have made a different conclusion based on the cold

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<sup>21</sup> An order granting or denying a goal change in a case involving a dependent child is an appealable order. *Interest of L.B.*, 229 A.3d 971 (Pa. Super. 2020).

<sup>22</sup> All statements used the feminine pronoun her even though two of the Children are male.

record, we are not in a position to reweigh the evidence and the credibility determinations of the trial court.

*Id.* at 1190.

#### IV. Discussion and Legal Analysis

##### A. The Juvenile Act requires this court to focus on the welfare of the Children, and place those interests above that of any progress Mother has made.

The Juvenile Act, 42 Pa.C.S.A. §§ 6301-6375, governs goal change proceedings.

The purpose of the Juvenile Act is to “preserve the unity of the family whenever possible or to provide another alternative permanent family when the unity of the family cannot be maintained.” 42 Pa.C.S. § 6301(b)(1). If reasonable efforts to return a foster child to his biological parent have not been successful, the child welfare agency “must redirect its efforts to placing the child in an adoptive home.” *In the Interest of T.M.W.*, 232 A.3d 937, 947 (Pa. Super. 2020).

The Juvenile Act is also intended to “prevent children from languishing indefinitely in foster care, with its inherent lack of permanency, normalcy, and long-term parental commitment.” . The Superior Court has made clear that the interests and well-being of a child are paramount:

The focus of dependency proceedings, including change of goal proceedings, must be on the safety, permanency and well-being of the child. The best interest of the child takes precedence over all other considerations, including the rights of the parents. While parental progress toward completion of a permanency plan is an important factor, it is not to be elevated to determinative status, to the exclusion of all other factors.

*Interest of J.B.*, 296 A.3d 1234, 1239 (Pa. Super 2023) (quoting *In the Interests of M.T.*, 101 A3d 1163, 1175 (Pa. Super 2014)).

As this caselaw clarifies, the parent's rights are secondary: a goal change to adoption may be appropriate, even under circumstances where a parent substantially complies with a reunification plan. *In re R.M.G.*, 997 A.2d 339, 347 (Pa. Super. 2010). A court cannot subordinate a child's need for permanence and stability to a parent's claim of progress and goals for the future. *Id.*

Section 6351(f) (1)-(6), and (9) of the Juvenile Act, states that when considering a goal change, a court must consider the following: (1) the continuing necessity for and appropriateness of the placement; (2) the extent of compliance with the family service plan; (3) the extent of progress made towards alleviating the circumstances that necessitated the original placement; (4) the appropriateness and feasibility of the current placement goal for the children; (5) a likely date by which the goal for the child might be achieved; (6) the child's safety; and (7) whether the child has been in placement for at least fifteen of the last twenty-two months.

From the evidence presented at the Goal Change Hearing, it is clear and convincing that: 1) the Children need to remain in placement, as Mother had not demonstrated the ability to safely and appropriately care for the Children; 2) Mother had been moderately compliant with the family service plan; 3) although Mother had made moderate progress on her housing, drug use, and mental health issues Mother remains incapable of caring for the Children; 4) after almost five years, it is no longer feasible that the Children could ever be safely returned to Mother's care; 5) it is unlikely that Mother would ever learn or demonstrate the parenting skills and temperament necessary to safely and appropriately care for the Children; 6) continued placement is required for the Children's safety; and 7) the

Children had been continuously in placement for almost five years, significantly longer than the “fifteen out of twenty-two months” standard recognized by the statute. See 42 Pa.C.S.A. § 6351(f).

The permanency goal needs to be changed from reunification to adoption. The Children have been languishing without permanency or stability long enough. The Children’s current foster parents provided the Children with the best chance for long-term stability and permanency.

**B. The Court has considered and rejects all of the matters Mother has complained of.**

Mother has raised four identical issues or complaints in each of her statements of matters complained of on appeal. All are meritless and none are supported by the record. Each is addressed herein.

1. [Did] the trial court abuse its discretion when it changed the permanency goal from reunification to adoption without giving appropriate weight to progress that Mother has made toward alleviating the circumstances that resulted in the child’s placement, including completion of parenting classes, maintaining stable housing, consistency in visits, and mental health treatment?

**No. This court considered all Mother’s efforts and progress and still found that Mother lacked basic parenting skills and remained unable to safely, appropriately, and adequately care for and control the Children.**

This court recognizes Mother's progress over the last almost five years.<sup>23</sup> But Mother has overstated her progress. While it is true that Mother completed a parenting class. Mother only completed a class of her own choosing some years after CYS had first recommended that she take such a class. In those intervening years, Mother had failed to schedule, follow through, or complete classes that CYS had set up. Mother did individually complete the PACT (Parenting and Children Together) program of a social agency Elwyn. The program is designed to be completed by the parent and the child/children together. Mother participated in and completed the program without the Children due to delays and administrative issues.

It is true that, over the last year or so, Mother has consistently attended the in-person visits. But during the first few years following adjudication, Mother did not always consistently attend. She has been inconsistent with the virtual visits. Mother missed all the scheduled virtual visits in May 2023. But even when Mother attended on a more regular basis, she did not engage with the Children nor give the Children her full attention. Mother did not improve her behavior, even after numerous people tried to coach her on how to engage with her children.

It is true that Mother had established a residence with her mother and stepfather. With some accommodations, the residence could have been made suitable for the Children. N.T. at 79. Maternal grandmother, however, "was not a

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<sup>23</sup> On the record this court noted some of Mother's progress including: 1) getting off probation; 2) attending almost all of her in-person visits over the last year or so; 3) testing negative "the last two times" she was tested by probation, even though she has continued to not allow CYS to test her; and 4) Mother's claim that she is on a waiting list for mental health services, even if no confirming documentation was provided. N.T. at 91.

reliable resource” as she and Mother had violated the last “safety plan.” Id. at 62. Mother’s stepfather also indicated that he and his wife were too old to raise or help with the Children. Thus, the housing that Mother had established remains inadequate.

Mother’s claim of mental health treatment is not supported by the record. No evidence was presented that Mother had received or completed any mental health therapy. N.T. at 46. CYS 2 includes several references to times Mother had claimed to have made appointments or to have put herself on a wait list for mental health therapy or treatment. No confirming evidence was presented that Mother had participated in mental health therapy or followed up with any providers.<sup>24</sup> Mother did not cooperate with CYS efforts to help Mother obtain therapy. Mother has consistently denied needing any mental health therapy. CYS 2 at 20. Mother has also refused to give CYS authorizations or consents to communicate with any of her alleged providers and/or to review Mother’s medical records. N.T. at 46. This court is skeptical of Mother’s undocumented and unsupported claims of mental health treatment or efforts to obtain therapy. Even if her claims were true, this court finds Mother’s efforts in this regard to be too little too late.

As the case law dictates, this court must focus on the Children. A parent’s rights are secondary to a child’s need for stability, security and permanency. A goal

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<sup>24</sup> Mother did document that she takes medicine for mental health issues and goes to Crozier -Keystone for medication management. As the court correctly pointed out medication management is not therapy. N.T. at 64.

change to adoption may be appropriate, even where a parent has substantially complied with a reunification plan. *In re R.M.G.*, 997 A.2d at 347.

The Children are currently placed with stable, “hands-on,” and dedicated foster parents who are ready to adopt the Children. N.T. at 6-10 and 94. The Children had been languishing in six to seven different foster homes while Mother was resisting help and making inconsistent and moderate progress. After almost five years. Mother still has no significant bond with the Children and Mother has still not demonstrated the most basic of parenting skills or the ability to care for and control of the Children. Mother could not or would not redirect or discipline the Children even in the structured environment of supervised visits.

One incident stood out to this court. N.T. at 95. During a supervised visit at Grandma’s House, approximately one year before the Goal Change Hearing, T.S. got up and ran from the building. N.T. at 36, 42. Mother did not get out of her chair. *Id.* Mother made no effort to go after T.S., to look for him, or to make sure T.S. was safe. Mother simply let the visitation coach go after T.S. Whenever safety concerns have arisen, Mother has failed to step in to redirect the Children to help them stay safe. N.T. at 36. The incident at Grandma’s house is disappointingly similar to the 2018 incident where the then three-year-old T.S. walked out of Mother’s home and down 20<sup>th</sup> Street in Chester, all by himself. In both incidents Mother was unaware, uninterested, or distracted as the child placed himself in danger. Mother made no effort to recover the child and ensure his safety. Mother has expressed no remorse for her indifference. The incident at Grandma’s House clearly and convincingly



established that Mother's lack of engagement, care, and control continues and poses a significant safety risk. The Children need and deserve the permanency, normalcy, security, and long-term parental commitment that only an adoption can provide.

2. [Did] the trial court abuse its discretion when it changed the permanency goal from reunification to adoption without giving appropriate weight to the lack of reasonable efforts made by the agency to assist Mother with appropriate services and support in parenting her children to include notifying and Mother to participate in therapy and medical appointments for her children; referring and/or providing appropriate trauma therapy to both the Children and the family; increasing the duration and times of visits with her children?

**No. CY5 has made reasonable efforts to assist Mother establishing a bond and learning how to parent the Children. Unfortunately, Mother demonstrated an uncooperative, hostile, and dismissive attitude and failed to take advantage of the services and opportunities she was offered.**

CY5 tried to assist and support Mother for almost five years.<sup>25</sup> The record established that even though Mother was uncooperative, hostile, and dismissive to

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<sup>25</sup> CY5's efforts to assist Mother and the family over the last almost five years have included: 1) collaborating with medical professionals to ensure that the Children's physical, mental and dental health needs were met, including emergency hospitalizations; 2) getting T.S. and C.J. into therapy and working to get T.S.(II) into therapy; 3) referring Mother to individual therapy, that Mother declined stating it was unnecessary; 4) referring Mother to parenting classes and to Crozer's Healthy Start Program, that Mother did not follow through with (Mother eventually completed a parenting class on her own years later); 5) offering assistance to Mother with outstanding utility bills, Mother resisted giving CY5 access to her home; 6) supplying Mother with bedding and other supplies for T.S.(II) as he was induced or delivered earlier than expected; 7) Supplying a new bed for T.S.; 8) offering counseling and drug screens to Mother, that Mother frequently refused (for some time Mother was being drug tested by probation); 9) implementing a safety plan, that Mother violated; 10) exploring family resources; 11) arranging for a psychological evaluation and a bonding evaluation of Mother, that Mother did not follow the suggestions or recommendations of either; 12) arranging weekly supervised visitation between Mother and

CYS and others kept trying to help her. CYS arranged for Mother to undergo a psychological evaluation. The evaluation report was not admitted into evidence at the Goal Change Hearing but was referenced in testimony (without objection) and in CYS 2. The evaluation was completed on February 23, 2022, by Dr. Stephen Mechanick, CYS 2 at 19. Dr Mechanick's evaluation was summarized by CYS as follows: <sup>26</sup>

[Mother] was diagnosed with ... an unspecified personality disorder. [The Doctor opined] that [Mother] had not yet gained sufficient skills to parent her children safely and appropriately. [The Doctor] noted that (Mother) characterological symptoms of impulsivity, poor judgment, and lack of consideration of consequences contribute to her parenting deficiencies and problems. Dr Mechanick ... stated (Mother) could benefit from individual counseling to improve her coping skills and parenting skills ...

*Id.*

On May 4, 2023, following the evaluation, Mother told CYS that "the doctor didn't feel she needed mental health treatment." CYS 2 at 20. Dr. Mechanick expressly suggested or recommended that Mother would benefit --- particularly her parenting skills --- from individual counseling. Mother dismissed the doctor's recommendation. No evidence was presented that during the almost five years the Children have been in placement that Mother ever sought mental health counseling through CYS or on her own. N.T. at 46. <sup>27</sup> Mother has consistently denied any need

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Children; and 13) arranging for visitation or parenting coaches to be present during visits to help Mother engage with and bond with the Children. Mother rejected or failed to follow the suggestions and recommendations she was offered. CYS 2 at 3-6.

<sup>26</sup> CYS 2, including a summary of the Dr. Mechanick's Psychological Evaluation was admitted into evidence without objection. N.T. at 85.

<sup>27</sup> Recently Mother, without supplying any documentation, has claimed to have applied to a provider for individual therapy. In August 2023, Mother claimed without any supporting

for individual therapy.<sup>28</sup> More than a year after Dr. Mechanick's evaluation, Mother still had not gained nor demonstrated the skills necessary to parent the Children in a safe and appropriate manner. Mother was also still showing the impulsiveness and bad judgement that the doctor had noted.

To address the lack of bond between the Mother and the Children, CYS arranged for visitation coaches to be present during Mother's visits.<sup>29</sup> The coaches were to not only to supervise the visits but also to help Mother improve her engagement, communication, and bond with the Children. While Mother has regularly attended the in-person visits, she did not actively participate nor engage with the Children. Mother has failed to listen to or follow the visitation coach's advice or suggestions. This court found Mother's "negative and dismissive" attitude towards the advice and those trying to help her to be "troubling". N.T. at 96. Mother possessed an

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documentation to have undergone an updated psychological evaluation. CYS asked Mother to provide consents or releases for her medical records so CYS could confirm and review Mother's mental health. Mother failed to provide the consents, releases, any updated evaluation, or any mental health treatment notes or records.

<sup>28</sup> On April 6, 2018, Mother was arrested and ordered to complete inpatient treatment. Mother left the treatment facility against medical advice and a bench warrant was issued. Mother was picked up and incarcerated under this bench warrant when she violated the safety plan and refused to honor the protective custody order. CYS 2 at 6.

<sup>29</sup> The apparent lack of bond between Mother and child was confirmed by the August 1, 2022, bonding evaluation by a licensed psychologist, Dr. Stanley Summers. CYS 2 at 28, N.T. at 54-56. Although Dr. Summers' report was not entered into evidence, a summary of the report was included in CYS 2, which was admitted without objection. N.T. at 85. Dr Summers' evaluation stated: "[Mother] and the children do not have a Bond. While these children want and need permanency, they do not appear to look to [Mother] as someone who is able to provide this to them. ... [Mother's] interactions with the Children during this evaluation and their in-person visits, as reported by the family's visit coach, appear to lack the bond that one would hope for between a mother and her children. While they do have a relationship, the children do not present as especially bonded to their biological mother." CYS 2 at 28. While Dr Summers' evaluation was performed a year ago, Mother's counsel did not present any evidence that Mother's bond with the Children had improved in any way.

attitude or belief that that playing with or engaging with the Children was not her job.

On appeal, Mother complained that CYS never increased the duration or frequency of her visits. Although the court acknowledges that Mother raised this issue during her disruptive ramble before walking out of the Goal Change Hearing (N.T. at 19), the representatives of CYS testified that Mother never complained to them about the frequency and duration of the visits. N.T. at 51. The caseworker acknowledged that the topic was discussed during a home visit on May 4, 2023. CYS 2 at 17. Mother asked why she could not visit more than one time a week. The caseworker pointed to Mother's lack of progress and lack of engagement with the Children. Mother got "upset" and demanded that the caseworker leave her home. *Id.* There was no evidence presented that Mother ever followed up on that conversation, offered an alternative visitation schedule, that she ever asked CYS for more frequent and longer visits, or that her attorney ever sought court relief for more visits. N.T. at 51.<sup>30</sup>

The record established that Mother did not take advantage of all the visitation she was offered. The testimony of the visitation coaches was that the visits both virtual and in-person frequently ended early. N.T. 27-29. Mother frequently asked that T.S. (II) get picked up early. Mother also failed to attend all her scheduled virtual visits. CYS 2 at 27.

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<sup>30</sup> In May, 2023, Mother did complain to CYS that no one reminded her of the virtual visits; but there is no evidence that Mother ever requested or expressed a desire to have more frequent or longer visits with the Children. CYS 2 at 18.

In her statement of matters complained of on appeal, Mother claims that she had not been notified of and had been precluded from participating in medical appointments and decisions for the Children. This issue was briefly mentioned on cross examination of the CYS worker. No direct evidence was presented to support the claim, and it is unsupported by the record.

Contrary to Mother's claim, CYS 2 showed the extent of the communications that CYS had with Mother regarding the Children's medical conditions:

October 5, 2020, the caseworker spoke to Mother regarding T.S. being admitted to CHOP due to his behaviors and starting new medicine.

October 7, 2020, the caseworker spoke to Mother regarding increasing the T.S.'s medication.

February 18, 2021, the caseworker spoke with Mother regarding T.S. being admitted to CHOP because of his behaviors.

February 26, 2021, the caseworker provided Mother with the phone number for CHOP.

March 3, 2021, the caseworker gave Mother and update on T.S.

March 3, 2021, the caseworker visited T.S. in the hospital. Caseworker placed all call to Mother form the hospital room and supervised a telephone conversation all between T.S. and Mother.

March 14, 2021, the caseworker informed Mother she would be visiting T.S. that day.

April 6, 2021, Mother participated in a google duo visit with T.S. following his discharge form CHOP.

April 7, 2021, Mother participated in zoom intake for T.S. to start therapy.

April 27, 2021, the caseworker confirmed with Mother that a phone conference with CHOP had been scheduled for the next day regarding T.S.'s hernia surgery.

April 28, 2021, Mother did not answer the phone for the conference call with CHOP.

August 5, 2022, caseworker let Mother know T.S.'s hernia surgery was scheduled for August 9, 2022.

August 9, 2022, caseworker updated Mother that the surgery went well.

CYS 2 at 13-16. Mother was aware of the Children's therapy. There was no evidence that Mother ever asked to participate in or that she requested regular updates. Once again Mother has consistently denied needing mental health therapy or counseling.<sup>31</sup>

3. [Did] the trial court abuse its discretion when finding that changing the goal from reunification to adoption would best serve the need and welfare of the child without weighing the child's desire to continue her relationship with her mother and her siblings who remain in separate foster homes?

**No. This court considered whether changing the goal would best serve the needs of the Children, and this court ordered that visitation continue even after the goal change.**

At the end of the Goal Change Hearing, this court ordered and encouraged sibling visitation with or without Mother's presence or participation. Visitation with

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<sup>31</sup> This court has reservations that if Mother was told or heard something, she didn't like in or about a therapy session she might get angry, aggressive, and threatening. Mother has gotten angry and aggressive multiple times throughout this case. This court would not want anything to jeopardize the Children's therapy.

Mother was also ordered to continue as scheduled as well. N.T. at 97-98. This court recognized the Children's expressed a desire to continue visiting with Mother. N.T. at 11-12. This court also has considered the testimony of the CASA supervisor, Ms. DiSalvia, that before and after visits with Mother the Children experience an "increase ... in psychosomatic symptoms." N.T. at 86-87. The Children also exhibit "elevated behaviors" before and after visits and "T.S. has complained of stomach aches before and after he sees (Mother)." *Id.* Based on all the testimony, this court ordered visitation with Mother to continue, but allowed T.S. and C.J. to opt out. *Id.* at 97-98. T.S.(II) is to continue the same schedule at least until the next scheduled hearing, *Id.* The Children's reactions to visits with Mother should continue to be monitored.

4. [Did] the trial court abuse its discretion when finding that changing the goal change from reunification to adoption would best serve the needs and welfare of the child without giving appropriate weight to the beneficial relationship between the siblings that only occurs during visits with their Mother?

**No. The best interests of the Children demanded that after nearly five years the permanency goal be changed from reunification to adoption and as noted above this court ordered sibling visitation to continue.**

The evidence was uncontroverted that the goal change was in the Children's best interests. All witnesses — including the Guardian Ad Litem<sup>32</sup> ("GAL"), and the CASA representative---agreed that changing the permanency goal from reunification to adoption was in the Children's best interests. No witness testified otherwise. As noted above this court ordered visitation to continue.

The Children have languished in foster care for too long. The Children have been in six or seven foster homes in less than five years and have experienced the hospitalizations, trauma, emotional outbursts and losses that can result therefrom. The Children deserve the permanency, normalcy, security and long-term parental commitment that only an adoption can provide. The Children deserve the opportunity to achieve permanency and stability that with their current foster parents.

## **V. Conclusion**

CYS made reasonable efforts to assist Mother. Mother resisted many of CYS efforts and failed to follow or accept the parenting advice offered to her. Rather than accept the help and advice offered to her, Mother criticized and dismissed those trying to help her. After almost five years and despite the efforts of CYS as well as Mother, there was still no significant bond between Mother and the Children. Mother still lacked the basic parenting skills and the temperament needed to safely

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<sup>32</sup> The court-appointed GAL and counsel for the Children is Nick Orloff, Esquire. There has been no reason to appoint separate legal counsel for the Children under Rule 1151(B).



and appropriately parent the Children. Mother was not going to sufficiently improve any time soon, if at all. This court is required to focus on the Children. The goal change is necessary and appropriate to give the Children the chance at the permanency and stability they deserve.

BY THE COURT:



Richard H. Lowe, J.

FILED

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