

SUPERIOR COURT OF PENNSYLVANIA

In re C.E.D.H., a Minor

2025 Pa. Super. 107 · No. 855 MDA 2024 · Decided May 19, 2025

SUMMARY

The Pennsylvania Superior Court reviews an appeal concerning the denial of a petition to involuntarily terminate a biological father’s parental rights under 23 Pa.C.S. § 2511(a)(1). The court holds that the child, through separate counsel and a guardian ad litem, had an independent interest and that the orphans’ court erred by refusing to consider termination based on the adoptive parents’ concession. The court also addresses when the six-month period for evaluating a parent’s conduct begins and reverses and remands for entry of an order terminating the father’s parental rights.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Kunselman, J.; Lazarus, P.J.; McLaughlin, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	May 19, 2025
DOCKET	855 MDA 2024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The minor child appealed from the Clinton County Court of Common Pleas, Orphans’ Court Division, order denying the adoptive parents’ petition to involuntarily terminate the biological father’s parental rights under 23 Pa.C.S.A. § 2511(a)(1) and (6).
STANDARD OF REVIEW	Standing is reviewed de novo. In Adoption Act matters, the Superior Court conducts the broadest plenary review, independently reviewing the record while accepting supported factual findings and credibility determinations. Termination decisions are reviewed for an error of law or abuse of discretion; statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	C.E.D.H., Minor Child v. W.C.M., Father

TOPICS

- termination of parental rights
- adoption
- family law procedure
- appellate procedure
- statutory interpretation

PRACTICE AREAS

family law

termination of parental rights

adoption

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the orphans' court erred by refusing to consider termination under 23 Pa.C.S.A. § 2511(a)(1) because Adoptive Parents conceded that ground in post-hearing briefing, despite the Child's independent position and arguments in favor of termination.
2. Whether the orphans' court abused its discretion or erred as a matter of law by measuring the six-month period under Section 2511(a)(1) from confirmation of paternity rather than from when Father knew or should have known of the Child's existence and the possibility that he was the father.
3. Whether the record established by clear and convincing evidence that Father evidenced a settled purpose of relinquishing his parental claim or refused or failed to perform parental duties, and whether termination was supported under Section 2511(b).

HOLDINGS

1. Adoptive Parents' concession of an argument supporting termination under Section 2511(a)(1) was not binding on the Child, who had independent legal interests and separate representation. The orphans' court erred by refusing to consider the Child's arguments supporting termination.
2. For purposes of Section 2511(a)(1), the relevant six-month period does not necessarily begin when paternity is conclusively established. It begins, in light of the circumstances and parental-duty standard, when the father knew or should have known of the child's existence and the possibility that he was the child's father.
3. Clear and convincing evidence established that Father, during the relevant six-month period, either evidenced a settled purpose of relinquishing his parental claim or refused or failed to perform parental duties.
4. The record supported termination under Section 2511(b), and remand for a separate additional Section 2511(b) analysis was unnecessary because there was no evidence of a bond between Father and the Child and the evidence showed that the Child was integrated into Adoptive Parents' family.

KEY QUOTATIONS

"Certainly, it would be contrary to these principles to hold a father responsible for failing to perform his parental duties during a time when he did not know, and had no reason to know, that he was a parent." (at 16-17)

"The record supports that Father either evidenced a settled purpose of relinquishing his parental claim or refused or failed to perform parental duties during the six-month period." (at 21)

"The parental obligation is a positive duty which requires affirmative performance." (at 23)

FACTUAL BACKGROUND

The Child was born on March 2, 2023, and Adoptive Parents assumed physical custody eleven days later. Father knew during Mother's pregnancy that she was pregnant and acknowledged that he might be the Child's father, but took no affirmative steps to determine paternity before the Child's birth. After Mother contacted him in July or August 2023 and informed him of the planned adoption, Father filed a paternity complaint and submitted to DNA testing; the test confirmed a 99.9999999% probability of paternity. Father nevertheless provided no support, cards, gifts, or contact to the Child and did not file a custody action until after the termination hearing.

PROCEDURAL HISTORY

Adoptive parents filed a petition to terminate Father's parental rights. After a February 9, 2024 hearing, the orphans' court denied the petition on May 15, 2024, reasoning that Adoptive Parents had conceded termination under Section 2511(a)(1) and that less than six months had elapsed between confirmation of paternity and filing of the petition. The Child timely appealed; the Superior Court dismissed Adoptive Parents' separate appeal for failure to comply with Pa.R.A.P. 3517, but permitted them to file a participants' brief.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for entry of an order terminating Father's parental rights. Jurisdiction relinquished.

CASES CITED

- Interest of K.N.L., 284 A.3d 121 (Pa. 2022)
- In re Adoption of J.L., 769 A.2d 1182 (Pa. Super. 2001)
- In re Adoption of Z.S.W., 946 A.2d 726 (Pa. Super. 2008)
- In re Adoption of L.B.M., 161 A.3d 172 (Pa. 2017)
- In re Adoption of K.M.G., In re Adoption of K.M.G., 240 A.3d 1218 (Pa. 2020)
- In re T.S.M., 71 A.3d 251 (Pa. 2013)
- In re Adoption of B.G.S., 245 A.3d 700 (Pa. Super. 2021)
- G.A.P. v. J.M.W., 194 A.3d 614 (Pa. Super. 2018)
- In re C.M.K., 203 A.3d 258 (Pa. Super. 2019)
- Interest of M.E., 283 A.3d 820 (Pa. Super. 2022)
- In re C.S., 761 A.2d 1197 (Pa. Super. 2000) (en banc)
- Matter of Adoption of Charles E.D.M., II, 708 A.2d 88 (Pa. 1998)
- In re I.J., 972 A.2d 5 (Pa. Super. 2009)
- In re B.,N.M., 856 A.2d 847 (Pa. Super. 2004)
- In re Adoption of C.M., 255 A.3d 343 (Pa. 2021)
- In re Adoption of C.P.D., 324 A.3d 11 (Pa. Super. 2024)
- In re E.S.M., 622 A.2d 388 (Pa. Super. 1993)

- In re Adoption of L.A.K., 265 A.3d 580 (Pa. 2021)

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