

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
April 14, 2026 Session

IN RE BRANTLEY M.A.

**Appeal from the Juvenile Court for Sevier County
No. 2024-JT-14 Keith Edward Cole, II, Judge**

No. E2025-00761-COA-R3-PT

This is a termination of parental rights appeal. The trial court found that clear and convincing evidence existed to terminate Mother's and Father's parental rights on the statutory ground of failure to manifest an ability and willingness to assume legal and physical custody or financial responsibility of the child and placing the child in the person's custody would pose a risk of substantial harm to the child. The trial court further concluded that termination was in the child's best interests. Discerning no error, we affirm the judgment of the trial court.

Tenn. R. Civ. P. 3 Appeal as of Right; Judgment of the Juvenile Court Affirmed and Remanded

VALERIE L. SMITH, J., delivered the opinion of the court, in which JOHN W. MCCLARTY P.J., E.S., and THOMAS R. FRIERSON, II., J., joined.

Gregory E. Bennett, Seymour, Tennessee, for the appellant, Michael A.¹
James R. Hickman, Jr, Sevierville, Tennessee, for the appellant, Rachel S.

Jonathan Skrmetti, Attorney General, and Mara L. Cunningham, Assistant Attorney General, for the appellee, Tennessee Department of Children's Services.

¹ In cases involving the potential termination of parental rights, it is the policy of this Court to abbreviate the full names of the children and other parties to protect their identities.

OPINION

I. BACKGROUND AND PROCEDURAL HISTORY

Brantley A. was born in May 2019. Mother and Father (together, “Parents”) were unmarried but living together when Brantley was born, and Father was designated as the father on Brantley’s birth certificate. Father was in his early 50’s when Brantley was born, and Mother was 21.² Brantley is Mother’s first child and Father’s third.³ Parents, Father’s mother, Father’s sister, and Father’s three grandchildren live together in Father’s mother’s home. Additionally, Father’s adult daughter lives in an RV on the property, and Father’s brother lives in a camper on the property.

Brantley has suffered severe digestive and gastrointestinal difficulties from infancy, and the Department of Children’s Services (“DCS”) became involved with the family in August 2020 due to allegations of nutritional and medical neglect. On November 4, 2020, DCS filed a petition in the Juvenile Court for Sevier County (“the trial court”) asking the court to find Brantley dependent and neglected due to nutritional and medical neglect and to place Brantley in the temporary custody of his paternal aunt and uncle (“Aunt” and “Uncle”). On the same day, the trial court appointed a guardian ad litem (“GAL”) and entered an *ex parte* order finding probable cause to believe Brantley was dependent and neglected “because the parents have failed to comply with nutritional and medical advice and it has resulted in the child losing weight and being diagnosed as Failure to Thrive.” The court placed Brantley in the temporary custody of Aunt and Uncle and, following a hearing on November 6, ordered that Brantley would remain in their custody. The court granted Parents supervised visitation, modifiable at DCS’s discretion.⁴

Following a hearing on June 2, 2021, by order entered June 4, the trial court determined that Brantley was dependent and neglected and stated: “Mother and father stipulate to a clear and convincing finding of dependency and neglect because they were not getting the child’s necessary medications and were not following the medical advice recommended for his failure to thrive issues.” The trial court found that it was in Brantley’s best interests to remain in Aunt and Uncle’s temporary custody. The court reiterated its visitation order and set a dispositional hearing for October. Following a hearing on October 15, by order entered October 20, 2021, the trial court again reiterated its custody and supervised visitation orders.

² Father testified that he met Mother while he was dating her own mother.

³ As the Guardian ad Litem notes in his appellate brief, Father’s testimony at trial regarding how many children he has and whether he has a relationship with them is contradictory and unclear.

⁴ Counsel was appointed for Mother and Father.

Shortly thereafter, Aunt and Uncle advised DCS that they were no longer able to serve as custodians. Therefore, on October 25, 2021, DCS filed a petition for dependency and neglect and for temporary custody of Brantley. The trial court granted DCS's petition on the same day. Following a hearing on October 27, the trial court ordered that Brantley would remain in DCS custody.⁵

Following a subsequent hearing in January 2022, by order entered on January 19, the trial court found that Brantley was dependent and neglected and approved permanency plans that were developed in 2021. The court ordered that Brantley would remain in DCS custody and again provided Parents supervised visitation. The court granted DCS and the GAL the authority to modify visitation as warranted or necessary.

On May 14, 2024, DCS filed a petition in the trial court to terminate Parents' parental rights on the ground of failure to manifest an ability to parent as provided in Tennessee Code Annotated section 36-1-113(g)(14).⁶ In its petition, DCS stated that Brantley was removed from Parents' care because Parents were not meeting his medical or nutritional needs. DCS further stated that Brantley is a "high needs child" with significant cognitive and physical delays and will "require ongoing therapies." DCS also alleged that Parents had completed the assessments required by the permanency plan but had not "demonstrated that they can parent the child without being instructed on what to do." DCS further stated that, although they had recently been approved for housing, Parents had not had appropriate housing for the entirety of the proceedings in the trial court. DCS asserted, "the parents have had four years to show that they can provide a safe and stable home environment where the child's needs are met and they have failed to do so." DCS also stated that Father was diagnosed with borderline intellectual functioning, often contradicts himself, and makes inconsistent and dubious statements. DCS further submitted that termination of Parents' parental rights was in Brantley's best interests under the factors provided in Tennessee Code Annotated section 36-1-113(i)(1).

The trial court appointed the same GAL previously appointed in the dependency and neglect proceedings and appointed separate counsel to represent Mother and Father. Father filed an answer on September 25, 2024, and Mother filed an answer on January 24, 2025.⁷ The trial court heard the matter on March 20, 2025, and filed a judgment

⁵ Parents waived their right to counsel at the October 27 hearing.

⁶ We note that section 36-1-113 has been amended since DCS filed its petition in May 2024. The version of the statutes that was in effect when the petition was filed is the applicable version. *In re Braxton M.*, 531 S.W.3d 708, 732 (Tenn. Ct. App. 2017). However, section 36-1-113(g)(14) was not impacted by the subsequent amendments.

⁷ Counsel originally appointed by the trial court to represent Mother withdrew from the matter, and the court appointed substitute counsel in September 2024.

terminating Mother's and Father's parental rights on April 23, 2025. Parents filed a joint notice of appeal on May 21. Upon review, this Court determined that the trial court's April 2025 order was not a final judgment because it did not comply with Rule 58 of the Tennessee Rules of Civil Procedure. In September 2025, we entered an order requiring Parents to supplement the record with a final judgment complying with Rule 58 or show cause why the matter should not be dismissed for lack of a final judgment. The trial court entered a final judgment complying with Rule 58 on October 17, 2025, and the final appellate brief was filed in this Court on February 17, 2026.

In the meantime, DCS placed Brantley in therapeutic foster care homes, but he had made little progress when DCS filed its petition. However, since July 2024, he has been in a stable home with foster parents who are able to attend to his needs and wish to adopt him.⁸ He has shown improvement while in their care, but suffers significant physical, emotional, and intellectual delays; requires multiple therapies; and continues to have a severe "sensitivity" to dairy products that causes him to suffer extreme gastrointestinal difficulties if his diet is not carefully and consistently regulated.

II. ISSUES PRESENTED

Mother and Father filed separate briefs raising identical issues for our review:

1. Whether the trial court erred in finding that clear and convincing evidence supported termination of Mother's and Father's parental rights on the statutory ground of failure to manifest an ability and willingness to assume legal and physical custody or financial responsibility of the child pursuant to Tennessee Code Annotated § 36-1-113(g)(14).
2. Whether the trial court erred in finding, by clear and convincing evidence, that termination of Mother's and Father's parental rights was in the best interests of the child.

III. STANDARD OF REVIEW

It is well-settled that "[p]arents have a fundamental right to the care, custody, and control of their children." *In re Markus E.*, 671 S.W.3d 437, 455 (Tenn. 2023) (citing *Stanley v. Illinois*, 405 U.S. 645, 651–52, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972); *In re D.A.H.*, 142 S.W.3d 267, 274 (Tenn. 2004)). This fundamental right is protected by both the United States Constitution and the Tennessee Constitution, and the state cannot interfere with this right "unless there is a substantial danger of harm to the child." *Id.* (footnote omitted) (quoting *In re Angela E.*, 303 S.W.3d 240, 250 (Tenn. 2010) (citing *In re Swanson*, 2 S.W.3d 180, 187 (Tenn. 1999))). However, this right "is not absolute." *Id.*

⁸ The foster parents initially became involved with Brantley in 2022, when he was temporarily placed in their "respite care" for the first time.

(citation omitted). “It continues without interruption only so long as the parent has not relinquished it, abandoned it, or engaged in conduct requiring its limitation or termination.” *Id.* (quoting *In re Isaiah L.*, 340 S.W.3d 692, 704 (Tenn. Ct. App. 2010)). As we recently reiterated, notwithstanding the constitutional protections of parental rights, “the [S]tate as *parens patriae* has a special duty to protect minors[.]” *In re Scarlet J.*, No. E2025-01566-COA-R3-PT, 2026 WL 1494466, at *2 (Tenn. Ct. App. May 22, 2026) (quoting *In re Carrington H.*, 483 S.W.3d 507, 522 (Tenn. 2016) (quoting *Hawk v. Hawk*, 855 S.W.2d 573, 580 (Tenn. 1993) (quoting *Matter of Hamilton*, 657 S.W.2d 425, 429 (Tenn. Ct. App. 1983)))). Therefore, the Tennessee statutes “uphold[] the [S]tate’s authority as *parens patriae* when interference with parenting is necessary to prevent serious harm to a child.” *Id.* (quoting *id.* (quoting *Hawk*, 855 S.W.2d at 580)).

The courts have long recognized that “[n]o civil action carries graver consequences than a petition to sever family ties irretrievably and forever.” *In re Markus*, 671 S.W.3d at 455 (citations omitted). In Tennessee, termination of parental rights actions are governed by statute. *Id.* at 456 (citations omitted). Under Tennessee Code Annotated section 36-1-113:

Termination of parental or guardianship rights must be based upon:

- (1) A finding by the court by clear and convincing evidence that the grounds for termination of parental or guardianship rights have been established; and
- (2) That termination of the parent’s or guardian’s rights is in the best interests of the child.

Tennessee Code Annotated section 36-1-113(c). Accordingly, a petitioner seeking to terminate a parent’s rights must demonstrate two elements: 1) the existence of a statutory ground for termination and 2) that termination of the parent’s rights is in the best interests of the child. *In re Markus*, 671 S.W.3d at 456 (citations omitted). The existence of a statutory ground is the threshold issue. *Id.* If the trial court determines that a parent’s conduct constitutes a statutory ground, the court must next consider whether termination of the parent’s rights is in the child’s best interests. *Id.* (quotation omitted). If the trial court determines that the petitioner has failed to carry their burden to prove at least one statutory ground by clear and convincing evidence, the court does not engage in the best-interests analysis. *Id.*

The petitioner seeking the termination of a parent’s rights carries the burden to prove both elements by clear and convincing evidence. *Id.* “These requirements ensure that each parent receives the constitutionally required ‘individualized determination that a parent is either unfit or will cause substantial harm to his or her child before the fundamental right to the care and custody of the child can be taken away.’” *In re Angela E.*, 303 S.W.3d 240, 250 (Tenn. 2010) (quoting *In re Swanson*, 2 S.W.3d 180, 188 (Tenn.1999)). Our Supreme

Court has explained:

The clear and convincing evidence standard eliminates any “serious or substantial doubt about the correctness of the conclusions drawn from the evidence.” *In re Valentine*, 79 S.W.3d 539, 546 (Tenn. 2002) (quoting *Hodges v. S.C. Toof & Co.*, 833 S.W.2d 896, 901 n.3 (Tenn. 1992)). Clear and convincing evidence must produce a firm belief or conviction in the fact finder’s mind about the truth of the facts to be established. *In re Justice A.F.*, No. W2011-02520-COA-R3-PT, 2012 WL 4340709, at *6 (Tenn. Ct. App. Sept. 24, 2012); *Ray v. Ray*, 83 S.W.3d 726, 733 (Tenn. Ct. App. 2001).

In re Markus E., 671 S.W.3d at 456–57.

The clear and convincing standard requires the trial court to apply a two-step process that “distinguish[es] between the individual underlying facts and the aggregate of those facts” *Id.* at 457. The individual underlying facts may be established under the familiar preponderance of the evidence standard. *Id.* (quotation omitted). The trial court must then determine whether the weight of the combination of the underlying facts constitutes clear and convincing evidence. *Id.* (quotation omitted).

Similarly, the appellate courts use a two-step process when reviewing a trial court’s judgment in termination of parental rights cases. *Id.* First, we review the trial court’s specific findings of fact under the standard of review provided by Rule 13(d) of the Tennessee Rules of Appellate Procedure and presume the court’s findings to be correct unless the evidence preponderates against them. *Id.* (citations omitted). We afford deference to the trial court’s factual findings that are based on its assessment of witness credibility and will not reverse those findings in the absence of clear evidence to the contrary. *Id.* (citations omitted). Second, appellate courts must determine whether the combination of the underlying facts, “either as found by the trial court or supported by a preponderance of the evidence,” amounts to clear and convincing evidence. *Id.* (citations omitted). This is a question of law which, like the trial court’s other conclusions of law, we review *de novo* with no presumption of correctness. *Id.* (citations omitted).

IV. STATUTORY GROUNDS

Tennessee Code Annotated section 36-1-113 governs the termination of parental rights in Tennessee. *In re Kaliyah S.*, 455 S.W.3d 533, 541 (Tenn. 2015). Section 36-1-113(g) sets out the statutory grounds for termination, and “every termination case requires the court to determine whether the parent has engaged in a course of action or inaction that constitutes one of the statutory grounds.” *In re Donna E.W.*, No. M2013-02856-COA-R3-PT, 2014 WL 2918107, at *2 (Tenn. Ct. App. June 24, 2014). Although the petitioner needs to prove only one of the grounds defined by the statute, we “must review the trial court’s findings as to each ground for termination and as to whether termination is in the

child's best interests, regardless of whether the parent challenges these findings on appeal.” *In re Carrington H.*, 483 S.W.3d 507, 525–26 (Tenn. 2016).

In its May 2024 petition to terminate Parents' parental rights, DCS alleged one ground: failure to manifest an ability to parent as provided by Tennessee Code Annotated section 36-1-113(g)(14). The section provides:

(g) Initiation of termination of parental or guardianship rights may be based upon any of the grounds listed in this subsection (g). The following grounds are cumulative and nonexclusive, so that listing conditions, acts or omissions in one ground does not prevent them from coming within another ground:

...

(14) A parent or guardian has failed to manifest, by act or omission, an ability and willingness to personally assume legal and physical custody or financial responsibility of the child, and placing the child in the person's legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the child[.]

We have noted that this ground requires a two-part determination. *In re Maya R.*, No. E2017-01634-COA-R3-PT, 2018 WL 1629930, at *7 (Tenn. Ct. App. Apr. 4, 2018) (citing Tenn. Code Ann. § 36-1-113(c)(1), (g)(14)). First, the court must find by clear and convincing evidence that the parent is either unwilling or unable to assume custody. Second, the court must find by clear and convincing evidence that placing the child in the parent's custody would pose a risk of substantial harm to the child's welfare. *Id.*

In its final judgment, the trial court found that Brantley has suffered significant physical and mental delays since birth that will persist throughout his life. The court further found that Brantley's severe gastrointestinal problems and extreme dairy sensitivity require a strict, non-dairy diet, medical attention and medication, consistent “focus at feeding time,” and regular tracking and timing of bowel movements. As Parents stipulated in the June 2021 dependency and neglect proceeding, Brantley was removed from Parents' care when he was approximately 18 months old for “failure to thrive” due to the lack of proper feeding and medical attention to address these needs. At the time of trial, he was nearly six years old, had only recently been toilet-trained, and still had accidents. The trial court found that Brantley's lack of appetite and substantial gastrointestinal issues are “so significant that, although the child has made progress, he is still well shy of the typical weight range for children his age.” Brantley has significant speech difficulties, the fine motor skills of a two-year old, and difficulty regulating and responding to emotions. He suffers from a “global weakness” and, in addition to a strict diet, he requires multiple and ongoing specialists and therapies.

As DCS acknowledges in its brief, this case does not concern Parents' willingness

or desire to assume custody of Brantley. Rather, this case involves Parents' ability to fully appreciate and provide for his significant physical, medical, intellectual, and emotional needs and the likelihood of substantial harm to Brantley posed by returning him to Parents' custody. After reviewing the record, we agree with DCS and the trial court that Parents are not able to care for or assume custody of Brantley and returning Brantley to Parents' custody would pose a likelihood of substantial harm to the child.

The trial court found that parents have limited intellectual abilities and do not comprehend the full extent of Brantley's needs. The record contains professional psychological assessments that indicate that Parents both have lower intellectual function and read at a third to fourth grade level. More significantly, Parents were assessed with low "working memory," or the ability to remember and process information. Although intellectual ability alone does not indicate an ability or inability to parent, *See In re Dyllon M.*, No. E2020-00477-COA-R3-PT, 2020 WL 6780268, at *10 (Tenn. Ct. App. Nov. 18, 2020) (citations omitted), the record establishes that Parents' memory difficulties make it challenging for them to comprehend, remember, and attend to Brantley's significant dietary and specialized needs. After nearly four years, Parents were unable to move beyond supervised therapeutic visitation. The trial court found:

At no fault of their own, the parents simply have difficulty with the information they are given. This makes even more sense when referring to the allegations in the original petition, allegations that were stipulated to in the Adjudicatory Order filed 6/2/21; specifically, the parents "stipulate a clear and convincing finding of dependency and neglect because they were not getting the child's necessary medications and were not following the medical advice recommended for his failure to thrive issues." These are two individuals that were suddenly thrust into the position of caring for a newborn with significant medical issues. Juggling all the aspects of caring for a special needs child would be difficult on any person, but extraordinarily difficult for parents facing such limitations.

The trial court additionally found that Father's mental health is also a concern. The court found that Father makes statements that are not consistent, implausible, and sometimes not possible. The trial court stated:

The Court listened very carefully to the father's testimony, and the Court finds the father's testimony to be inconsistent at best; although [Father] was found to be simply lying at multiple times during the trial.

The trial court recited several of Father's "stories" and also found that Father gave inconsistent statements to basic questions regarding how many children he has, his prior marriages, his arrest record, his drug use, and his mental health history. The court stated:

In short, it is difficult for the Court to conclude whether [Father's] inconsistencies and falsities are the product of a culpable mind due to the obvious mental health issues that appear to be present. But, regardless of the intent, it is clear that [Father's] testimony is not credible.

The trial court also emphasized:

However, what stands out more to the Court are not the fantastical stories [Father] told but the comments he made regarding the child's treatment and potential diagnoses. It is clear that [Father] has doubts as to the significance of the child's developmental delays and special needs.

The trial court found that Father testified that "he believes the child is simply acting out because he wants to be home[]" and that "the services that are being provided to the child will not help, and the child needs what they can't give, and that the dependency and neglect proceedings have been the result of a conspiracy to keep his child from him." The trial court stated:

Most telling of all is the father's comments relating to genetic testing. As previously mentioned, the child is awaiting results of genetic testing; however, to ensure the most accurate results, samples are taken from the parents. At this time, both parents have failed to provide samples. When pressed on this issue, [Father] advised that he refuses to take such a test because the child has the same thing as him, although he notes that he has no diagnosis. Like most of the father's testimony, he later advised that he would submit.

On review of the record, we agree with the trial court that Father's testimony was inconsistent, confused and confusing, incoherent, meandering, and not credible at best. For example, Father testified that he ran away from home as a child and joined the circus to escape abuse by his parents – but his testimony regarding the age at which he joined the circus varied from eleven to fourteen to sixteen; his testimony regarding the location of the circus alternated between Tennessee and Virginia; and Father testified that he graduated from high school with honors notwithstanding a number of years in the circus. More significantly, Father acknowledged that Brantley had made progress after being placed with his foster family and receiving specialized services, but when asked whether he thought Brantley needed the services Father replied:

I don't think he does, but if he gets it and it helps him and I can see it and I know on a shadow of a doubt that it's actually helping him, helping him. And yeah, I'm – I want it to work for him. I do. I want my son to be able to go to college or get up somewhere, be a lawyer, be a judge, no offense, but, be a judge and be somebody in his life.

As the trial court found, Mother testified that she agreed with Father's testimony. She acknowledged her limitations and also testified that she refused genetic testing because she feared the results would be used against her. The trial court found Mother's testimony to be credible "for the most part" and stated: "I would note that for much of the trial she seemed despondent and somewhat detached from the proceedings, rarely shifting or making eye contact."

The trial court noted that, after more than four years, Parents were "not in a position to progress past supervised therapeutic visitation." The court stated that, although "[i]n a vacuum, the incidents regarding dairy products and the parents' inability to appropriately handle the child's [emotional] dysregulation may not necessarily indicate an inability to parent[,] . . . the Court is required to look at the totality of the circumstances." The trial court concluded:

The father is dealing with his own mental health concerns, and based on the comments and things he says at visitation, any reasonable person would be deeply concerned if the child was returned to his custody. Once again, this [is] a child with significant delays and significant needs, and it appears the father is in denial regarding these needs. As previously mentioned, and I loosely quote, "The services won't help. He needs what they can't give." Interestingly enough, when presented with an opportunity to aid in determining what services may be of most use through genetic testing, he refuses.

The trial court further found that Mother "is in a similar posture" and "[a]lmost 5 years in she says that she doesn't fully know what the child's needs are." As the trial court noted, Mother testified that she had memory difficulties and refused genetic testing out of fear that it might be used against her. Mother also testified that she "never knew" what foods contain dairy. The court concluded:

And to be clear, I don't find that all this is intentional behavior. The parents are unfortunately dealing with their own mental health issues that are no fault of their own. But, it is clear and convincing that 4.5 years into this process, both father and mother have failed to manifest the ability to assume custody of this child.

The trial court also found that returning Brantley to Parents' care would pose a substantial risk of harm to his physical or psychological welfare. The court found:

For most of this child's short life, he has been in a state of limbo, suffering from the prolonged absence of permanency. As the Court found earlier, the Child has flourished in this new environment [with his current foster

parents]. He receives the services and necessary care to ensure a healthy and safe existence. Removing him from this environment and placing him into the custody of the parents would, more likely than not, pose a substantial risk of harm.

Additionally, the Court points out that the parents stipulated in the Adjudicatory Order to failing to obtain necessary medicine and follow medical advice leading to failure to thrive; therefore, we have seen what can happen if placed with the parents. Not only has the Court seen a lack of evidence indicating this behavior would change, but the Court heard from the parents' own testimony that little would change, specifically the father indicating his belief that the child doesn't need services and that his behavior is only due to him wanting to come home. And, the mother testifying that she wasn't sure what the child's needs are.

We also observe that Stephanie McCoy, the care coordinator who worked with Brantley from the time he was three years old, testified that Brantley recently had made significant improvement but likely would struggle for "a very long time." She testified that although she and the family team had explained to Parents that Brantley cannot have any dairy products or foods containing dairy, Parents nevertheless brought Brantley a lunch containing cheese when they visited him several months before trial.⁹

In their briefs, Parents' arguments with respect to the statutory ground for termination are predicated on two assertions: 1) they love Brantley and 2) Father's family will help to care for Brantley. As Parents assert, the trial court acknowledged that there is a "genuine bond" between Parents and Brantley. The trial court found:

The mother and father have therapeutic visitation with the child for 2 hours, twice per month. It appears that they both exercise this visitation consistently, generally arriving on time and using the full allotment of time. It appears that there is a genuine bond between the parents and child, despite the minimal time afforded each month. From the pictures introduced at trial, it appears that the child and parents both enjoy the time they get to spend together.

Despite this bond, the trial court determined that Parents are unable to "perceive and react to" Brantley's significant physical, emotional, intellectual, and dietary needs. From our review of the record, we agree with the trial court's conclusion.

Regarding Parents' arguments that Father's family members – and Father's mother in particular – would help them to care for Brantley, the record does not suggest that

⁹ Ms. McCoy testified, "... we went over it. No Cheese. No yogurt. No butter. I mean, nothing. No milk. Anything with dairy."

Father's family members are able to provide Brantley the care and attention he needs. Additionally, Father testified that he and Mother were "trying to get an apartment," and DCS acknowledged that Parents recently had been approved for housing. Moreover, the trial court found that Father's mother was "the main concern" with Parents' current housing, and the single topic about which Father was consistent throughout the proceedings related to the childhood abuse inflicted on him by his mother. Although Father testified that he would protect Brantley from harm, he also stated that he and Mother worked and would be absent from the home during the day.

This Court has observed that a parent's ability to assume custody of a child that has been removed from their care "focuses on the parent's lifestyle and circumstances." *In re Serenity W.*, No. E2018-00460-COA-R3-PT, 2019 WL 511387, at *6 (Tenn. Ct. App. Feb. 8, 2019) (citation omitted). The evidence in this case supports the trial court's factual findings, and clear and convincing evidence establishes that Parents are unable to assume custody of Brantley. Further, clear and convincing evidence supports the trial court's conclusion that, because they cannot meet Brantley's significant special needs, returning Brantley to Parents' care would pose a substantial risk of harm to the child. We accordingly turn to whether the record supports the trial court's determination that termination of Parents' rights is in the best interests of the child.

V. BEST INTERESTS OF THE CHILD

As noted above, if the trial court finds that a ground exists for termination of parental rights by clear and convincing evidence, the court must then determine whether clear and convincing evidence establishes that termination of parental rights is in the child's best interests. *In re Carrington H.*, 483 S.W.3d at 523 (citations omitted). Tennessee Code Annotated section 36-1-113(i)(1)(A)-(T) provides a non-exclusive list of factors to be considered by the trial court in its best-interests analysis, and the court may consider "proof of other relevant factors." *Id.* (citation omitted). "All factors considered by the court to be applicable to a particular case must be identified and supported by specific findings of fact in the court's written order." Tenn. Code Ann. § 36-1-113(i)(3).

Whether the termination of parental rights is in the child's best interest must be "viewed from the child's, rather than the parent's, perspective." *In re Gabriella D.*, 531 S.W.3d 662, 681 (Tenn. 2017) (quoting *In re Audrey S.*, 182 S.W.3d 838, 878 (Tenn. Ct. App. 2005)). The "'focus on the perspective of the child is the common theme' evident in all of the statutory factors." *In re Neveah M.*, 614 S.W.3d 659, 679 (Tenn. 2020) (quoting *In re Audrey S.*, 182 S.W.3d at 878). "[W]hen the best interests of the child and those of the adults are in conflict, such conflict shall always be resolved to favor the rights and the best interests of the child[.]" Tenn. Code Ann. § 36-1-101(d). This Court has long emphasized:

Ascertaining a child's best interests ... does not call for a rote examination of

each of Tenn. Code Ann. § 36-1-113(i)'s [] factors and then a determination of whether the sum of the factors tips in favor of or against the parent. The relevancy and weight to be given each factor depends on the unique facts of each case. Thus, depending upon the circumstances of a particular child and a particular parent, the consideration of one factor may very well dictate the outcome of the analysis.

In re Arianna B., No. M2021-00980-COA-R3-PT, 2022 WL 1486190, at *7 (Tenn. Ct. App. May 11, 2022) (quoting *White v. Moody*, 171 S.W.3d 187, 194 (Tenn. Ct. App. 1994)). Many of the statutory factors overlap, and this Court has observed that they “generally fall into three categories: (1) those related to the child’s emotional needs; (2) those related to the child’s general needs, physical environment, and wellbeing; and (3) those related to [the parent’s] efforts.” *In re Kadence B.*, No. M2025-00762-COA-R3-PT, 2026 WL 1879244, at *8 (Tenn. Ct. App. June 30, 2026) (quoting *In re Bravon K.*, No. M2024-01029-COA-R3-PT, 2026 WL 1584624, at *9 (Tenn. Ct. App. June 3, 2026)).

Tennessee Code Annotated section 36-1-113(i) provides, in relevant part:

(i)(1) In determining whether termination of parental or guardianship rights is in the best interest of the child, the court shall consider all relevant and child-centered factors applicable to the particular case before the court. Those factors may include, but are not limited to, the following:

(A) The effect a termination of parental rights will have on the child's critical need for stability and continuity of placement throughout the child's minority;

(B) The effect a change of caretakers and physical environment is likely to have on the child’s emotional, psychological, and medical condition;

(C) Whether the parent has demonstrated continuity and stability in meeting the child’s basic material, educational, housing, and safety needs;

(D) Whether the parent and child have a secure and healthy parental attachment, and if not, whether there is a reasonable expectation that the parent can create such attachment;

(E) Whether the parent has maintained regular visitation or other contact with the child and used the visitation or other contact to cultivate a positive relationship with the child;

(F) Whether the child is fearful of living in the parent’s home;

(G) Whether the parent, parent's home, or others in the parent's household trigger or exacerbate the child's experience of trauma or post-traumatic symptoms;

(H) Whether the child has created a healthy parental attachment with another person or persons in the absence of the parent;

(I) Whether the child has emotionally significant relationships with persons other than parents and caregivers, including biological or foster siblings, and the likely impact of various available outcomes on these relationships and the child's access to information about the child's heritage;

(J) Whether the parent has demonstrated such a lasting adjustment of circumstances, conduct, or conditions to make it safe and beneficial for the child to be in the home of the parent, including consideration of whether there is criminal activity in the home or by the parent, or the use of alcohol, controlled substances, or controlled substance analogues which may render the parent unable to consistently care for the child in a safe and stable manner;

(K) Whether the parent has taken advantage of available programs, services, or community resources to assist in making a lasting adjustment of circumstances, conduct, or conditions;

(L) Whether the department has made reasonable efforts to assist the parent in making a lasting adjustment in cases where the child is in the custody of the department;

(M) Whether the parent has demonstrated a sense of urgency in establishing paternity of the child, seeking custody of the child, or addressing the circumstance, conduct, or conditions that made an award of custody unsafe and not in the child's best interest;

(N) Whether the parent, or other person residing with or frequenting the home of the parent, has shown brutality or physical, sexual, emotional, or psychological abuse or neglect toward the child or any other child or adult;

(O) Whether the parent has ever provided safe and stable care for the child or any other child;

(P) Whether the parent has demonstrated an understanding of the basic and specific needs required for the child to thrive;

(Q) Whether the parent has demonstrated the ability and commitment to creating and maintaining a home that meets the child's basic and specific needs and in which the child can thrive;

(R) Whether the physical environment of the parent's home is healthy and safe for the child;

(S) Whether the parent has consistently provided more than token financial support for the child; and

(T) Whether the mental or emotional fitness of the parent would be detrimental to the child or prevent the parent from consistently and effectively providing safe and stable care and supervision of the child.

(2) When considering the factors set forth in subdivision (i)(1), the prompt and permanent placement of the child in a safe environment is presumed to be in the child's best interest.

(3) All factors considered by the court to be applicable to a particular case must be identified and supported by specific findings of fact in the court's written order.

In this case, the trial court made specific findings regarding the relevant statutory factors and concluded that termination of Parents' parental rights is in Brantley's best interest. We turn first to the factors related to Parents' efforts. *See id.* § 36-1-113(i)(1) (J) (regarding the parent's adjustment of circumstances); (K) (regarding the parent's efforts to take advantage of services); (Q) (regarding the parent's commitment to maintaining a home to meet child's needs); (S) (regarding financial support). The trial court found that, although they had taken classes and participated in assessments, Parents "have been unable to retain and implement learned skills to a degree that moving past supervised visitation is inappropriate." The trial court determined that factor K supported termination of parental rights, but factors Q and S were "neutral."

We turn next to the statutory factors related to the child's emotional needs and well-being. *See id.* § 36-1-113(i)(1)(A) (regarding the child's need for stability); (B) (regarding the effect of a change of caretakers and environment); (D) (regarding the parent-child relationship); (H) (regarding the child's emotional attachment to and relationship with another person(s)). With respect to factor A, the trial court found:

This factor weighs in favor of termination. The child, who is special needs, is currently placed in a foster home that intends to adopt. The child has flourished in placement and disrupting such would be a severe detriment to the child's critical needs.

Similarly, the trial court determined that factor B weighed in favor of termination. The court found:

The current caretakers, the foster parents, have created an environment that has allowed [] the child to make significant strides. Although the child has improved greatly, he will continue to require care for the foreseeable future. It appears to the Court that the foster parents are dedicated to the child's well-being and that there is no discernable benefit to disrupting the placement; in fact, it is obvious that such change would have a negative impact on the child's emotional, psychological, and medical conditions.

The trial court likewise determined that factor H weighed in favor of termination. The court stated:

The child has created a strong and healthy parental attachment with the foster parents which would appear to only grow over time. The child has flourished in the foster home, making great strides with overall development.

The trial court determined that factor D, however, weighed against termination. The court found:

It is clear that there is a strong attachment with the family. The bond appears genuine, in that the parents and child [have] a loving attachment and very much enjoy the time they spend together.

We finally turn to the factors regarding Brantley's physical needs, environment, and well-being. *See id.* § 36-1-113(i)(1)(A) (regarding the child's need for stability); (J) (regarding circumstances or conduct that may render parent unable to care for child); (O) (regarding whether parent can provide safe and stable care); (P) & (Q) (regarding whether parent has demonstrated understanding of basic needs and ability to meet them); (R) (whether parent's home is safe and healthy); (T) (regarding parent's emotional or mental fitness to provide safe care). In this case it is undisputed that Brantley has significant medical and dietary needs and was removed from Parents' care due to nutritional and medical neglect. As noted above, the trial court found that factor A weighed in favor of termination. With respect to factor J, the court found that the factor "weighs heavily in favor of termination." The court found:

The parents have failed to demonstrate they are in a position to adequately care for this child's special needs, and the Court finds that removing them from the current placement and putting them in the parents' home would threaten the child's physical and psychological wellbeing. As previously mentioned, the child has been removed from the home for almost 5 years,

and it appears that the parents are in the same position they were when the child was removed.

Similarly, the court determined that factors P and T weighed in favor of termination. Regarding factor P, the court found:

4.5 years into this case, the parents have failed to indicate they are in a position to address the child's special needs. The father has expressed doubt as to the services the child is in, and the mother appears to not know the extent of the child's issues.

Regarding factor T, the trial court found:

The parents suffer from intellectual disabilities. It appears to the Court that these disabilities are a large factor in the parents' inability to learn and implement skills that could be used to provide safe and stable care. As such, the mental fitness of the parents would be detrimental to the child's welfare.

The trial court determined that factor R weighed against termination and factors O and Q were neutral.

From our review of the record, we find that the evidence supports the trial court's findings. Further, as noted above, one factor or set of factors may be determinative in the court's best-interests analysis. Here, the record supports the trial court's conclusion that Parents do not comprehend the extent of Brantley's significant medical, dietary, and developmental difficulties and needs, and they are not able to meet those needs. It is also clear that Brantley needs a permanent, stable home. Since July 2024, Brantley has been in the care of foster parents who are willing and able to attend to his needs. One of Brantley's foster parents works with special needs children, and the trial court found that Brantley "has flourished" while in his current foster home. The court found that Brantley's progress was due "not only [] to the increased availability of services, but also due to the dedication shown by the foster parents[,]" who wish to adopt him.¹⁰

¹⁰ We observe that, at trial, the GAL questioned Brantley's foster mother regarding the foster parents' intent to care for Brantley. We note the following exchange:

Q: Worst case scenario. I'm just throwing this out there. Worst case scenario. And let's say that Brantley doesn't develop like we all hope, even -- no matter what happens. No matter what kind of services we have. No matter the efforts that you and your family are able to put in. Are you guys [in for] the long haul?

A Yeah. Absolutely. I mean, if he doesn't get there, he doesn't get there. We're still going to put in the best effort we possibly can and we're still gonna advocate for every service that he can possibly get.

Like the trial court, we do not doubt that Parents love Brantley. However, upon consideration of the relevant factors and the combined weight of those factors, we agree with the trial court that clear and convincing evidence supports a conclusion that termination of Parents' rights is in Brantley's best interests.

VI. CONCLUSION

For the foregoing reasons, we affirm the trial court's judgment terminating Parents' parental rights to Brantley, a minor child. The case is remanded to the trial court for further proceedings as may be necessary and as are consistent with this opinion. Costs of the appeal are assessed one-half to Appellant Michael A. and one-half to Appellant Rachel S. Because Michael A. and Rachel S. are proceeding *in forma pauperis* in this appeal, execution for costs may issue if necessary.

s/ Valerie L. Smith

VALERIE L. SMITH, JUDGE

Because he deserves that. Just because he didn't have a good start doesn't mean it's his fault. And he's just gonna – we're gonna do what we can to get him where he needs to be.