

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs February 4, 2026

IN RE ADALYNN M., ET AL.¹Appeal from the Juvenile Court for Washington County
No. 96JC1-2024-JT-10 Sharon M. Green, Judge

No. E2025-00948-COA-R3-PT

This action involves the termination of a mother's parental rights to her minor children. The trial court found that clear and convincing evidence established abandonment by failure to provide a suitable home, the persistence of conditions which led to removal, and failure to manifest an ability and willingness to assume custody. The court also found that clear and convincing evidence established that the termination of her parental rights was in the best interest of the children. We affirm.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Juvenile Court
Affirmed; Case Remanded**

JOHN W. MCCLARTY, P.J., E.S., delivered the opinion of the court, in which W. NEAL MCBRAYER and VALERIE L. SMITH, JJ., joined.

Jessica R. Newhart, Johnson City, Tennessee, for the appellant, Ashley M.

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

OPINION**I. BACKGROUND**

Lydia and Adalynn (collectively "the Children") were born to Ashley M. ("Mother") in 2018 and 2019, respectively. The Children resided with Mother. Carlos P. ("Father") was later determined through testing to be their biological father. In May 2022, the Tennessee Department of Children's Services ("DCS") filed a petition for court-ordered services for the family, alleging physical abuse and domestic violence.

¹ This court has a policy of protecting the identity of children by initializing their last name in certain proceedings.

On July 23, 2022, a neighbor reported seeing the Children, aged 3 and 4, in the street at 10:30 p.m. without adult supervision. Law enforcement responded and returned the Children to Mother. On July 25, DCS visited the home and discovered roaches and other insects throughout the home, molded food, soiled walls, and the Children, who appeared visibly soiled. The home had minimal furniture, with a toddler bed for the girls without bedding. Mother criticized the Children and suggested that DCS remove them “because it would eventually happen anyway.” DCS developed an immediate protection agreement with Father; however, upon his arrival, Mother alleged that he had abused the Children. DCS then obtained an ex parte protective custody order to remove the Children that night.

In September 2022, DCS developed a permanency plan with the following requirements: (1) obtain and maintain safe and stable housing; (2) obtain a legal source of income; (3) obtain a legal source of transportation; (4) actively participate in therapy to address mental health, substance abuse, and anger management; (5) submit to random drug screens; and (6) complete mental health, alcohol and drug, and parenting assessments and comply with all recommendations.² The Children were placed together in a pre-adoptive foster home in October 2022. They were later adjudicated as dependent and neglected by order, dated April 4, 2023. Mother stipulated to the adjudication and agreed to complete a parenting assessment, an alcohol and drug assessment, and anger management classes.

On March 7, 2024, DCS filed a petition for termination of Mother’s and Father’s³ parental rights based upon the following statutory grounds of termination: (1) abandonment by failure to visit; (2) abandonment by failure to support; (3) abandonment by failure to provide a suitable home; (4) substantial noncompliance with the permanency plans; (5) the persistence of conditions which led to removal; and (6) failure to manifest an ability and willingness to assume custody of the Children.

The action proceeded to a hearing on May 14, 2025, at which Mother was present but did not testify. Only one witness was offered to sustain the allegations in the petition: Cheyenne Shoun, a family service worker employed by DCS. Ms. Shoun confirmed that the Children were removed based upon findings of environmental and medical neglect. She described the initial conditions in the home and stated that she informed Mother about the available homemaker services through DCS at the child and family team meeting. She also advised her about her required assessments and anger management classes. She arranged referrals for these resources but claimed that Mother was “sporadic” with her communication and “went months” without speaking to her.

² The plan was revised in August 2023 and again in December 2023; however, the requirements remained the same throughout the custodial episode. The court ratified the permanency plans and discussed the requirements with Mother in open court at a hearing on August 9, 2023.

³ Father surrendered his parental rights and is not a party to this appeal.

Ms. Shoun confirmed that DCS developed a permanency plan for Mother in September 2022 and that she discussed the requirements with Mother, who signed the Criteria and Procedures for Termination of Parental Rights during court in August 2023. She stated that Mother completed anger management classes; however, she did not complete any additional requirements and was currently incarcerated.⁴ She stated that Mother advised her that she lost her home and was living with Father's mother; however, Father advised her that Mother did not live there.

As to the Children, Ms. Shoun testified that she could not move forward with scheduling visitation until Mother completed her required assessments. She recalled that Adalynn had multiple cavities at the time of removal and was in need of eyeglasses. She stated that the Children were placed together in a pre-adoptive foster home and are doing well. She has observed a loving relationship between the Children and their foster parents and another child in the home. She confirmed that the Children never asked her about Mother or questioned her absence. She stated that the Children are receiving therapeutic services to address past abuse as a result of concerns expressed by the foster parents.

Ms. Shoun testified that Mother initially expressed concern for the Children following their removal but has not asked about them recently. She stated that she has the same concerns for Mother as she did at the time of removal, e.g., suspicions of alcohol and drug use and need for mental health treatment. She agreed that Mother remitted some child support but has not seen the Children or provided any other items since the time of removal. She was unaware that Mother was incarcerated from January through August 2024. She stated that she has sent text messages to Mother throughout the entirety of the case but received minimal responses. At the outset of the case, she corresponded with Mother in September 2022 to schedule a meeting. Mother failed to attend and respond to further communication. She confirmed that the last time Mother responded to her was in January 2023. Ms. Shoun last reached out via text on December 6, 2023. She stated that she searched for her inmate custody status in September 2024 and January 2025.

Following the hearing, the trial court granted the termination petition based upon the following statutory grounds: (1) abandonment by failure to establish a suitable home; (2) the persistence of conditions which led to removal, and (3) failure to manifest an ability and willingness to assume custody of the Children.⁵ The trial court found that termination of Mother's parental rights was in the best interest of the Children. This appeal followed.

⁴ The details concerning Mother's incarceration were not shared with the court on the record.

⁵ DCS withdrew the grounds of abandonment by failure to support and to visit. The court did not issue a ruling on the ground of substantial noncompliance with the permanency plans.

II. ISSUES

We consolidate and restate the issues pertinent to this appeal as follows:

- A. Whether clear and convincing evidence supports the court's finding of statutory grounds for termination.
- B. Whether clear and convincing evidence supports the court's finding that termination was in the best interest of the Children.

III. STANDARD OF REVIEW

Parents have a fundamental right to the care, custody, and control of their children. *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *In re Drinnon*, 776 S.W.2d 96, 97 (Tenn. Ct. App. 1988). This right “is among the oldest of the judicially recognized liberty interests protected by the Due Process Clauses of the federal and state constitutions.” *In re M.J.B.*, 140 S.W.3d 643, 652–53 (Tenn. Ct. App. 2004). “Termination of a person’s rights as a parent is a grave and final decision, irrevocably altering the lives of the parent and child involved and ‘severing forever all legal rights and obligations’ of the parent.” *Means v. Ashby*, 130 S.W.3d 48, 54 (Tenn. Ct. App. 2003) (quoting Tenn. Code Ann. § 36-1-113(I)(1)). “[F]ew consequences of judicial action are so grave as the severance of natural family ties.” *M.L.B. v. S.L.J.*, 519 U.S. 102, 119 (1996) (quoting *Santosky v. Kramer*, 455 U.S. 745, 787 (1982)).

Although parental rights are superior to the claims of other persons and the government, they are not absolute and may be terminated upon statutory grounds. *See In Re Angela E.*, 303 S.W.3d 240, 250 (Tenn. 2010); *Blair v. Badenhope*, 77 S.W.3d 137, 141 (Tenn. 2002). Due process requires clear and convincing evidence of the existence of the grounds. *In re Drinnon*, 776 S.W.2d at 97. A parent’s rights may be terminated only 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) [t]hat termination of the parent’s or guardian’s rights is in the best interest[] of the child.

Tenn. Code Ann. § 36-1-113(c). “[A] court must determine that clear and convincing evidence proves not only that statutory grounds exist [for the termination] but also that termination is in the child’s best interest.” *In re Valentine*, 79 S.W.3d 539, 546 (Tenn. 2002). The existence of at least one statutory basis for termination of parental rights will support the trial court’s decision to terminate those rights. *In re C.W.W.*, 37 S.W.3d 467, 473 (Tenn. Ct. App. 2000), *abrogated on other grounds by In re Audrey S.*, 182 S.W.3d 838 (Tenn. Ct. App. 2005).

The heightened burden of proof in parental termination cases minimizes the risk of erroneous decisions. *In re C.W.W.*, 37 S.W.3d at 474; *In re M.W.A., Jr.*, 980 S.W.2d 620, 622 (Tenn. Ct. App. 1998). “Evidence satisfying the clear and convincing evidence standard establishes that the truth of the facts asserted is highly probable and eliminates any serious or substantial doubt about the correctness of the conclusions drawn from the evidence.” *In re Audrey S.*, 182 S.W.3d at 861 (citations omitted). It produces in a fact-finder’s mind a firm belief or conviction regarding the truth of the facts sought to be established. *In re A.D.A.*, 84 S.W.3d 592, 596 (Tenn. Ct. App. 2002); *Ray v. Ray*, 83 S.W.3d 726, 733 (Tenn. Ct. App. 2001); *In re C.W.W.*, 37 S.W.3d at 474.

In 2016, the Tennessee Supreme Court provided guidance to this court in reviewing cases involving the termination of parental rights:

An appellate court reviews a trial court’s findings of fact in termination proceedings using the standard of review in Tenn. R. App. P. 13(d). Under Rule 13(d), appellate courts review factual findings de novo on the record and accord these findings a presumption of correctness unless the evidence preponderates otherwise. In light of the heightened burden of proof in termination proceedings, however, the reviewing court must make its own determination as to whether the facts, either as found by the trial court or as supported by a preponderance of the evidence, amount to clear and convincing evidence of the elements necessary to terminate parental rights. The trial court’s ruling that the evidence sufficiently supports termination of parental rights is a conclusion of law, which appellate courts review de novo with no presumption of correctness. Additionally, all other questions of law in parental termination appeals, as in other appeals, are reviewed de novo with no presumption of correctness.

In re Carrington H., 483 S.W.3d 507, 523–24 (Tenn. 2016) (citations omitted); *see also In re Gabriella D.*, 531 S.W.3d 662, 680 (Tenn. 2017).

In the event that the “resolution of an issue [] depends upon the truthfulness of witnesses, the trial judge, who has had the opportunity to observe the witnesses and their manner and demeanor while testifying, is in a far better position than this Court to decide those issues.” *In re Navada N.*, 498 S.W.3d 579, 591 (Tenn. Ct. App. 2016) (citing *McCaleb v. Saturn Corp.*, 910 S.W.2d 412, 415 (Tenn. 1995); *Whitaker v. Whitaker*, 957 S.W.2d 834, 837 (Tenn. Ct. App. 1997)). “[T]his court gives great weight to the credibility accorded to a particular witness by the trial court.” *In re Christopher J.*, No. W2016-02149-COA-R3-PT, 2017 WL 5992359, at *3 (Tenn. Ct. App. Dec. 4, 2017) (citing *Whitaker*, 957 S.W.2d at 837).

IV. DISCUSSION

A.

As indicated above, the trial court granted the termination petition based upon the following statutory grounds: (1) abandonment by failure to provide a suitable home; (2) the persistence of conditions which led to removal; and (3) failure to manifest an ability and willingness to assume custody of the Children. Mother argues that DCS failed to expend reasonable efforts in assisting her, noting that DCS was unaware of her whereabouts for months at a time when an inmate search would have revealed her location. Proof of reasonable efforts is only required to establish the ground of abandonment by failure to provide a suitable home. Otherwise, “the extent of DCS’s efforts to reunify the family is weighed in the court’s best-interest analysis.” *In re Kaliyah S.*, 455 S.W.3d 533, 555 (Tenn. 2015). We will address each ground of termination and then address whether termination was in the best interest of the Children.

1. Abandonment for failure to provide a suitable home

A parent may be found to have abandoned his or her child by failing to establish a suitable home. Tenn. Code Ann. § 36-1-113(g)(1). This ground for the termination of parental rights is established when:

- (a) The child has been removed from the home [] by a court order at any stage of proceedings in which a child is alleged to be a dependent and neglected child, and the child was placed in [DCS custody];
- (b) The juvenile court found [that DCS] made reasonable efforts to prevent removal of the child or that the circumstances of the child’s situation prevented reasonable efforts from being made prior to the child’s removal; and
- (c) For a period of four (4) months following the physical removal, [DCS] made reasonable efforts to assist the parent [] to establish a suitable home for the child, but that the parent [has] not made reciprocal reasonable efforts to provide a suitable home and [has] demonstrated a lack of concern for the child to such a degree that it appears unlikely that they will be able to provide a suitable home for the child at an early date. The efforts of [DCS to assist the parent] in establishing a suitable home for the child shall be found to be reasonable if such efforts equal or exceed the efforts of the parent [] toward the same goal, when the parent [] is aware that the child is in the custody of [DCS];

Tenn. Code Ann. § 36-1-102(1)(A)(ii). A “suitable home” means more than adequate “physical space” – it requires that the appropriate care and attention be given to the child as well. *In re A.D.A.*, 84 S.W.3d at 599. This court has determined that a suitable home is one that is free from drugs and domestic violence. *Dep’t of Children’s Servs. v. C.W.*, No. E2007-00561-COA-R3-PT, 2007 WL 4207941, at *3 (Tenn. Ct. App. Nov. 29, 2007).

This ground requires DCS to make reasonable efforts to assist the parent in establishing a suitable home for a period of four months following removal. Tenn. Code Ann. § 36-1-102(1)(A)(ii); *In re Kaliyah S.*, 455 S.W.3d at 553 n.29, 554 n.31, 555 n.32. DCS’s efforts to assist a parent “may be found to be reasonable if such efforts exceed the efforts of the parent or guardian toward the same goal.” Tenn. Code Ann. § 36-1-102(1)(A)(ii). “[P]arents desiring the return of their children must also make reasonable and appropriate efforts to rehabilitate themselves and to remedy the conditions that required DCS to remove their children from custody.” *In re Shameel S.*, No. E2014-00294-COA-R3-PT, 2014 WL 4667571, at *5 (Tenn. Ct. App. Sep. 19, 2014) (quoting *In re Giorgianna H.*, 205 S.W.3d 508, 519 (Tenn. Ct. App. 2006) *overruled on other grounds* by *In re Kaliyah S.*, 455 S.W.3d at 555–56).

DCS removed the Children in July 2022. Ms. Shoun testified that she developed a permanency plan in September 2022, advised Mother regarding homemaker services and her required assessments at a child and family team meeting, submitted referrals to appropriate agencies, and attempted to maintain contact with Mother, who was sporadic in her communication. The record reflects that Mother completed anger management classes but did not complete any additional requirements contained in the permanency plan. She was incarcerated at the time of the termination hearing and did not have a suitable home for the Children. With these considerations in mind, we hold that DCS’s efforts in the four months following removal were reasonable but were hindered by Mother’s failure to respond and comply with the requirements. Accordingly, we further hold that there is clear and convincing evidence to support the trial court’s termination of Mother’s parental rights on the ground of abandonment by failure to provide a suitable home.

2. Persistence of conditions

Under Tennessee law, a trial court may terminate parental rights when:

(3)(A) The child has been removed from the home or the physical or legal custody of a parent or guardian for a period of six (6) months by a court order entered at any stage of proceedings in which a petition has been filed in the juvenile court alleging that a child is a dependent and neglected child, and:

(i) The conditions that led to the child’s removal still persist, preventing the child’s safe return to the care of the parent or guardian, or other conditions

exist that, in all reasonable probability, would cause the child to be subjected to further abuse or neglect, preventing the child's safe return to the care of the parent or guardian;

(ii) There is little likelihood that these conditions will be remedied at an early date so that the child can be safely returned to the parent or guardian in the near future; and

(iii) The continuation of the parent or guardian and child relationship greatly diminishes the child's chances of early integration into a safe, stable, and permanent home[.]

Tenn. Code Ann. § 36-1-113(g)(3). Termination of parental rights requires clear and convincing evidence of all three factors. *In re Valentine*, 79 S.W.3d at 550.

The record reflects that the conditions which led to removal in July 2022 were child safety concerns due to environmental neglect. While Mother completed anger management classes, she made no further progress in the years following removal and was incarcerated at the time of the hearing in May 2025. The Children were placed in a pre-adoptive home and are progressing well with appropriate medical care, mental health treatment, and loving relationships. Following our review of the record, we conclude that there is little likelihood that the conditions which led to removal will be remedied at an early date. The continuation of Mother's relationship with the Children greatly diminishes their chances of early integration into a safe, stable, and permanent home. We affirm the trial court on this ground of termination.

3. Failure to manifest an ability and willingness to assume custody

Pursuant to Tennessee Code Annotated section 36-1-113(g)(14) parental rights may be terminated when:

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.

Tenn. Code Ann. § 36-1-113(g)(14). This ground requires the petitioner to prove two elements by clear and convincing evidence. Tenn. Code Ann. § 36-1-113(c)(1), (g)(14); *In re Neveah M.*, 614 S.W.3d 659, 674 (Tenn. 2020). First, a petitioner must prove that the parent failed to manifest an ability and willingness to personally assume legal and physical custody or financial responsibility of the child. *In re Neveah M.*, 614 S.W.3d at 674. Second, a petitioner must prove that placing the child in the parent's legal and

physical custody would pose a risk of substantial harm to the physical or psychological welfare of the child. *Id.*

As to the first element, our Supreme Court has instructed as follows:

[S]ection 36-1-113(g)(14) places a conjunctive obligation on a parent or guardian to manifest both an ability and willingness to personally assume legal and physical custody or financial responsibility for the child. If a person seeking to terminate parental rights proves by clear and convincing proof that a parent or guardian has failed to manifest either ability or willingness, then the first prong of the statute is satisfied.

Id. at 677 (citation omitted).

As to the second element, whether placing the child in the parent's custody "would pose a risk of substantial harm to the physical or psychological welfare of the child," we have explained:

The courts have not undertaken to define the circumstances that pose a risk of substantial harm to a child. These circumstances are not amenable to precise definition because of the variability of human conduct. However, the use of the modifier "substantial" indicates two things. First, it connotes a real hazard or danger that is not minor, trivial, or insignificant. Second, it indicates that the harm must be more than a theoretical possibility. While the harm need not be inevitable, it must be sufficiently probable to prompt a reasonable person to believe that the harm will occur more likely than not.

In re Virgil W., No. E2018-00091-COA-R3-PT, 2018 WL 4931470, at *8 (Tenn. Ct. App. Oct. 11, 2018) (quoting *Ray*, 83 S.W.3d at 732 (footnotes omitted)).

Mother did not evidence an ability or willingness to assume custody of the Children. As stated previously, Mother has not evidenced stability, was sporadic in her communication, and was incarcerated for prolonged periods of time while the Children lingered in foster care. Her incarceration at the time of the hearing rendered her unable to assume custody of the Children. Likewise, her lack of improvement during her periods of freedom evidenced her unwillingness to assume custody. The record further supports a finding that placing the Children with her would pose a risk of substantial psychological harm to their welfare when they have not seen or heard from Mother since the time of removal and are now bonded with their foster family. With all of these considerations in mind, we affirm the court's judgment terminating Mother's parental rights on this ground.

B.

Having concluded that there was clear and convincing evidence supporting at least one statutory ground of termination, we must now consider whether termination of Mother's parental rights was in the best interest of the Children. Tenn. Code Ann. § 36-1-113(c)(2); *In re Audrey S.*, 182 S.W.3d at 860. After a court finds that clear and convincing evidence exists to support a termination ground, "the interests of the parent and the child diverge," and the court focuses on the child's best interest. *In re Audrey S.*, 182 S.W.3d at 877. A finding that at least one ground for termination of parental rights exists does not necessarily require that rights be terminated. *Id.* Because some parental misconduct is redeemable, Tennessee's termination of parental rights statutes recognize "that terminating an unfit parent's parental rights is not always in the child's best interests." *Id.* The facts a court considers in the best interest analysis "must be proven by a preponderance of the evidence, not by clear and convincing evidence." *In re Kaliyah S.*, 455 S.W.3d at 555. After making the underlying factual findings, the court "should then consider the combined weight of those facts to determine whether they amount to clear and convincing evidence that termination is in the child's best interest." *Id.*

The statutory best interest factors applicable to this action are as follows:

(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 [DCS] 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.

(4) Expert testimony is not required to prove or disprove any factor by any party.

Tenn. Code Ann. § 36-1-113(i). "This list is not exhaustive, and the statute does not require a trial court to find the existence of each enumerated factor before it may conclude that terminating a parent's parental rights is in the best interest of a child." *In re M.A.R.*, 183 S.W.3d 652, 667 (Tenn. Ct. App. 2005). The General Assembly has also stated that "when the best interest[] of the child and those of the adults are in conflict, such conflict shall always be resolved to favor the rights and the best interest[] of the child, which interests are hereby recognized as constitutionally protected." Tenn. Code Ann. § 36-1-101(d); *see also White v. Moody*, 171 S.W.3d 187, 194 (Tenn. Ct. App. 2004) (holding that when considering a child's best interest, the court must take the child's perspective, rather than the parent's). We will group our discussion of the best interest factors "based on the overarching themes within the list of twenty factors" under the circumstances of the case because many of these factors touch on similar factual predicates and involve similar issues. *In re Chayson D.*, No. E2022-00718-COA-R3-PT, 2023 WL 3451538, at *14 (Tenn. Ct. App. May 15, 2023).

We consider first the Child's emotional needs. *See* Tenn. Code Ann. § 36-1-113(i)(1)(A) (concerning the need for stability), (B) (concerning how changes in caretakers affect wellbeing), (D) (concerning the parent-child attachment), (E) (concerning visitation), (F) (concerning whether the Child is fearful of the parent), (H) (concerning attachment to others), (I) (concerning relationships with others). With respect to these factors, the Children have lived with their foster family since October 2022 in a stable environment without contact from Mother since July 2022. The evidence established that the Children were in need of medical care and mental health treatment following their removal from Mother's care. Ms. Shoun testified that the Children were doing well and that they had bonded with their foster family in a pre-adoptive home.

We turn next to the Child's physical environment and well-being. *See id.* § 36-1-113(i)(1)(G) (concerning whether the parent's home triggers or exacerbate the children's experience of trauma or post-traumatic symptoms), (O) (involving the parent's prior provision of safe and stable care to any child), (Q) (involving the parent's commitment to having a home that meets the children's needs), and (R) (involving the health and safety of the home). Mother has failed to establish her ability to provide a suitable home free from environmental neglect. She was incarcerated at the time of the hearing and failed to make progress on the permanency plan during her periods of freedom. The Children required mental health treatment as a result of their time spent with Mother prior to removal. Mother has not completed any assessments that would establish her commitment to providing a home that meets their needs and is healthy and safe.

Next, we consider Mother's efforts. *See id.* § 36-1-113(i)(1)(C) (involving the parent's continuity in meeting the children's needs), (J) (involving the parent's lasting adjustment of circumstances), (L) (concerning DCS's efforts in assisting the parent), and (M) (concerning the parent's sense of urgency in addressing the circumstances that led to removal). Mother claims that DCS's efforts in assisting her were not reasonable. We agree that DCS failed to pursue contact in the years following removal; however, Mother also never exhibited a sense of urgency in addressing the circumstances which led to removal and failed to respond in the months following removal. She has yet to establish a lasting adjustment of circumstances.

With regard to support and knowledge of the Child's needs, *id.* § 36-1-113(i)(1)(S) (addressing the parent providing more than token support), (P) (addressing the parent's understanding of their needs), the record reflects that Mother remitted some child support during the custodial period. However, she has not demonstrated an understanding of the Children's needs as evidenced by her long periods of incarceration and failure to establish a home during the pendency of the custodial episode.

The trial court considered all the evidence, weighed the credibility of the witnesses, and concluded that the best interest factors supported termination. Upon our review of the evidence, we agree with the trial court's assessment and findings. Accordingly, we

conclude that clear and convincing evidence in the record supports a determination that termination of Mother's parental rights was in the Children's best interest.

V. CONCLUSION

For the reasons stated above, we affirm the judgment of the trial court and remand for such further proceedings as may be necessary and consistent with this opinion. Costs of the appeal are taxed to the appellant, Ashley M.

s/John W. McClarty
JOHN W. McCLARTY, JUDGE