

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs July 1, 2026

IN RE TYDUS W. ET AL.

Appeal from the Circuit Court for Polk County
No. 23-CV-75 Michael E. Jenne, Judge

No. E2025-01878-COA-R3-PT

This is a termination of parental rights appeal. The trial court found that three statutory grounds existed to terminate Mother's parental rights to her four children: 1) abandonment for failure to support; 2) persistence of conditions; and 3) failure to manifest an ability and willingness to assume legal and physical custody or financial responsibility of the children. The trial court also concluded that termination was in the children's best interests. Discerning no error, we affirm the judgment of the trial court.

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

VALERIE L. SMITH, J., delivered the opinion of the court, in which JEFFREY USMAN and WILLIAM E. PHILLIPS, II, JJ., joined.

Melissa A. Parsons, Etowah, Tennessee, for the appellant, Lindsey M.¹

Philip M. Jacobs, Cleveland Tennessee, for the appellees, Jeanette J. and Timothy J.

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 the children's identities.

MEMORANDUM OPINION²

I. BACKGROUND AND PROCEDURAL HISTORY

Tydus W., Tommi W., Myla W., and Owen H. (together, “the children”) are the minor children of Lindsey M. (“Mother”).³ Appellee Jeanette J. (“Aunt”) is the paternal great-aunt of three of the children. The children were removed from Mother’s custody and placed in Aunt’s custody from December 2017 through April 2019. Mother had visitation with the children, which was monitored by the Department of Children’s Services (“DCS”). In April 2019, Mother regained custody.

On February 2, 2023, the Juvenile Court of Polk County entered an *ex parte* order granting Aunt temporary emergency custody of the children. On February 21, 2023, Aunt filed an amended petition alleging the children were dependent and neglected and seeking emergency custody. At a hearing on February 24, the parties agreed to continue the matter for a preliminary hearing on April 25, 2023. By order entered on March 7, the juvenile court granted Mother two hours of supervised visitation per week on either Saturday or Sunday at a public park. The court also ordered the parties to participate in an ongoing investigation by DCS. At the April 25 hearing, the parties asked the juvenile court to reset the matter to July 31.

Following the hearing on July 31, by order entered September 5, the juvenile court advised Mother that the allegations in Aunt’s petition constituted allegations of severe child abuse. The court ordered Mother to submit to drug testing to be arranged and paid for by Aunt. The court again limited Mother’s visitation to one day per week for two hours and ordered: “Mother is strictly prohibited from giving the children anything during visitations. This Court finds that the Mother cannot be trusted to provide anything to the children based on her past conduct.” Although Mother previously was represented by private counsel, the court permitted Mother to apply for indigent counsel and appointed counsel to represent Mother. The matter was set for a status hearing on August 22, 2023.

On August 21, 2023, Aunt and her husband, Timothy J., (together, “Appellees”) filed a petition to terminate parental rights and for adoption in the Circuit Court of Polk

² Rule 10 of the Rules of the Court of Appeals of Tennessee provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION”, shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

³ The fathers involved in this case were incarcerated when Appellees first obtained emergency custody in February 2023. They surrendered their parental rights by orders entered in May 2024.

County (“the trial court”). In their petition, Appellees alleged three statutory grounds pursuant to Tennessee Code Annotated section 36-1-113(g): abandonment for failure to support or visit; the failure to manifest an ability or willingness to assume custody; and persistence of conditions. They also asserted that termination of parental rights was in the children’s best interests. Mother filed a *pro se* answer in October and, following a hearing on December 15, the trial court appointed a guardian ad litem (“GAL”) and counsel to represent Mother.

During a hearing on April 5, 2024, Mother consented to adoption of the children by Appellees. On April 11, she revoked her consent.⁴ Following a hearing on May 16, the trial court appointed substitute counsel to represent Mother. In the meantime, acting through counsel, Mother filed an amended answer generally denying Appellees’ allegations of grounds and best interests, and she asserted the affirmative defense of lack of willfulness.

In December 2024, Appellees filed motions for orders requiring Mother to submit to drug screens and for child support. Following a hearing on January 17, 2025, the trial court ordered Mother to submit to a nailbed drug screen by January 21. The trial court noted that one of the children was in DCS custody and set Mother’s child support at \$267 per month in accordance with the child support guidelines and stated: “[Mother’s] child support obligation does not modify any affirmative defense pled for in prior pleadings.”

The trial court heard Appellees’ petition on October 6, 2025. The parties filed proposed findings of fact and conclusions of law, and the trial court entered its final order on October 28, 2025. Mother filed a timely notice of appeal.

II. ISSUES PRESENTED

Mother presents the following issues for our review, as we slightly reword them:

- 1) Whether the trial court erred in finding that clear and convincing evidence supported the termination of parental rights on the ground of abandonment for failure to support.
- 2) Whether the trial court erred in finding that clear and convincing evidence supported the termination of parental rights on the ground of persistence of conditions.

⁴ The parties litigated the validity of Mother’s revocation of her consent to adoption. The trial court found that the consent form executed by Mother represented that she had ten days to revoke consent. The court also determined that, under Tennessee Code Annotated section 36-1-112(a), the consent to adoption was revokable until the order of confirmation was entered by the court on May 1, 2025. Thus, by order entered August 5, 2025, the trial court determined that Mother had “sufficiently revoked her consent to adoption.”

3) Whether the trial court erred in finding that clear and convincing evidence supported the termination of parental rights on the ground of failure to manifest an ability and willingness to assume custody.

4) Whether the trial court erred in finding by clear and convincing evidence that termination of Mother's parental rights was in the best interests of the children.

III. STANDARD OF REVIEW

It is well-settled that “[p]arents have a fundamental right to the care, custody, and control of their children.” under the United States Constitution and Tennessee Constitution. *In re Markus E.*, 671 S.W.3d 437, 455 (Tenn. 2023) (citing *Stanley v. Illinois*, 405 U.S. 645, 651–52 (1972); *In re D.A.H.*, 142 S.W.3d 267, 274 (Tenn. 2004)). However, this right “is not absolute.” *Id.* (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)).

In Tennessee, termination of parental rights actions are governed by Tennessee Code Annotated statute. *Id.* at 456 (citations omitted). Section 36-1-113 provides:

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.

Tenn. Code Ann. § 36-1-113(c).

The party seeking the termination of a parent's rights carries the burden to prove both elements by clear and convincing evidence. *In re Markus E.*, 671 S.W.3d at 455. 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).

Id. 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).

Appellate courts use a two-step process when reviewing a trial court’s judgment in termination of parental rights cases. *Id.* at 457. 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 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, we must determine whether the combination of the underlying facts amounts to clear and convincing evidence. *Id.* (citations omitted). This is a question of law which we review *de novo* with no presumption of correctness. *Id.* (citations omitted).

IV. STATUTORY GROUNDS

A. Abandonment

Under Tennessee Code Annotated section 36-1-113(g)(1), parental rights may be terminated on the ground of abandonment as defined in section 36-1-102. The relevant portion of section 36-1-102 defines abandonment as:

If the child is four (4) years of age or more, for a period of four (4) consecutive months immediately preceding the filing of a proceeding, pleading, petition, or amended or supplemental petition to terminate the parental rights of the parent or parents or the guardian or guardians of the child who is the subject of the petition for termination of parental rights or adoption, the parent or parents or the guardian or guardians either have failed to visit or have failed to support or have failed to make reasonable payments toward the support of the child [.]

Tenn. Code Ann. § 36-1-102(1)(A)(i)(a). A parent has “failed to visit” if he or she has failed for the period of four (4) consecutive months preceding a termination petition, “to

visit or engage in more than token visitation.” *Id.* § 36-1-102(1)(E). Similarly, section 36-1-102(1)(D) provides:

D) For purposes of this subdivision (1), “failed to support” or “failed to make reasonable payments toward such child’s support” means the failure, for the applicable time period, to provide monetary support or the failure to provide more than token payments toward the support of the child. That the parent had only the means or ability to make small payments is not a defense to failure to support if no payments were made during the relevant time period[.]

The statute also provides that “it shall be a defense to abandonment for failure to visit or failure to support that a parent or guardian’s failure to visit or support was not willful.” *Id.* § 36-1-102(1)(I). Lack of willfulness must be pled as an affirmative defense, and the parent carries the burden to prove the defense by a preponderance of the evidence. *Id.*

The relevant four-month period in this case is April 20 through August 20, 2023. We begin our discussion of the trial court’s findings on the ground of abandonment by noting that, although the court found that Mother had not seen the children for nearly two-and-a-half years at the time of trial, she had visited the children six times during the relevant four-month period. The trial court determined that Mother had met her burden to prove that any failure to visit the children during the relevant period was not willful and declined to terminate Mother’s rights on this ground.

In her appellate brief, Mother asserts that her failure to support the children also was not willful because 1) she did not have the means to pay child support during the relevant period; 2) when she did pay support, Appellees did not accept it and her checks remained in the possession of their legal counsel; and 3) she attempted to provide clothing for the children and Aunt would not accept her offers. She asserts that she did not earn enough money to require her to file an income tax return for 2023. She further asserts that she had a car payment of \$600.00 per month and car insurance of \$346.00 per month. Further, Mother testified she had a cell phone bill between \$50.00 and \$60.00 per month and grocery costs. Mother also argues that Appellees “offered no proof to rebut Mother’s affirmative defense.” Appellees, on the other hand, argue that Mother had the ability to pay but prioritized buying a car over paying child support.

The trial court found that “Mother admitted that she never offered [Appellees] support for the minor children until the August 8, 2025, payment.” The record contains correspondence from Mother’s counsel to Appellees’ counsel dated August 8, 2025, which included two child support money orders in the amount of \$250.00 each. Appellees’ counsel stipulated at trial that the money orders “came to [his] office.”

The trial court found that Mother was employed from January 2023 forward and

that she admitted that she neither paid nor offered child support until August 8, 2025, two years after Appellees filed their petition. The court concluded:

Mother alleged that she did not have money to pay support after she paid the bills to support herself. However, Mother admits that she has the ability to work, and the Court finds that Mother had the ability to pay some financial support for her minor children.

As noted, the relevant period is April through August 2023. It is undisputed that Mother was employed but paid no child support in this period. Mother testified that she earned approximately \$150 per week cleaning cabins, did not pay rent, paid \$50 to \$60 per month for a prepaid phone, and \$120 per month for groceries. Mother also testified that she had a car payment of \$600 per month and paid \$346 per month for car insurance because “[i]t was a new car, so [she] had to have full coverage on it.” Mother testified that she paid with the car with “money [she] saved.”

As noted above, “that the parent had only the means or ability to make small payments is not a defense to failure to support if no payments were made during the relevant time period.” It is undisputed that Mother made no child support payments during the relevant four-month period despite being employed and having saved enough to purchase a new car. We agree with the trial court that Mother did not carry her burden to demonstrate a lack of willfulness, and clear and convincing evidence supports the ground of abandonment for failure to support.

B. Persistence of Conditions

Under Tennessee Code Annotated section 36-1-113(g)(3) as amended effective July 1, 2023, parental rights may be terminated on the ground of persistence of conditions when:

(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 child is alleged to be 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;

(B) The six (6) months must accrue on or before the first date the termination of parental rights petition is set to be heard[.]

Termination of parental rights on this ground requires clear and convincing evidence of all factors. *In re Valentine*, 79 S.W.3d at 550.

Mother was thirty-one years old at the time of trial and is unable to house or provide for the children. Indeed, in her brief, Mother does not argue that the conditions leading to the children's removal from her care do not persist, nor does she argue that the children can likely be returned to her care in the near future. Mother contends that the trial court erred by terminating her rights on this ground because Appellees filed their petition to terminate her parental rights before their dependency and neglect petition was heard in the juvenile court. She asserts that, because there was no specific finding of dependency and neglect, this ground is not applicable.

We begin our discussion by observing that section 36-1-113(g)(3)(A) was amended effective July 1, 2023. 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). Termination of parental rights under the statute in effect prior to July 1, 2023, required "a petition has been filed in the juvenile court alleging that a child is dependent and neglected." However, the current applicable version of the statute does not require the filing of a dependency and neglect petition as an element of this ground. Rather, the amended section requires 1) removal of the child from the parent's custody for a period of six months by a court order and 2) the order was entered at any stage of proceedings in which a child is alleged to be dependent and neglected. The amendment eliminated the requirement of a petition, requiring only an allegation.

In this case, Aunt's February 2023 amended petition specifically alleged that the children were dependent and neglected. Although no adjudicatory hearing was held in the trial court, it is undisputed that the children were removed from Mother's custody by a court order entered more than six months before Appellees filed their petition to terminate Mother's rights.

This Court has observed that "the 'conditions' in 'persistent conditions' need not be the identical conditions that necessitated a child's removal in the first place." *In re Naomi B.*, No. E2021-00892-COA-R3-PT, 2022 WL 558090, at *22–23 (Tenn. Ct. App. Feb. 24, 2022). We have explained:

To prove persistent conditions, it is not necessary that the same conditions exist at the time of trial as existed when the children were removed from their parents' care. *In re A.L.B.*, No. W2008-02696-COA-R3-PT, 2009 WL 1856023, at *8 (Tenn. Ct. App. June 30, 2009). Indeed, the language of the statute is unambiguous that persistent conditions are established if evidence shows the existence of conditions that led to the children's removal **or other conditions** that in all reasonable probability would lead to further abuse or neglect. Tenn. Code Ann. § 36-1-113(g)(3)(A). As the *A.L.B.* court found, the ground is proved through clear and convincing evidence of conditions showing that it is reasonably probable that the children would be subjected to further abuse and neglect if they were returned to their parent, regardless of whether the conditions are the same as when the children were removed or not. *In re A.L.B.*, 2009 WL 1856023, at *8.

Id. (quoting *In re Dustin T.*, No. E2016-00527-COA-R3-PT, 2016 WL 6803226, at *15 (Tenn. Ct. App. Nov. 17, 2016), *no appl. perm. appeal filed.* (Emphasis in original)).

Additionally, we have recently reiterated that:

“A parent’s continued inability to provide fundamental care to a child, even if not willful, . . . constitutes a condition which prevents the safe return of the child to the parent’s care.” *In re A.R.*, No. W2008-00558-COA-R3-PT, 2008 WL 4613576, at *20 (Tenn. Ct. App. Oct. 13, 2008) (citing *In re T.S. & M.S.*, No. M1999-01286-COA-R3-CV, 2000 WL 964775, at *7 (Tenn. Ct. App. July 13, 2000)). The failure to remedy the conditions which led to the removal need not be willful. *In re T.S. & M.S.*, 2000 WL 964775, at *6 (citing *State Dep’t of Human Servs. v. Smith*, 785 S.W.2d 336, 338 (Tenn. 1990)). “Where . . . efforts to provide help to improve the parenting abilities, offered over a long period of time, have proved ineffective, the conclusion [is] that there is little likelihood of such improvement as would allow the safe return of the child to the parent in the near future is justified.” *Id.* The purpose behind the “persistence of conditions” ground for terminating parental rights is “to prevent the child’s lingering in the uncertain status of foster child if a parent cannot within a reasonable time demonstrate an ability to provide a safe and caring environment for the child.” *In re A.R.*, [2008 WL 4613576, at *20] (quoting *In re D.C.C.*, No. M2007-01094-COA-R3-PT, 2008 WL 588535, at *9 (Tenn. Ct. App. Mar. 3, 2008)).

In re Willow B., No. M2024-01126-COA-R3-PT, 2025 WL 1392415, at *4 (Tenn. Ct. App. May 14, 2025) (quoting *In re Daylan D.*, No. M2020-01647-COA-R3-PT, 2021 WL 5183087, at *9 (Tenn. Ct. App. Nov. 9, 2021) (quoting *In re Nevada N.*, 498 S.W.3d 579, 605–06 (Tenn. Ct. App. 2016))). Thus, we turn to whether clear and convincing evidence

supports the trial court's conclusion that 1) conditions persist that make it probable that the children would be subject to neglect or abuse if returned to Mother's care and 2) that such conditions are unlikely to be remedied in the near future.

From our review of the record, we observe that Mother testified that DCS had been involved with the family for some time and that "DCS was at [her] house a lot[]" over the course of many years. She also testified that DCS was involved when the children were removed from her care in 2017. Mother also testified that DCS placed the two eldest children in the care of her "grandmother's daughter"⁵ for nearly two years when Mother was "in a group home" sometime between 2011 and 2014, when Mother was seventeen years old.

Mother additionally testified that she had been evicted three months prior to trial and "[didn't] live anywhere." Mother's testimony demonstrates that she was frequently in the company of various men who used illegal drugs and were in and out of prison, and Mother acknowledged that one of the children tested positive for methamphetamines after being exposed to them in her mother's camper. Mother testified that she previously used drugs regularly but had not used them in approximately two years. She also testified that in 2020 she discovered that one of the children had been molested in 2017. Mother testified that she was arrested a "couple of months" before trial for failure to appear "for a suspended license." When asked whether her circumstances had changed since August 2023, Mother replied: "Well, I'm not real sure."

The trial court made findings of fact regarding Mother's testimony and concluded, "Mother simply has no stability." The trial court stated:

The Court also finds that there is little likelihood that Mother's conditions will be remedied at an early date so that the children can be safely returned to Mother in the near future. Mother has had almost 3 years to improve her conditions since removal, and no improvements have been made. Mother could not articulate any improvements at trial. Mother also testified that currently it is in the best interests of the minor children to continue to be in the [Appellees'] care. For all of the reasons set forth herein, the Court finds that the continuation of the mother-child parental relationship greatly diminishes the children's chances of early integration into a safe, stable, and permanent home.

We agree with the trial court that the facts constitute clear and convincing evidence of the ground of persistence of conditions.

⁵ When asked whether grandmother's daughter was Mother's aunt, Mother replied: "She's nothing to me."

C. Failure to Manifest an Ability or Willingness to Assume Custody

Under Tennessee Code Annotated section 36-1-113(g)(14), parental rights may be terminated on the ground that:

(14) A legal 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 her brief, Mother does not argue that she is currently able to assume custody of the children. Rather, she argues that the trial court erred by terminating her parental rights on this ground because she does not ask that the children should be returned to her custody. Her argument, as we understand it, is that not terminating her rights would pose no risk to the children because they would remain in Appellees' custody, at least for the time being. Respectfully, Mother's argument that the status quo poses no risk of harm to the children is not the inquiry required by the statute. Rather, our inquiry is whether clear and convincing evidence establishes that 1) Mother is unable or unwilling to assume custody and 2) returning the children to her care would pose a risk of substantial harm.

By her own admission, Mother is unable to assume custody of the children. As discussed above, Mother is essentially homeless. The children have been in and out of Mother's care for more than a decade, and Mother acknowledges that her circumstances have not improved. From our review of the record, we note that the children have been exposed to drugs, neglect, and abuse, and we agree with the trial court that returning the children to Mother's care would pose a risk of substantial harm. Clear and convincing evidence supports a finding of this ground.

We next turn to whether clear and convincing evidence supports the trial court's conclusion that terminating Mother's parental rights is in the children's best interests.

V. BEST INTERESTS OF THE CHILDREN

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 507, 523 (Tenn. 2016) (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. 2004)). 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.

We turn first to the factors related to Mother's 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).

With respect to these factors, the trial court found that Mother was unable to maintain a home to meet the children's needs. It further found that Mother had not provided more than token financial support for the children. As discussed above, the record supports these findings.

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 regard to these factors, the trial court found that Mother is unable to provide a safe and stable home, has a history of drug use, and was "dating a man with a criminal history and outstanding warrants for his arrest." The court found that the children were physically and verbally abused, neglected, and injured while in Mother's care. The trial court also found that Appellees' home "is by far the most stable and consistent living environment that the children have ever had[]" and that the children had developed a strong bond with Appellees and Aunt's family. The two eldest children testified that they want to be adopted by Appellees, and the trial court found that placing the children in Mother's care would likely be detrimental to their "emotional, psychological, and medical wellbeing." The record supports these findings.

We finally turn to the factors regarding the children'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).

Regarding these factors, the trial court found that "Mother has shown no positive adjustment of circumstances, conduct, or conditions that would make it safe or beneficial for the minor children to be returned to Mother." The court found that Mother had never provided a secure environment for the children; the children experienced verbal and physical abuse while in Mother's care; and Mother did not demonstrate that she understood or was able to provide for the children's basic needs. The court found: "Mother lacks maturity, stability and parental fitness to provide for the care of these children consistently and effectively." The record supports the trial court's findings.

At the time of trial, Mother was thirty-one years old. The eldest child was nearly sixteen years old, and the youngest was ten. The children have spent a considerable portion of their lives out of Mother's care and have bonded with Appellees. Significantly, Mother testified that she believed that it was in the children's best interests to remain in the custody of Appellees. We agree with the trial court that clear and convincing evidence supports the conclusion that termination of Mother's parental rights is in the children's best interests.

VI. CONCLUSION

For the foregoing reasons, we affirm the trial court's judgment terminating Mother's parental rights to Tydus W., Tommi W., Myla W., and Owen H., minor children. The case is remanded to the trial court for entry of a final judgment consistent with this Opinion. Costs of the appeal are assessed to the appellant, Lindsey M. Because Lindsey M. is proceeding *in forma pauperis* in this appeal, execution for costs may issue if necessary.

s/ VALERIE L. SMITH
VALERIE L. SMITH, JUDGE