

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs August 4, 2025

IN RE KENDYL M.

Appeal from the Juvenile Court for Hamblen County
No. TR240003 Blake E. Sempkowski, Judge

No. E2024-01105-COA-R3-PT

This is a termination of parental rights appeal. The trial court found clear and convincing evidence to terminate mother's parental rights to the minor child on two statutory grounds: severe child abuse and failure to manifest an ability and willingness to parent. The trial court further concluded that termination was in the child's best interest. We affirm the trial court's judgment.

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

VALERIE L. SMITH, J., delivered the opinion of the court, in which D. MICHAEL SWINEY, C.J., and W. NEAL MCBRAYER, J., joined.

Lyndon Keith King, Jr., Kodak, Tennessee, for the appellant, Tiffany S.

Jonathan Skrmetti, Attorney General and Reporter, and Katherine P. Adams, Assistant Attorney General, for the appellee, Tennessee Department of Children's Services.

OPINION**I. BACKGROUND & PROCEDURAL HISTORY**

Kendyl M. (the "Child") was born in January of 2020 to Tiffany S. ("Mother") and Kenneth M. ("Father").¹ Mother and Father were the Child's primary caregivers.² In May

¹ Father did not appeal the trial court's decision to terminate his parental rights to the Child. Therefore, the facts contained in this Opinion relate to Father's conduct only to the extent it is applicable to this appeal.

² The trial court held a consolidated termination hearing for the Child and his older half-sister,

of 2022, when the Child was two years old, the Tennessee Department of Children's Services ("DCS") received a referral that the Child had been exposed to ongoing domestic violence between Mother and Father. Both parents reportedly engaged in a physical altercation with each other, resulting in Mother and Father's arrest for domestic assault. The following month, in June of 2022, another referral indicated that the Child was found wandering alone in the neighborhood unsupervised, which raised concerns about proper supervision in the home. Upon investigation, Father discovered a hole in the fence surrounding the property that the Child used to escape. In July of 2022, Mother informed DCS that she was in the hospital with a broken mandible after an altercation with Father.

On July 26, 2022, DCS filed a petition in the juvenile court alleging that the Child was dependent and neglected due to Mother's drug use and domestic violence concerns. The petition recounted the recent episode of the Child wandering away from Mother and Father's property unsupervised but noted that the hole has since been plugged. The petition further described recent domestic violence incidents including a time when Mother reported that Father "broke her face" during a dispute.

On August 10, 2022, the juvenile court conducted a preliminary hearing in which Mother underwent drug testing and tested positive for methamphetamine. As a result of the positive drug test and continued domestic violence concerns, the court ordered that the Child be removed from the home and placed into DCS custody. The court's order also directed that the Child undergo a hair follicle drug screen. Shortly thereafter, DCS received the results of the Child's hair follicle test, which were positive for the presence of methamphetamine, indicating that the Child was exposed to drugs while in Mother's care.

On July 19, 2023, the juvenile court held an adjudicatory hearing regarding the Child. Based on the Child's positive drug test and testimony about the parents' conduct, the court found clear and convincing evidence that the Child was dependent and neglected and that he was the victim of severe child abuse perpetrated by Mother. In its adjudicatory order, the court concluded that Mother and Father abused substances in the home, as demonstrated by the Child's positive drug screen as well as Mother's and Father's testimony, and entered a finding of severe abuse against both parents. By the time of the dispositional hearing on September 13, 2023, Mother had recently started a new job and was working to improve her home. The court directed DCS to hold a meeting to plan for the Child's permanency going forward and continued the Child's foster care placement.

Kyleigh. Testimony highlighted that in November of 2021, Kyleigh, was hospitalized due to complications from Type 1 Diabetes after Mother failed to give her insulin as prescribed. Following that incident, a hospital social worker contacted DCS in December of 2021 with concerns that Mother was withholding Kyleigh's insulin, which placed Kyleigh at medical risk. DCS then filed a dependency and neglect petition as to Kyleigh. At that time, the Child remained in Mother's care, as he did not have the same medical needs and was not initially found to be in danger. Mother continued to care for the Child while the older sibling's dependency proceeding was pending.

On January 23, 2024, DCS filed a petition to terminate Mother's parental rights to both the Child and Kyleigh. As relevant to Mother and the Child at issue in this appeal, DCS alleged two grounds for termination: (1) that Mother committed severe child abuse as defined in Tennessee Code Annotated section 37-1-102 based on the prior adjudication of severe abuse, and (2) that Mother failed to manifest an ability and willingness to parent the Child such that returning the Child to Mother would pose a risk of substantial harm pursuant to Tennessee Code Annotated section 36-1-113(g)(14). The petition further alleged that terminating Mother's rights was in the Child's best interest.

The trial in this matter was held on May 22, 2024. DCS asserted that serious concerns remained regarding Mother's ability to safely parent the Child. Most significantly, Mother never secured suitable housing to adequately support the Child. Although she resided briefly with a friend or relative, by the time of the termination hearing Mother conceded that she had no home available for the Child and was still "living in [her] car." Mother also had no steady source of income or plan for supporting the Child's needs. Due to these ongoing issues, DCS remained unable to return the Child to Mother's care after removal.

On June 26, 2024, the juvenile court entered two separate orders terminating Mother's parental rights to the Child and his sister, Kyleigh. The trial court found, by clear and convincing evidence, that both alleged statutory grounds were proven as to Mother. The trial court, in relying on the previous adjudication of dependency and neglect that included a finding of severe abuse, terminated Mother's parental rights pursuant to Tennessee Code Annotated section 36-1-113(g)(4). As a court may terminate a parent's rights if "under any prior order of a court . . . [the parent has] committed severe child abuse against any child," the trial court found grounds for termination. Tenn. Code Ann. § 36-1-113(g)(4) (West, Westlaw effective July 1, 2023, to June 30, 2024).³ The trial court also found that Mother had failed to manifest an ability or willingness to parent the Child, in that Mother remained unable to provide a safe and stable home despite reasonable efforts by DCS. The court further found that returning the Child to Mother would pose "a significant risk" to the Child's emotional, physical, and mental well-being, given Mother's lack of a safe home and the high likelihood of "further removal or an unsafe living environment" if the Child were placed with Mother. The trial court concluded that it was in the Child's best interest to terminate Mother's parental rights. Mother timely filed an appeal with this Court on July 24, 2024.

³ Throughout this Opinion, citations to Tennessee Code Annotated sections 36-1-113 and 37-1-102 refer to the version that was effective on the date the termination petition was filed in this case. *In re Zakary O.*, No. E2022-01062-COA-R3-PT, 2023 WL 5215385, at *4, n.6 (Tenn. Ct. App. Aug. 5, 2023) (explaining that a court will "cite to the statutes that were in place at the time the termination petition was filed").

II. QUESTION PRESENTED

The sole issue Mother presents for this Court’s review is whether the trial court erred in finding that termination of Mother’s parental rights is in the Child’s best interest. Mother does not appeal the trial court’s determinations regarding the statutory grounds for termination. Although Mother does not challenge the trial court’s conclusion that she failed to manifest an ability or willingness to parent the Child or the finding of severe abuse, we are nevertheless obliged to first consider whether the evidence clearly and convincingly established that grounds existed to terminate Mother’s parental rights. *In re Carrington*, 483 S.W.3d 507, 511 (Tenn. 2016) (holding that “appellate courts must review a trial court’s findings regarding all grounds for termination and whether termination is in a child’s best interests, even if a parent fails to challenge these findings on appeal”).

III. STANDARD OF REVIEW

“Parents have a fundamental constitutional interest in the care and custody of their children,” which is guaranteed under both the United States and Tennessee constitutions. *In re Connor B.*, 603 S.W.3d 733, 788 (Tenn. Ct. App. 2020) (quoting *Keisling v. Keisling*, 92 S.W.3d 374, 378 (Tenn. 2022)). This right is not absolute, however, and may be terminated if a court finds that one of the statutory grounds for termination exists and that termination is in the child’s best interest. *See* Tenn. Code Ann. § 36-1-113(c) (West, Westlaw effective July 1, 2023, to June 30, 2024); *Santosky v. Kramer*, 455 U.S. 745 (1982); *In re Drinnon*, 776 S.W.2d 96, 97 (Tenn. Ct. App. 1988). Statutory grounds for termination and a determination that termination is in the child’s best interest must all be found by clear and convincing evidence, which “serves to prevent the unwarranted termination or interference with the biological parents’ rights to their children.” *In re M.W.A., Jr.*, 980 S.W.2d 620, 622 (Tenn. Ct. App. 1998). Clear and convincing evidence “‘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 Makendra E.*, No. W2015-01374-COA-R3-PT, 2016 WL 325481, at *2 (Tenn. Ct. App. Jan. 27, 2016) (alteration in original) (quoting *In re M.J.B.*, 140 S.W.3d 643, 653 (Tenn. Ct. App. 2004)).

In cases involving the termination of parental rights, the standard of appellate review differs slightly from general appellate review under Rule 13 of the Tennessee Rules of Appellate Procedure. The Tennessee Supreme Court has explained this heightened form of review as follows:

To review trial court decisions, appellate courts use a . . . two-step process, to accommodate both Rule 13(d) of the Tennessee Rules of Appellate Procedure and the statutory clear and convincing standard. First, appellate courts review each of the trial court’s specific factual findings de novo under Rule 13(d), presuming each finding to be correct unless the evidence

preponderates against it. *In re Taylor B.W.*, 397 S.W.3d 105, 112 (Tenn. 2013); *In re Justice A.F.*, [No. W2011-02520-COA-R3-PT,] 2012 WL 4340709, at *7 [(Tenn. Ct. App. Sept. 24, 2012)]. When a trial court’s factual finding is based on its assessment of a witness’s credibility, appellate courts afford great weight to that determination and will not reverse it absent clear evidence to the contrary. *Jones v. Garrett*, 92 S.W.3d 835, 838 (Tenn. 2002); *In re Justice A.F.*, 2012 WL 4340709, at *7 (citing *In re M.L.D.*, 182 S.W.3d 890, 894 (Tenn. Ct. App. 2005)).

Second, appellate courts determine whether the combination of all the individual underlying facts, in the aggregate, constitutes clear and convincing evidence. *In re Taylor B.W.*, 397 S.W.3d at 112; *In re Audrey S.*, 182 S.W.3d 838, 861 (Tenn. Ct. App. 2005); *In re Justice A.F.*, 2012 WL 4340709, at *7. Whether the aggregate of the individual facts, either as found by the trial court or supported by a preponderance of the evidence, amounts to clear and convincing evidence is a question of law, subject to de novo review with no presumption of correctness. *See In re M.L.P.*, 281 S.W.3d 387, 393 (Tenn. 2009); *see also In re Samaria S.*, 347 S.W.3d 188, 200 (Tenn. Ct. App. 2011). As usual, the appellate court reviews all other conclusions of law de novo with no presumption of correctness. *In re Angela E.*, 303 S.W.3d [240,] 246 [Tenn. 2010].

In re Markus E., 671 S.W.3d 437, 457 (Tenn. 2023). Those seeking to terminate parental rights must prove the elements of their case by clear and convincing evidence, which includes the statutory grounds and the best interest of the child factors. *Carrington*, 483 S.W.3d at 523. Because of the nature of the consequences, proceedings to terminate parental rights require an individualized determination. *In re Swanson*, 2 S.W.3d 180, 188 (Tenn. 1999).

IV. STATUTORY GROUNDS FOR TERMINATION

1. Severe Child Abuse

The trial court found that DCS had proven by clear and convincing evidence that Mother had committed severe child abuse. A court may terminate a parent’s rights if the parent has committed severe child abuse, as defined in Tennessee Code Annotated section 37-1-102, “under any prior order of a court . . . against any child” and termination is in the child’s best interest. Tenn. Code Ann. § 36-1-113(g)(4) (West, Westlaw effective July 1, 2023, to June 30, 2024). As relevant here, “severe child abuse” is defined as:

(E) Knowingly or with gross negligence allowing a child under eight (8) years of age to ingest an illegal substance or a controlled substance that results in the child testing positive on a drug screen...; or

(F) Knowingly allowing a child to be within a structure where any of the following controlled substances are present and accessible to the child:

...

(iii) Methamphetamine[.]

Tenn. Code Ann. § 37-1-102(b)(27)(E) & (F) (West, Westlaw effective May 5, 2023, to June 30, 2024).

The trial court stated the following regarding this statutory ground:

The Court relies on the previous adjudication of dependency and neglect, which included a finding of severe abuse, as evidence for this ground. *See Exhibit 7*. That order found that Mother and Father were using methamphetamine at their home and that other people were also using methamphetamine in their home with them. The [C]hild was directly exposed to methamphetamine use.

In considering this statutory ground, we look to the July 2023 adjudicatory order wherein the juvenile court found clear and convincing evidence that the Child was a victim of severe child abuse committed by Mother pursuant to Tennessee Code Annotated section 37-1-102. This order was based on findings that Mother was using methamphetamine and that the Child subsequently tested positive for methamphetamine. A trial court may rely on a prior court order finding severe child abuse as a ground for termination, and the court is not required to re-litigate the issue of severe abuse during the termination trial so long as the prior order is final. *See In re Trinity H.*, No. M2020-00440-COA-R3-PT, 2020 WL 5110312, at *10 (Tenn. Ct. App. Aug. 28, 2020), *no perm. app. filed*, (affirming the ground of severe child abuse based on a prior finding of severe abuse when “[t]he record contains no hint that [f]ather ever appealed the finding of severe child abuse”); *In re Shyronne D.H.*, No. W2011-00328-COA-R3-PT, 2011 WL 2651097, at *5 (Tenn. Ct. App. July 7, 2011).

The record demonstrates that the juvenile court entered the adjudicatory order finding that Mother committed severe child abuse on July 19, 2023, and the order was not appealed. Therefore, under Tennessee Code Annotated section 36-1-113(g)(4), Mother was “found to have committed severe child abuse, as defined in [section] 37-1-102, under any prior order of a court,” namely, the previous order of the juvenile court in the dependency and neglect action. On this basis alone, the trial court properly determined that DCS proved by clear and convincing evidence the severe abuse ground for termination of Mother’s parental rights. *See In re Sawyer B.*, No. E2023-01497-COA-R3-PT, 2025 WL 1276693, at *7 (Tenn. Ct. App. May 2, 2025) (holding that the mother could not relitigate the juvenile

court's previous final determination of severe child abuse in a parental termination proceeding); *see also In re Scarlett F.*, No. W2021-01292-COA-R3-PT, 2022 WL 4286927, at *10 (Tenn. Ct. App. Sept. 16, 2022).⁴

Thus, we affirm the trial court's determination that Mother committed severe child abuse pursuant to the definitions contained in Tennessee Code Annotated sections 36-1-113(g)(4) and 37-1-102(b)(27)(E) and (F).

2. Failure to Manifest an Ability and Willingness to Parent

The trial court also found that DCS had proven that Mother had failed to manifest the willingness or ability to parent the Child. Parental rights may be terminated when:

A parent 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

Id. § 36-1-113(g)(14) (West, Westlaw effective July 1, 2023, to June 30, 2024). This ground contains two elements that must both be proven by clear and convincing evidence. The first element "places a conjunctive obligation . . . on a parent to manifest both an ability and willingness to personally assume legal and physical custody or financial responsibility for the Child." *In re Neveah M.*, 614 S.W.3d 659, 677 (Tenn. 2020). The second prong of the examination requires a risk of substantial harm which is defined as, "a real hazard or danger that is not minor, trivial, or insignificant . . . [and] . . . the harm must be more than a theoretical possibility." *Ray v. Ray*, 83 S.W.3d 726, 732 (Tenn. Ct. App. 2001). "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." *Id.*

DCS argues on appeal that Mother has failed to show she has the ability or willingness to care for the Child. DCS asserts that Mother does not have a stable home or reliable income to support the Child. Regarding Mother's living arrangements, Mother testified that she lived in her car at the time. Mother further testified that she could "probably" move back into the home in which she had been staying but stated that her brother moved in and she does not know "what he had done" with the property. At the time of trial, Mother had been unemployed for two months. Mother also did not have a valid driver's license at the time of trial and had more than ten citations for driving without a

⁴ This Court has applied the doctrine of *res judicata* to preclude re-litigation of severe child abuse in a termination case "when such a finding had been made in a previous dependency and neglect action." *In re Heaven L.F.*, 311 S.W.3d 435, 439 (Tenn. Ct. App. 2010); *see also In re Destiney S.*, No. E2023-00895-COA-R3-PT, 2024 WL 3067252 (Tenn. Ct. App. June 20, 2024).

license.

The trial court found that Mother “has remained unable to parent” the Child. The trial court noted that returning the Child to Mother “would pose a significant risk to his emotional, physical, and mental wellbeing.” To emphasize this point, the trial court highlighted that “Mother does not have anywhere for the [C]hild to live, and that lack of stability places the [C]hild at risk of further removal or an unsafe living environment.” In finding that DCS proved this ground by clear and convincing evidence, the trial court noted that “Mother was not able to complete any of the steps regarding a safe physical environment to which the [C]hild could return.”

The record on appeal supports the trial court’s conclusion that DCS proved by clear and convincing evidence that Mother failed to manifest an ability and willingness to assume custody or financial responsibility of the Child, and that returning him to Mother’s care would pose a risk of substantial harm to his physical or psychological welfare. We affirm the trial court on this ground.

V. BEST INTEREST OF THE CHILD

On appeal, Mother argues that the trial court erred in finding termination was in the Child’s best interest. Mother concedes that the trial court correctly applied the best interest factors, with the exception of factors (D), (E), and (K). Mother maintains that she has made substantial progress towards reunification including consistent visitation, employment, and housing. Mother contends that severing her parental rights would cause unnecessary harm to the Child. DCS argues that the trial court correctly found by clear and convincing evidence that termination is in the Child’s best interest. DCS emphasizes Mother’s continued inability to provide safe and suitable care despite years of services provided by the agency. DCS further highlights the Child’s progress in his current placement and asserts that maintaining the parent-child relationship would prolong uncertainty and undermine the Child’s well-being. The trial court weighed factors (A), (B), (C), (H), (I), (K), (L), (P), (Q), and (R) in favor of termination of Mother’s parental rights while factors (D), (E), (J), (M), and (S) weighed against termination. Our analysis is as follows.

When a parent has been found to be unfit by establishment of at least one statutory ground for termination of parental rights, the interests of parent and child diverge, and the focus shifts to what is in the child’s best interest. *Audrey S.*, 182 S.W.3d at 877; *see also Carrington*, 483 S.W.3d at 523 (“The best interests analysis is separate from and subsequent to the determination that there is clear and convincing evidence of grounds for termination.”) (quoting *In re Angela E.*, 303 S.W.3d 240, 254 (Tenn. 2010)). Tennessee Code Annotated section 36-1-113(i) contains a nonexclusive list of best interest factors for a court to consider. The factors may include, but are not limited to:

(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.

Tenn. Code Ann. § 36-1-113(i)(1) (West, Westlaw effective July 1, 2023, to June 30, 2024). "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." *Id.* § 36-1-113(i)(3).

The list of factors is not exhaustive, and the statute does not require the trial court to find the existence of every factor before concluding that termination is in the best interest of the child. *See Carrington H.*, 483 S.W.3d at 523; *Audrey S.*, 182 S.W.3d at 878 ("The relevancy and weight to be given each factor depends on the unique facts of each case."). The best interest of a child must be determined from the child's perspective rather than that

of the parent. *White v. Moody*, 171 S.W.3d 187, 194 (Tenn. Ct. App. 2004). The statute further provides that “[w]hen 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.” Tenn. Code Ann. § 36-1-113(i)(2).

In this case, the trial court found the following factors applicable: Tennessee Code Annotated sections 36-1-113(i) (A), (B), (C), (D), (E), (H), (I), (J), (K), (L), (M), (P), (Q), (R), and (S). We begin by examining the factors relevant to the Child’s emotional, physical, and mental needs. *See id.* §§ 36-1-113(i)(A), (B), (D), (E), (H), and (I). The trial court addressed the importance of permanence and stability noting that the Child “has been . . . in one foster home, for some time” and “[a]llowing the [C]hild to be freed for adoption creates a necessary stability for the [C]hild that he deserves.” The trial court emphasized that the Child was bonded with Foster Mother and any “change in his caretaker would be very difficult for him.” The trial court found that Mother did maintain regular contact but also noted that the Child “has a great relationship with his Foster Mother” and his half-sibling who is in the same home and changing the Child’s living arrangements would not be in his best interest. Thus, the trial court found that returning the Child to Mother’s care would be detrimental to the Child’s emotional, physical, and mental well-being.

We next consider the factors related to whether Mother can meet the Child’s emotional, physical, and mental needs. *See id.* §§ 36-1-113(i)(C), (J), (K), (L), (M), (P), (Q), (R), and (S). The trial court noted that Mother has not “demonstrated any sort of stability or consistency in their lifestyle choices.” This included Mother’s unstable housing environment as well as her inability to maintain unemployment. Further, testimony highlighted the fact that Mother does not have a valid driver’s license rendering transportation difficult. The trial court noted that “[w]hile Mother did take advantage of available resources, the Court cannot find that she made lasting changes in her circumstances.” The trial court further noted that “Mother likely understands the [C]hild’s needs, but meeting them is a separate problem.” While the trial court acknowledged that Mother had taken significant steps, the court found that the Child did not have a relationship with Mother to support reunification.

On appeal, Mother contends that the trial court incorrectly applied best interest factors (D), (E), and (K). Factors (D) and (E) were found to weigh against termination of Mother’s parental rights because Mother maintained regular contact. Specifically, as it related to Factor (D), the trial court stated that “Mother did maintain contact, although she never progressed past supervised. Nonetheless, the Court does not find that this factor weighs in termination for Mother.” Regarding factor (K), the trial court found that Mother had not taken advantage of available programs and services to make a lasting adjustment, despite reasonable efforts by DCS. The best interest analysis is a factually intensive undertaking that ensures parents receive individualized consideration before a court terminates parental rights. *Carrington H.*, 483 S.W.3d at 523. “[D]epending 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.” *Audrey S.*, 182 S.W.3d at 878 (citing *White*, 171 S.W.3d at 194). However, “[a]scertaining a child’s best interests does not call for a rote examination” of the statutory factors. *Id.* The record before us does not indicate that the trial court placed an emphasis on any one particular factor. Instead, the record includes careful consideration of the relevant statutory factors, which resulted in termination being in the Child’s best interest.

After considering the factors and assessing their weight, the trial court determined that DCS had proven by clear and convincing evidence that it was in the best interest of the Child for Mother’s parental rights to be terminated. Upon our own review of the record, we conclude that the trial court properly weighed the relevant factors and did not err in finding that clear and convincing evidence established that termination was in the Child’s best interest. *See Carrington H.*, 483 S.W.3d at 539 (finding that termination is proper when the combined weight of the factors demonstrates that termination is in the child’s best interest).

VI. CONCLUSION

For the foregoing reasons, we affirm the judgment of the trial court. Costs of this appeal are taxed to Appellant, Tiffany S., for which execution may issue if necessary.

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