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Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs August 4, 2025

IN RE KYLEIGH C.

Appeal from the Juvenile Court for Hamblen County
No. TR240002 Blake E. Sempkowski, Judge

No. E2024-01104-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

Kyleigh¹ C. (the "Child") was born in February of 2015 to Tiffany S. ("Mother") and Jonathan C. ("Father").² Mother was the Child's primary caregiver. In October of 2021, when the Child was six years old, the Tennessee Department of Children's Services

¹ The record contains various spellings of the Child's name. The spelling most often used in the record is "Kyleigh" and is adopted for purposes of this Opinion.

² 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 only to Mother's conduct.

(“DCS”) received a referral alleging that the Child was drug-exposed, living in hazardous conditions, and suffering medical neglect. Specifically, the Child—who had been diagnosed with Type 1 Diabetes—was not given her prescribed insulin at home, resulting in dangerous blood sugar fluctuations. Mother believed she only needed to administer the Child’s insulin “if she appeared sick,” an assumption that medical professionals warned put the Child at medical risk. On December 16, 2021, after the Child missed a follow-up endocrinology appointment, the juvenile court issued an emergency protective custody order removing the Child from Mother’s custody and placing her in foster care through DCS. Mother’s younger child, Kendyl, who did not have the same medical needs, remained in Mother’s custody.

On December 17, 2021, DCS initiated dependency and neglect proceedings for the Child. The petition contained allegations of medical and environmental neglect including that the Child’s half-sibling was exposed to drugs while in Mother’s custody. At a preliminary hearing in January of 2022, the court found probable cause that the Child was dependent and neglected due to the lack of proper medical care and continued the Child’s foster care placement. An adjudicatory hearing for the Child was held on March 29, 2023. The juvenile court adjudicated the Child dependent and neglected and expressly found that Mother had not provided the Child with the additional medical care she needed, which led to the Child’s hospitalization. The trial court continued the Child’s placement in foster care.³

On January 23, 2024, DCS filed a petition to terminate Mother’s parental rights to both the Child and Kendyl. 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 against Kendyl, 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.

³ In mid-2022, Mother was involved in multiple incidents of domestic violence with Kenneth M., the father of her younger child, Kendyl. Both Mother and Kenneth M. were arrested for domestic assault. In June of 2022, Kendyl wandered away from home unsupervised and was found by neighbors, prompting a referral to DCS. DCS also suspected ongoing drug use in the home citing Mother’s refusal to submit to requested drug screens. On August 10, 2022, following a preliminary hearing in Kendyl’s case, the juvenile court removed Kendyl from Mother’s custody due to Mother and Kenneth M. both testing positive for methamphetamine and continued domestic violence concerns. A hair follicle test ordered for Kendyl showed positive results for methamphetamine, which indicated an exposure to drugs in Mother’s care. DCS filed a dependency and neglect petition as to Kendyl, and on July 19, 2023, the juvenile court adjudicated Kendyl dependent and neglected. In the same order, the court found that Mother had severely abused Kendyl based on the positive drug screen and the testimony regarding Mother’s drug use in the home. This severe abuse finding against Mother—although made in Kendyl’s case—would later serve as a statutory ground for terminating Mother’s parental rights to the Child in this case.

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 did not secure suitable housing or stable income. As it relates to the Child's medical needs, the petition alleged that the Child "specifically remembers having to give herself insulin shots and reports that if she goes home, she will die due to lack of care." Although Mother resided briefly with a friend or relative, by the time of the termination hearing she conceded that she had no home available for the Child and was still "living in [her] car." Due to these ongoing issues, DCS remained unable to return the Child to Mother's care after removal.

The court heard testimony from DCS case manager Lauren B., pediatric endocrinology social worker Alexis S., Foster Mother, and Mother. Mother testified that she was living in her car, was not employed, and did not have any other source of income necessary to support the Child at this time. DCS case manager, Lauren B., testified that while Mother completed training courses related to caring for the Child's diabetes, Mother still did not understand or appreciate the severity of the Child's medical needs. Pediatric endocrinology social worker, Alexis S., testified that Mother "does not understand how to work the [insulin] pump and [the Child] is very scared about going back with [Mother]." The Foster Mother testified that the Child regularly attends medical appointments. The trial court noted that the Child's younger half-sibling, Kendyl, was placed in the same foster home in August of 2022, and the two siblings have remained together throughout these proceedings.

On June 26, 2024, the juvenile court entered two separate orders terminating Mother's parental rights to this Child and Kendyl. 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 related to Kendyl 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).⁴ 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

⁴ 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").

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.

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). 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 9*. That order found that Mother was using methamphetamine at her home and that other people were also using methamphetamine in their home with them, including the father of her other child. That other child, K.M., 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’s half-sibling 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’s half-sibling 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).⁵

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. As it relates to the Child’s medical needs, pediatric endocrinology social worker, Alexis S., and DCS case manager, Lauren B., testified that

⁵ 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).

Mother's understanding of the Child's medical needs was not sufficient to support reunification. Mother did not understand how to work the Child's insulin pump and failed to attend nine out of twelve of the Child's medical appointments. 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 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 her 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 it was not "convinced that Mother is committed to providing the appropriate care that [the Child] needs throughout her life."

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 her to Mother's care would pose a risk of substantial harm to her 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 her 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), (D), (F), (G), (H), (I), (K), (L), (P), (Q), and (R) in favor of termination of Mother's parental rights while factors (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), (F), (G), (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), (F), (G), (H), and (I). The trial court first 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 she deserves." The trial court found that Mother did maintain regular contact but also noted that "there was ample testimony that the [C]hild is afraid [of] being placed back with her Mother and not receiving the medical care that she needs." This included a finding that "Mother is a trigger for [the Child]." Testimony from pediatric endocrinology social worker Alexis S. emphasized that the Child was afraid she was "going to die" because of Mother's inability to address her medical needs.

Independent of the Child's medical needs and Mother's inability to address those needs, the trial court noted that the Child does not have a parent-child relationship with Mother. The trial court found that the Child "has a great relationship with her Foster Mother" and her half-sibling who has been in the same home with the Child since her removal in August of 2022. The trial court noted that any change in the Child's caretaker would be a difficult adjustment and not in the Child's best interest. Thus, the trial court concluded that returning the Child to Mother's care would be detrimental to the Child's emotional, physical, and mental wellbeing.

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 found that Mother had not "demonstrated any sort of stability or consistency in [her] lifestyle choices." This included Mother's unstable housing environment as well as her inability to provide what is medically necessary for the Child. Further, testimony highlighted the fact that Mother does not have a valid driver's license, which would impede her ability to take the Child to medical appointments. The trial court

noted Mother's argument that "some resources [were] potentially left untapped, but the key . . . is the term reasonable. The efforts that DCS made in this case were reasonable."⁶ The trial court further 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 emphasized Mother's lack of understanding regarding what is medically necessary for the Child to thrive, which includes concerns regarding Mother's ability to properly care for the Child's medical needs. 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). The trial court found factor (D) applicable because Mother and the Child do not have a parental relationship, as the Child associated her trauma with Mother and is fearful of living with Mother. The trial court found Factor (E) to weigh against termination of Mother's parental rights because Mother maintained regular contact with the Child. 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

⁶ Mother participated in parenting classes, drug and alcohol assessments, and individual counseling. However, the trial court noted that Mother did not utilize these resources to make a lasting change as Mother remained unemployed and struggled to find stable housing. Mother argued to the trial court that DCS could have provided further resources, especially regarding suitable housing, but DCS case manager Lauren B. testified that Mother intended to repair the property with her brother rather than with DCS assistance.

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