

Commonwealth of Kentucky
Court of Appeals

NO. 2025-CA-0900-ME

M.A.T.D.

APPELLANT

v. APPEAL FROM BARREN CIRCUIT COURT
HONORABLE MICA WOOD PENCE, JUDGE
ACTION NO. 25-AD-00002

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES AND S.A.T., A
MINOR CHILD

APPELLEES

AND

NO. 2025-CA-0901-ME

M.A.T.D.

APPELLANT

v. APPEAL FROM BARREN CIRCUIT COURT
HONORABLE MICA WOOD PENCE, JUDGE
ACTION NO. 25-AD-00003

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES; A.N.D.; AND
G.A.D., A MINOR CHILD

APPELLEES

AND

NO. 2025-CA-0902-ME

M.A.T.D.

APPELLANT

v.

APPEAL FROM BARREN CIRCUIT COURT
HONORABLE MICA WOOD PENCE, JUDGE
ACTION NO. 25-AD-00004

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES; A.A.-N.D., A
MINOR CHILD; AND A.N.D.

APPELLEES

AND

NO. 2025-CA-0903-ME

M.A.T.D.

APPELLANT

v.

APPEAL FROM BARREN CIRCUIT COURT
HONORABLE MICA WOOD PENCE, JUDGE
ACTION NO. 25-AD-00005

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES; A.N.D.; AND
B.V.-R.D., A MINOR CHILD

APPELLEES

OPINION
AFFIRMING

** ** *

BEFORE: ACREE, CALDWELL, AND COMBS, JUDGES.

ACREE, JUDGE: M.A.T.D. (Mother) appeals the Barren Circuit Court’s termination of her parental rights to her four minor children. Mother’s counsel filed a motion to withdraw as well as an “*Anders* Brief”¹ pursuant to the procedures we first set forth *A.C. v. Cabinet for Health and Family Services*, 362 S.W.3d 361, 367 (Ky. App. 2012). Mother filed a supplemental brief. We conclude there are no meritorious grounds for appeal and affirm the judgment of the trial court. We address all pending motions by separate order.

The minor children at issue are S.A.T. (13 years old), G.A.D. (10 years old), A.A.-N.D. (4 years old), and B.V.-R.D. (3 years old). The Cabinet for Health and Family Services filed petitions respective to each child to terminate Mother’s parental rights in January 2025 based on the children’s continued removal from Mother’s home due to previous issues with domestic violence, drug abuse, physical abuse, and unsafe and unsanitary conditions in the home. (Record (R.) 3). The children were removed from Mother’s care in June 2023.

¹ See *Anders v. California*, 386 U.S. 738 (1967).

Although allegations of abuse and neglect surfaced in March 2023, the children were not initially removed from Mother’s care after Mother obtained an Emergency Protection Order (EPO) against the children’s step-father. In June, a social worker discovered the children’s step-father at the home, in violation of the EPO, and also observed unsanitary conditions, which the social worker testified had been an ongoing issue. The children were removed from the home that month and the trial court terminated Mother’s parental rights by order entered in June 2025. This appeal followed. We develop additional facts as necessary.

Mother’s counsel apprises us there are no meritorious arguments available on appeal, and that while the record might “arguably” support a claim the Cabinet failed to make reasonable efforts to reunite the children with Mother, that argument is ultimately frivolous because “substantial evidence supports the fact that the [C]abinet did make such reasonable efforts.” (Appellant’s Br. at 7).² Pursuant to *A.C.*, “we are obligated to independently review the record and ascertain whether the appeal is, in fact, void of nonfrivolous grounds for reversal.” 362 S.W.3d at 372.

² “The *Anders* brief shall both refer to ‘anything in the record that might arguably support the appeal[,]’ and objectively demonstrate the issues identified are wholly frivolous.” *A.C.*, 362 S.W.3d at 371 (citation omitted).

Parental rights may be involuntarily terminated pursuant to the requirements of KRS³ 625.090. The trial court's KRS 625.090(1)(a) determination of neglect and abuse is amply supported by the record. The record also supports the trial court's conclusion that termination of Mother's parental rights is in the best interest of the children, given longstanding issues with domestic violence, drug abuse, physical abuse, and unsafe and unsanitary conditions in the home, as well as Mother's propensity for lying and deflecting accountability for these issues.

The record also includes clear and convincing evidence supporting multiple grounds for termination under KRS 625.090(2). To the extent the record might "arguably" support an argument the Cabinet failed to make reasonable efforts to reunite the children with Mother, that is but one factor to be considered by the trial court, not a dispositive factor in and of itself. KRS 625.090(3)(c)1. We also agree with Mother's counsel that substantial evidence supports a finding that the Cabinet did make reasonable efforts, rendering that argument moot in any event.

Mother's own supplemental brief is largely a recitation of factual claims rejected by the trial court. Mother also claims:

BY THE PROTICALS [sic] AND RULES AND
REGULATIONS OF THE DEPARTMENT FOR
FAMILY SERVICES ONCE A PARENT COMPLETES
A SET CASE AND FAMILY PLAN THE LAW

³ Kentucky Revised Statutes.

REQUIRES THE PARENT BE GIVEN THE CHILDREN BACK IF ALL PARTS ARE MET ACCORDING TO THE KENTUCKY LAWS AND PRACTICES OF THE [DEPARTMENT OF COMMUNITY BASED SERVICES.]

Mother directs us to no support for this claim, and the trial court found Mother “has not made sufficient progress toward the goals set forth in her case plan[.]” For instance, the trial court noted Mother had failed drug screens in the months leading up to trial, and that when pressed on her failed drugs screens at trial, Mother “began more aggressively deflecting the questions by bringing up the actions of the social worker that are unrelated to the Mother’s positive drugs screens.”

Further, Mother’s brief ignores many of the trial court’s most damning findings, including that Mother “has caused or allowed the child, S.A.T., to be sexually abused or exploited.” As the trial court observed, this is part of Mother’s pattern of avoiding accountability. For instance, Mother also still insists facial bruising suffered by G.A.D. (R. 346-52) was the result of an accident—insisting the boy fell from a tree. But medical providers found that implausible from the time it happened, as the record reflects. The record also reflects that the children were exposed to utterly deplorable living conditions while in Mother’s care, and that the children are generally happier and healthier since removal.

Under *A.C.*, “our review is akin to palpable error review requiring us only to ascertain error which ‘affects the substantial rights of a party.’” 362 S.W.3d at 370 (citing CR⁴ 61.02). In this matter, the record is wholly supportive of the trial court’s decision to terminate M.A.T.D.’s parental rights and, accordingly, the Barren Circuit Court’s termination orders in the respective underlying cases are affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Jeff Sharp
Glasgow, Kentucky

SUPPLEMENTAL BRIEF FOR
APPELLANT:

M.A.T.D., *pro se*
Bowling Green, Kentucky

BRIEF FOR APPELLEE
COMMONWEALTH OF
KENTUCKY, CABINET FOR
HEALTH AND FAMILY
SERVICES:

Kevin Martz
Covington, Kentucky

⁴ Kentucky Rules of Civil Procedure.