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NOT TO BE PUBLISHED

Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0292-ME

D.R.B. APPELLANT

v. APPEAL FROM ROCKCASTLE CIRCUIT COURT
HONORABLE JANE ADAMS VENTERS, JUDGE
ACTION NO. 24-AD-00039

D.C.B.; J.L.R.; J.L.R., A MINOR CHILD; AND M.M.B. APPELLEES

OPINION
AFFIRMING

** ** ** ** **

BEFORE: COMBS, A. JONES, AND MOYNAHAN, JUDGES.

COMBS, JUDGE: Appellant, D.R.B. (Mother), appeals from a Judgment of Adoption of Rockcastle Circuit Court, Family Division, that terminated her parental rights to her minor child, J.L.R. (the child). Appellees, D.C.B. and M.M.B., are the child's maternal grandparents (Grandparents) to whom adoption of the child was granted. After our review, we affirm.

A.K.H. v. J.D.C., 619 S.W.3d 425, 431 (Ky. App. 2021) (footnote omitted), sets forth the following criteria for an adoption without consent:

> [A]n adoption without consent involves four distinct considerations: (1) did the petitioner comply with the jurisdictional requirements for adoption; (2) have any of the conditions outlined in KRS[1] 199.502(1) been established; (3) is the petitioner of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child as required by the first portion of KRS 199.520(1); and (4) finally, will the best interest of the child be promoted by the adoption, and is the child suitable for adoption as required by the final portion of KRS 199.520(1).

In the case before us, Mother challenges the sufficiency of the evidence to support the family court's conclusions that conditions necessary for adoption without consent exist under KRS 199.502(1) and that adoption is in the child's best interest.

The child was born on May 28, 2020. In 2023, Grandparents were awarded custody in a juvenile proceeding, and the child has lived with them since that time.

On October 7, 2024, Grandparents filed the subject petition for adoption. On January 22, 2026, the family court conducted a hearing on the petition at which Grandparents and Mother all testified.

[1] Kentucky Revised Statutes.

Grandparents' concerns began when Mother was in her teens. She was expelled from middle school for taking drugs to school. At the age of 17, Mother ran off to Texas with an abusive boyfriend and got married. After they divorced, Mother stayed in Texas and remarried.

In approximately 2018 or 2019, Mother returned to Kentucky and became involved with (Father), the man who fathered the child at issue here. Grandmother testified that neither parent ever had stability in housing or employment from the time the child was born in May 2020 until he came to live with Grandparents in 2023.

In 2022, Mother was charged with and pled guilty to endangering the welfare of a minor after the child, then age two, was left without supervision.

In December 2022, Grandparents gave Mother $1,000.00 to find housing. By March 2023, Mother had been evicted. She and the child went to stay with Grandparents in Florida where they were spending the winter. During that time, Father apparently moved on. He is not involved in this appeal.

In April 2023, Mother and the child returned with Grandparents from Florida to their home in Kentucky. In May 2023, Grandmother called law enforcement after a violent incident in Grandparents' home when the child was present. Mother became very agitated and physically assaulted Grandfather. She

was arrested and was charged with assault -- although Grandfather later requested dismissal of the charges.

Around that time, Mother went to Georgetown, Kentucky, to live with a man named Hall, whom she had met online. Grandparents kept the child during the week, and Mother and Hall would come to pick up the child on weekends. Grandmother described the relationship as volatile. Mother ended up in the hospital after Hall beat her severely. Fortunately, the child was not present at that time. Hall was criminally charged and convicted.

In July 2023, Grandparents were awarded temporary custody of the child after they filed a Dependency, Neglect, and Abuse (DNA) petition in Rockcastle Family Court (No. 23-J-00054-001).[2] Mother stipulated to dependency in that proceeding. Since that time, the child has resided continuously with Grandparents. In January 2024, Grandparents were awarded permanent custody. As noted, Grandparents filed the adoption petition in October 2024.

On approximately June 30, 2025, Mother made some threatening Facebook posts as detailed in the family court's findings below. In September 2025, she exhibited erratic behavior that was captured on a Ring camera outside Grandparents' house. As a result of that incident, a Domestic Violence Order

[2] The family court took judicial notice of this case.

(DVO) was entered against Mother in November 2025 -- effective for three years. Since that time, Grandparents have had no direct contact with Mother.

Grandfather testified that he did not recall a time when Mother was able to care properly for the child. He does not believe that Mother could provide safe care for the child. Mother never offered or provided any financial support for the child.

Mother testified that she quit drinking on January 1, 2024. When asked about the June 30, 2025, Facebook posts, Mother explained that she had a relapse, was upset, overreacted, and regrets what she did. She claimed that she was probably drunk and did not even remember half of those posts. With respect to the September 2025 incident on the Ring camera, Mother did not have an explanation -- other than that she was hoping to see her son and could not. She said that she regrets it and would not repeat it.

Mother has taken a parenting class which included a session on domestic violence. She obtained her Commercial Drivers' License (CDL), and began working for Lexington Transit Authority (Lextran) in September 2025. She has health insurance coverage for the child through her work and has signed a lease on a two-bedroom apartment in December 2025.

Mother acknowledges that she did not complete some of the steps of the Cabinet's case plan in the juvenile proceeding. She missed some of the drug

testing because she lost her cell phone. Mother testified that she did get a mental evaluation as recommended, but she did not believe that she had any documentation.

On cross-examination, Mother testified that her issues with alcohol began when she was 16-years-of-age. When she quit drinking, she did so "cold turkey." She denied any other substance abuse issues. Mother testified that she did the mental health assessment at Kentucky Counseling Center and was diagnosed with alcohol use disorder. However, she did not follow up with recommended therapy. She testified she could not afford it because she was homeless and had no job at the time. That was in August 2024. Mother could not have cared for her child at that time. Mother testified that when she was working, she tried to give Grandparents money, but she never wrote them a check or gave them cash. Mother was not in therapy or counseling at the time of the hearing.

On February 18, 2026, the family court entered detailed and extensive Findings and Conclusions and entered the Judgment of Adoption. As to Mother, the court determined that the conditions necessary for adoption without consent under KRS 199.502(1)(e) and (g) had been proven by clear and convincing evidence:

> [Mother] has not provided parental care and protection for the child for more than 6 months and . . . for reasons other than poverty alone, for a period exceeding 6 months, she has failed to provide necessities essential to

> support the child. While she has made some positive foundational steps to gain employment and housing, those are relatively recent events, not yet indicative of increased stability given that she has secured employment and housing at times in the past as well but has not sustained same for significant lengths of time. Further, "Although the trial court may not rely entirely on past behavior, it is indicative of future conduct[.]" *A.S.W. v. Cabinet for Health & Fam. Servs.*, No 2017-CA-001759-ME, 2019 WL 4233481, at *3 (Ky. Ct. App. Aug. 2, 2019). And while Mother has made some very recent strides towards financial stability, no evidence of mental health stability or significant behavioral adjustments to suggest a likelihood of improvement in her parental abilities was presented.
>
> As such, the Court finds by clear and convincing evidence that there is no reasonable expectation of improvement in Mother's parental care and protection as well as provision of necessities and there is no reasonable expectation of significant improvement in Mother's conduct in the foreseeable future and in light of the child's young age.

(Findings and Conclusions, p. 9.)

The court further concluded that adoption was in the child's best interest. It considered that Mother's contact with the child had been very limited for the past two and one-half years; that Grandparents' motivation "appears to be to protect Child from turmoil, exposure to domestic violence and general instability, all of which he experienced in Mother's care." (Findings and Conclusions, p. 13.) Additionally, it recited that the child "has fully adjusted to Grandparents' home, having resided there continuously and exclusively for the last

2 ½ years and by all accounts he is thriving in their care." *Id.* at 14. The court explained:

> [T]here is an Order of Protection for Grandparents against Mother in effect until November of 2028. The primary incident giving rise to the order occurred on Grandparents' porch. . . . Mother admits that she has overreacted with threatening messages and media posts. Same are indicative of continued erratic behaviors, mental health issues, and an inability to control emotions. Yet, no ongoing mental health services are in place nor is there any evidence, otherwise, to show that her mental health is stable, leaving the court with only her actions as the most credible evidence of her mental health.

The family court acknowledged the improvements that Mother had made in her life:

> She began employment with Lextran in September of 2025 and after months of training now has a bus route. She earns $22.90 an hour and is able to provide health insurance for Child. She signed a lease in December of 2025 and has a two-bedroom apartment that she is furnishing, etc., while she stays at her [current] boyfriend's a good deal of the time. She claims to be sober and states that she would call a coworker if she was tempted to drink. She also states domestic violence with a partner will no longer be an issue.
>
> However, when Mom's long history of instability in all areas of her life are examined, it is difficult to have confidence that the recent changes and improvements in her life will offer Child the permanent stability that he needs. . . .
>
> . . . The posts, messages and domestic violence event which occurred in 2025 are relatively recent and are troubling as is Mother's admission that the July post was

> made out of anger when she was so intoxicated that she doesn't recall making the post. The reference to killing someone who has her son "Liam Neeson style" is particularly troubling. While a mental health assessment was done at some point, it is not known if it was a self-reporting assessment but admittedly, Mother did not follow the recommendations. . . . The Court is simply unable to find that Mother can maintain stability for Child with proper parenting -- in all respects, including emotionally, protective, and financially. Her many years of chaotic living which suggest deep issues not conducive to providing the home Child needs cannot be minimized and have not been addressed by her sufficiently. A few months of housing, a parenting class and start at addressing mental health (with no follow through) are not adequate to ensure Child will be properly cared and provided for. Grandparents have been the stability in Child's life for the last 2 ½ of his 5 ½ years. Even prior to that time, they were involved in assisting Mother with his care, including providing Mother with money for housing in late 2022, only for her to be evicted a few months later requiring her to stay with Grandparents.
>
> Also concerning is the apparent lack of insight by Mother on how her actions and absence may have affected Child. . . . The court is concerned about a lack of maturity in this regard. **Mother's demeanor during her testimony was lacking credibility at times and she gave inconsistent answers at times**.

(Findings and Conclusions, pp. 13-17) (bold-face emphasis added).

Mother now appeals. As this Court explained in *C.J. v. M.S.*, 572 S.W.3d 492 (Ky. App. 2019), the elements that must underlie a valid adoption are as follows:

A family court shall enter a judgment of adoption if after a hearing, the court is satisfied that:

> the facts stated in the petition were established; that all legal requirements, including jurisdiction, relating to the adoption have been complied with; that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child; and that the best interest of the child will be promoted by the adoption and that the child is suitable for adoption.

KRS 199.520(1). . . . If the adoption is sought without consent, KRS 199.502(1) requires proof as part of the adoption proceedings that one of the conditions set forth in subjections (a)-(j) exists with respect to the child at issue. *See* KRS 199.502(1).

. . . [I]n adoption without consent cases we apply the same standard of review that governs parental termination cases. Our review is confined to the clearly erroneous standard in CR[3] 52.01 based upon clear and convincing evidence. The family court's findings will not be disturbed unless there exists no substantial evidence in the record to support them.

Clear and convincing proof does not necessarily mean uncontradicted proof; but rather, requires there is proof of a probative and substantial nature that is sufficient to convince ordinarily prudent minded people. Under this standard, "we are required to give considerable deference to the [family] court's findings, and we will not disturb those findings" unless the record provides no substantial support for them.

[3] Kentucky Rules of Civil Procedure.

Id. at 496 (internal quotation marks, footnotes, and citations omitted). Moreover, it is the family court's sole prerogative to determine the credibility of witnesses and the weight of the evidence. *R.P., Jr. v. T.A.C.*, 469 S.W.3d 425, 427–28 (Ky. App. 2015).

Mother raises several issues on appeal which, when distilled to their essence, challenge the sufficiency of the evidence to satisfy the statutory requirements for adoption without consent. However, Mother's attempts to reinterpret the testimony presented and to re-argue her case are unpersuasive. The fact that the family court found Mother's credibility lacking cannot be ignored. We are satisfied from our review of the record that the family court's findings are amply supported by clear and convincing evidence and that the court correctly applied the law to the facts as found. The findings are meticulous and detailed, and the court cites and relies on substantial evidence that we may not disregard.

Accordingly, we affirm.

ALL CONCUR.

BRIEFS FOR APPELLANT:	BRIEF FOR APPELLEES:
Jason A. Bowman Louisville, Kentucky	Kimberly J. Olds Richmond, Kentucky