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NOT TO BE PUBLISHED

Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0633-ME

M.A.T. APPELLANT

v.

APPEAL FROM LOGAN CIRCUIT COURT
HONORABLE JOE W. HENDRICKS, JR., JUDGE
ACTION NO. 25-AD-00026

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES; A.F.D.; AND
L.M.T., A MINOR CHILD APPELLEES

OPINION
AFFIRMING

** ** ** ** **

BEFORE: CALDWELL, COMBS, AND McNEILL, JUDGES.

COMBS, JUDGE: Appellant, M.A.T. (Father), appeals from an Order of the Logan Circuit Court terminating his parental rights to his minor child. We affirm.

Father is the legal Father of L.M.T. (the child), a female born on July 12, 2022. The child's mother is A.F.D. (Mother).

On October 1, 2024, the Cabinet became involved after receiving a referral from law enforcement, that a two-year old child was living in a home in deplorable condition. The Cabinet responded to the home and found that the floor was covered in animal feces and urine, dirty diapers, and trash. There was no clear walking path due to piled debris and no running water. The home had an insect infestation. The child appeared dirty and had an odor. Father and Mother were arrested and charged with endangering the welfare of a minor and child neglect. The Cabinet sought an emergency custody order and filed a dependency, neglect, or abuse (DNA) petition in Logan District Court, No. 24-J-00081-001. The Cabinet was granted custody at the October 4, 2024, temporary removal hearing, and the child has remained in the Cabinet's care since that time.

On January 23, 2025, there was an adjudication and both parents stipulated abuse or neglect due to extreme environmental concerns impacting the child's safety and well-being. The district court found that the child was abused or neglected, committed the child to the Cabinet, and ordered parents to cooperate with the Cabinet. A separate dispositional hearing was waived. Father's case plan tasks included ensuring that all utilities in the home were in working order and that the home was clean and free of pests and clutter so that the child would have an appropriate environment to return to. On September 18, 2025, there was a permanency review and the goal was changed to adoption.

On September 19, 2025, the Cabinet filed the petition now at issue for the involuntary termination of parental rights (TPR), alleging that the child is an abused or neglected child as defined in KRS[1] 600.020 and that as to each parent, grounds for termination exist under KRS 625.090(2)(e) and (g).

The matter was tried without a jury on December 12, 2025, and we have reviewed the recorded proceeding in its entirety. The ongoing Cabinet worker, Megan Allen testified -- as did Father and Mother. On April 15, 2025, the circuit court entered Findings of Fact and Conclusions of Law (FFCL) and entered Order Terminating Parental Rights and Order of Judgment, which we discuss in our analysis below.

Father appealed.[2] His appointed counsel has filed an *Anders*[3] brief and a motion to withdraw. By Order of July 27, 2026, this Court passed the motion to withdraw to the merits and permitted Father to proceed, *pro se*, and to file a supplemental and/or reply brief if so desired, he has not done so. We proceed with our review.

[1] Kentucky Revised Statutes.

[2] Mother has also appealed in Case No. 2026-CA-0594-ME, and we will render a separate opinion on her appeal.

[3] *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

Concerning termination of parental rights, our Supreme Court explained the parameters of our review in *Cabinet for Health and Family Services v. H.L.O.*, 621 S.W.3d 452 (Ky. 2021), as follows:

> The termination of parental rights is a particularly fact-sensitive inquiry, so appellate courts are disinclined to disturb a trial court's findings. [*Cabinet for Health & Family Services v. K.H.*, 423 S.W.3d 204, 211 (Ky. 2014)]. Where the trial court's findings are not clearly erroneous, and they substantially support the TPR, we will affirm the order. *Id.* "Clear and convincing proof does not necessarily mean uncontradicted proof. It is sufficient if there is proof of a probative and substantial nature carrying the weight of evidence sufficient to convince ordinarily prudent minded people." *Rowland v. Holt*, 253 Ky. 718, 70 S.W.2d 5, 9 (1934).
>
> It is a fundamental right of every parent to raise his or her own child. *K.H.*, 423 S.W.3d at 209. KRS 625.090 sets forth all the requirements which must be met before a court in Kentucky can involuntarily terminate a parent's rights to his or her child. Because of the heightened value of the right to parent a child, such proof must be clear and convincing in nature. *Santosky v. Kramer*, 455 U.S. 745, 747-48, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982). The statute requires the court to find three critical elements. First, the court must find that the child has been found to have been abused or neglected by a court of competent jurisdiction. KRS 625.090(1). Second, the court must find at least one of the eleven enumerated grounds for termination exists. KRS 625.090(2). Lastly, even if the Cabinet establishes both of these elements, the court must still determine that termination is in the child's best interest. KRS 625.090(1)(c).

Id. at 462 (footnote omitted).

Where, as here, counsel files an *Anders* brief and a motion to withdraw, "we are obligated to independently review the record and ascertain whether the appeal is, in fact, void of nonfrivolous grounds for reversal." *A.C. v. Cabinet for Health and Family Services*, 362 S.W.3d 361, 372 (Ky. App. 2012). That is, we must determine if a meritorious ground exists. However, "*Anders* procedures do not require appellate courts to flesh out every conceivable argument appellant could have raised on appeal; instead, our review is akin to palpable error review requiring us only to ascertain error which 'affects the substantial rights of a party.' CR[4] 61.02." *A.C.*, 362 S.W.3d at 370.

In the case before us, the circuit court determined that the child has been adjudged to be an abused or neglected child as defined in KRS 600.020(1) by a court of competent jurisdiction.[5] At trial, the Cabinet introduced a certified copy of the record from the underlying DNA proceeding. The January 23, 2025, Adjudication Order reflects that both parents stipulated neglect or abuse and that the district court found that the child was abused/neglected as defined in KRS 600.020(1). The first statutory element is satisfied.

[4] Kentucky Rules of Civil Procedure.

[5] The circuit court also found the child to be abused or neglected by each parent as defined in KRS 600.020(1) in this proceeding.

Next, KRS 625.090(2) requires the circuit court to find "by clear and convincing evidence" the existence of one or more of several enumerated grounds of parental unfitness. Here, the circuit court concluded that grounds exist under KRS 625.090(2)(e) and (g) as to each parent. We first address KRS 625.090(2)(e), which provides:

> That the parent, for a period of not less than six (6) months, has continuously or repeatedly failed or refused to provide or has been substantially incapable of providing essential parental care and protection for the child and that there is no reasonable expectation of improvement in parental care and protection, considering the age of the child[.]

The circuit court found that Father had not availed himself of the services provided or that he had otherwise failed to make sufficient progress with his case plan to allow for safe return of the child for the past 14 months during which the child had been in state care. "[D]uring all that time, 'for a period of not less than six (6) months,' the Respondent parents have been continuously or repeatedly incapable of providing essential parental care and protection for the Petitioner child. KRS 625.090(2)(e)." The court found that:

> Ms. Allen testified that as of the date of the filing of the petition in this TPR action, the Respondent parents have not been fully compliant with the Court's remedial orders out of the aforesaid DNA action, particularly with respect to maintaining a safe and sanitary home. Although the parents are currently taking their medications, neither is in mental health treatment. Most concerning is the continued condition of the home. Ms. Allen made a

> home visit on December 8, 2026, four days before the trial in the matter. The photographs taken by Ms. Allen of the home that day are appalling (Cabinet's Exhibit 4). There was no running water in the home as of the date of the trial and there is still an infestation of roaches. Even if it were diligently cleaned, it would be barely livable. It does not appear to this Court that the parents' focus has been on trying to regain custody of their child but on other priorities. There was testimony regarding issues with transportation to attend visitation with their daughter. Ms. Allen testified that in 2025, the parents attended fourteen (14) of the weekly visits with their daughter, but they were no call/no show for twenty eight (28) visits. Yet, there was transportation for employment. Ms. Allen discussed homeless shelters with the parents, but as their pets were not allowed, they declined. . . . As a result of all the foregoing and more, the Petitioner child has been unable to return safely to parental custody and care[.]

Ms. Allen's testimony provides clear and convincing evidence to support the statutory findings as well as the court's determination that grounds for termination of Father's parental rights exist under KRS 625.090(2)(e). "Under the language of KRS 625.090(2), the existence of only one of the grounds in that section needs to be proven by clear and convincing evidence." *Commonwealth, Cabinet for Health and Family Services v. T.N.H.*, 302 S.W.3d 658, 663 (Ky. 2010). We need not address the other.

The third statutory element is the child's best interest. KRS 625.090(3) enumerates six factors that must be considered in deciding whether termination is in the child's best interest. These factors are not solely

determinative as to consideration of a child's best interest and are subordinate to the best-interest finding by the court in the exercise of its discretion. *D.G.R. v. Commonwealth, Cabinet for Health and Family Services*, 364 S.W.3d 106, 115 (Ky. 2012).

> When reviewing a family court's determination of the best interests of a child, we must apply the abuse of discretion standard. Absent a showing that a decision was arbitrary, unreasonable, unfair, or unsupported by sound legal principles, a family court's determination on the issue will not be an abuse of discretion and will be sustained.

D.J.D. v. Cabinet for Health and Family Services, 350 S.W.3d 833, 837 (Ky. App. 2011) (citations omitted).

The circuit court's best-interest analysis is set forth at pages 9-12 of its FFCL. The court considered the applicable statutory factors and summarized the evidence upon which it relied. We find no abuse of discretion. The third statutory element is satisfied.

Accordingly, we affirm. By separate Order, we grant Father's counsel's motion to withdraw.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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