

COURT OF APPEALS OF TENNESSEE

In re Evalina H.

No. W2025-00405-COA-R3-PT · No. W2025-00405-COA-R3-PT · Decided April 6, 2026

SUMMARY

The Tennessee Court of Appeals considered a petition to terminate a biological father's parental rights based on abandonment by failure to visit and failure to support. The court affirmed the finding that the failure to visit was not willful, reversed the finding concerning abandonment by failure to support, affirmed the determination that termination would be in the child's best interest, and remanded the case.

CASE DETAILS

COURT	Court of Appeals of Tennessee
WRITING FOR THE COURT	Presiding Judge J. Steven Stafford; J. Steven Stafford, P.J., W.S.; John W. McClarty, P.J., E.S.; Carma Dennis McGee, J.
JURISDICTION	Tennessee Court of Appeals, Western Section at Jackson
DECIDED	April 6, 2026
DOCKET	W2025-00405-COA-R3-PT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petitioners appealed as of right under Tennessee Rule of Appellate Procedure 3 from the denial of their petition to terminate the biological father's parental rights.
STANDARD OF REVIEW	The appellate court reviews specific factual findings de novo under Tennessee Rule of Appellate Procedure 13(d), presuming them correct unless the evidence preponderates otherwise, and gives great weight to credibility findings. It then determines de novo, without a presumption of correctness, whether the aggregate facts constitute clear and convincing evidence. Conclusions of law are reviewed de novo without a presumption of correctness.
PRECEDENTIAL VALUE	Published opinion; precedential under Tennessee law unless later limited or overruled.
PARTIES	Mikayla D.P.C., William A.C. v. Michael H.

TOPICS

termination of parental rights

parental rights

child support

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appellate procedure

PRACTICE AREAS

family law

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QUESTIONS PRESENTED

1. Whether Father's failure to visit during the statutory four-month period was willful or was excused by Mother's interference, parole restrictions, and financial inability to obtain court-ordered visitation.
2. Whether Father's provision of employer-sponsored health insurance satisfied his statutory obligation to provide more than token support when the prior order reserved calculation of child support.
3. Whether clear and convincing evidence established that termination of Father's parental rights was in the child's best interest.

HOLDINGS

1. Father proved by a preponderance of the evidence that his failure to visit during the relevant four-month period was not willful. Mother's sustained interference with communication and visitation, together with Father's parole restrictions and credited explanation concerning the cost of pursuing legal relief, prevented the failure to visit from constituting willful abandonment.
2. The 2017 order reserved, rather than waived, Father's child-support obligation. Father's provision of employer-sponsored health insurance was only token support given his means, and Petitioners proved the ground of abandonment by failure to support.
3. Clear and convincing evidence established that termination of Father's parental rights was in the child's best interest.

KEY QUOTATIONS

"A parent's failure to visit may be excused by the acts of another only if those acts actually prevent the parent from visiting the child or constitute a significant restraint or interference with the parent's attempts to visit the child." (at 10)

"Thus, while it does appear that Father placed the child on his health insurance during the relevant time, we conclude that this effort was merely token, given his means." (at 14)

FACTUAL BACKGROUND

The child was born in October 2016 to Mother and Father, who were never married, and lived continuously with Mother. Father last had in-person visitation in September 2018; he later sent letters while incarcerated for sexual contact with a minor and attempted contact through social media after his release. A 2017 agreed order required Father to provide available employer-sponsored health insurance and certain uncovered medical expenses, while reserving child support. During the statutory four-month period preceding the termination petition, Father provided health insurance but made no monetary support payments despite having substantial monthly surplus income, while Mother had blocked or failed to respond to his communications.

PROCEDURAL HISTORY

Petitioners filed a parental-rights termination petition alleging abandonment by failure to visit and failure to support. The Gibson County Chancery Court found that neither ground had been proven, but alternatively found that termination would be in the child's best interest, and denied the petition. The Court of Appeals affirmed the finding that failure to visit was not willful, reversed the finding that the father had satisfied his support obligation, affirmed the best-interest determination, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Gibson County Chancery Court for all further proceedings necessary and consistent with the opinion.

CASES CITED

- In re Carrington H., 483 S.W.3d 507, 511, 521-22 (Tenn. 2016)
- In re Valentine, 79 S.W.3d 539, 546 (Tenn. 2002)
- In re Jacobe M.J., 434 S.W.3d 565, 568 (Tenn. Ct. App. 2013)
- In re W.B., Nos. M2004-00999-COA-R3-PT, M2004-01572-COA-R3-PT, 2005 WL 1021618, at *7 (Tenn. Ct. App. Apr. 29, 2005)
- In re Addalyne S., 556 S.W.3d 774, 782 (Tenn. Ct. App. 2018)
- In re S.R.C., 156 S.W.3d 26, 29 (Tenn. Ct. App. 2004)
- 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)
- Jones v. Garrett, 92 S.W.3d 835, 838 (Tenn. 2002)
- In re M.L.D., 182 S.W.3d 890, 894 (Tenn. Ct. App. 2005)
- In re M.L.P., 281 S.W.3d 387, 393 (Tenn. 2009)
- In re Samaria S., 347 S.W.3d 188, 200 (Tenn. Ct. App. 2011)
- In re Angela E., 303 S.W.3d 240, 246 (Tenn. 2010)
- In re Markus E., 671 S.W.3d 437, 457 (Tenn. 2023)
- In re Austin W., No. M2020-01315-COA-R3-PT, 2021 WL 5105148, at *7 (Tenn. Ct. App. Nov. 3, 2021)
- In re Adoption of Marissa O.R., No. W2013-01733-COA-R3-PT, 2014 WL 2475574, at *14 n.12 (Tenn. Ct. App. May 30, 2014)
- In re Kaleb N.F., No. M2012-00881-COA-R3-PT, 2013 WL 1087561, at *23 (Tenn. Ct. App. Mar. 12, 2013)
- In re Adoption of A.M.H., 215 S.W.3d 793, 810 (Tenn. 2007)
- In re Audrey S., 182 S.W.3d 838, 863-64, 878 (Tenn. Ct. App. 2005)
- In re F.R.R., III, 193 S.W.3d 528, 530 (Tenn. 2006)

- In re S.M., 149 S.W.3d 632, 642 n.18 (Tenn. Ct. App. 2004)
- Fritts v. Safety Nat. Cas. Corp., 163 S.W.3d 673, 678 (Tenn. 2005)
- In re Braelyn S., No. E2020-00043-COA-R3-PT, 2020 WL 4200088, at *8 (Tenn. Ct. App. July 22, 2020)
- In re Alex B.T., No. W2011-00511-COA-R3-PT, 2011 WL 5549757, at *8 (Tenn. Ct. App. Nov. 15, 2011)
- In re Kiara C., No. E2013-02066-COA-R3-PT, 2014 WL 2993845, at *8-9 (Tenn. Ct. App. June 30, 2014)
- In re Shandajha A.G., No. E2012-02579-COA-R3-PT, 2013 WL 3787594 (Tenn. Ct. App. July 17, 2013)
- In re Brookelyn W., No. W2014-00850-COA-R3-PT, 2015 WL 1383755, at *11 (Tenn. Ct. App. Mar. 24, 2015)
- David A. v. Wand T., No. M2013-01327-COA-R3-PT, 2014 WL 644721, at *8 (Tenn. Ct. App. 2014)
- In re Nathaniel D., No. E2025-00081-COA-R3-PT, 2025 WL 2682865, at *1 (Tenn. Ct. App. Sept. 19, 2025)
- White v. Moody, 171 S.W.3d 187, 192, 194 (Tenn. Ct. App. 2004)
- In re Chayson D., 720 S.W.3d 123, 144 (Tenn. Ct. App. 2023)