

COURT OF APPEALS OF OREGON

Dept. of Human Services v. J. J. / E. S.

347 Or. App. 555 (2026) · No. A187442 (Control); A187985 · Decided March 11, 2026

SUMMARY

The Oregon Court of Appeals affirmed judgments terminating the parental rights of both parents to their five-year-old child. The court held that the Department of Human Services established by clear and convincing evidence that the parents were unfit, that the mother had neglected the child, and that termination was in the child’s best interests. The court also concluded that a guardianship was not a viable alternative to termination of the father’s parental rights.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Ortega, Presiding Judge; Joyce, Judge; Hellman, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	March 11, 2026
DOCKET	A187442 (Control); A187985
DISPOSITION	affirmed
PROCEDURAL POSTURE	Parents appealed judgments of the Marion County Circuit Court terminating their parental rights to M. M. J.
STANDARD OF REVIEW	De novo review under ORS 19.415(3)(a); the appellate court determines anew whether parental rights should be terminated.
PRECEDENTIAL VALUE	Published opinion
PARTIES	J. J., E. S. v. Department of Human Services

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- juvenile law
- parental rights
- termination of parental rights
- appellate procedure

QUESTIONS PRESENTED

1. Whether clear and convincing evidence established that mother was unfit under ORS 419B.504 because of conduct or conditions seriously detrimental to M and unlikely to change within a reasonable time.
2. Whether clear and convincing evidence established that mother neglected M under ORS 419B.506 by failing to maintain visitation or contact with M and communication with M's custodian during the relevant six-month period.
3. Whether clear and convincing evidence established that termination of mother's parental rights was in M's best interests.
4. Whether clear and convincing evidence established that father's untreated mental illness and related conduct rendered him unfit under ORS 419B.504.
5. Whether father's circumstances were unlikely to change within a reasonable time for M.
6. Whether termination of father's parental rights was in M's best interests, notwithstanding the bond between father and M and father's argument that guardianship was a viable alternative.

HOLDINGS

1. Mother was unfit because her neglect, untreated substance abuse, and failure to maintain a stable living situation were seriously detrimental to M, and M could not be integrated into her care within a reasonable time.
2. Mother neglected M because, without reasonable and lawful cause, she failed during the six months before the termination petition to maintain visitation and contact with M and to communicate with M's custodian.
3. Termination of mother's parental rights was in M's best interests.
4. Father was unfit because his untreated mental illness and resulting volatile, unpredictable, and unstable conduct were seriously detrimental to M, and he had not made sufficient efforts to mitigate those conditions despite extensive agency efforts.
5. Termination of father's parental rights was in M's best interests despite the emotional bond between father and M.

KEY QUOTATIONS

“On de novo review, we conclude that the Oregon Department of Human Services (ODHS) established unfitness as to both parents and neglect as to mother by clear and convincing evidence and, further, that termination is in M’s best interests.” (557)

“On this record, clear and convincing evidence establishes that, of the options practically available, termination of father’s rights is in M’s best interest.” (566)

FACTUAL BACKGROUND

M was five years old at the termination trial and had been in substitute care with the same resource parent for most of his life after removal from father's custody. The juvenile court's jurisdiction arose from concerns about father's untreated mental-health conditions, mother's substance use, and both parents' residential instability.

Mother moved to Colorado, had little contact with M, and made only two in-person visits during the case; she did not complete recommended services. Father remained engaged and had an emotional bond with M, but had untreated mental illness, volatile interactions with service providers, and failed to make sufficient progress toward treatment despite extensive agency assistance. M had significant emotional and developmental needs requiring a stable and consistent caregiver.

PROCEDURAL HISTORY

The juvenile court assumed jurisdiction over M in January 2023. After a termination-of-parental-rights trial, the court terminated both parents' rights based on unfitness, and also found that mother had neglected M. Both parents appealed. The Oregon Court of Appeals reviewed the record de novo and affirmed.

DISPOSITION

affirmed

CASES CITED

- Dept. of Human Services v. J. M.-A., 333 Or. App. 334, 336, 554 P.3d 263 (2024)
- Dept. of Human Services v. C. M. K., 270 Or. App. 1, 16, 346 P.3d 1254, rev. den., 357 Or. 324, cert. den., 577 U.S. 944, 136 S. Ct. 371, 193 L. Ed. 2d 300 (2015)
- Dept. of Human Services v. R. K., 271 Or. App. 83, 88, 351 P.3d 68, rev. den., 357 Or. 640 (2015)
- Dept. of Human Services v. T. M. M., 248 Or. App. 352, 366-67, 273 P.3d 322, rev. den., 352 Or. 170 (2012)
- Dept. of Human Services v. A. L. M. / J. T. C., 242 Or. App. 625, 635, 259 P.3d 17, rev. den., 350 Or. 716 (2011)
- State ex rel Dept. of Human Services v. Simmons, 342 Or. 76, 96, 149 P.3d 1124 (2006)
- State ex rel Dept. of Human Services v. Squiers, 203 Or. App. 774, 788-89, 126 P.3d 758 (2006)
- Dept. of Human Services v. D. E. P., 315 Or. App. 566, 570, 502 P.3d 764 (2021)
- Dept. of Human Services v. L. M. B., 321 Or. App. 50, 53, 515 P.3d 927 (2022)

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