

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

State of Louisiana in the Interest of K.S. (DOB: 06/15/23) K.S. (DOB: 05/11/19)

No. 56,821-JAC (La. App. 2 Cir. Apr. 8, 2026) · No. 56,821-JAC · Decided April 8, 2026

SUMMARY

The Louisiana Second Circuit reviews a judgment terminating M.W.'s parental rights to K.S. The court considers whether the State proved abandonment by clear and convincing evidence and whether termination served the child's best interests, given M.W.'s delayed paternity testing and lack of contact before 2025. The opinion affirms the termination judgment.

CASE DETAILS

|                       |                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Louisiana Court of Appeal, Second Circuit                                                                                                      |
| WRITING FOR THE COURT | Marcotte, J.; Pitman, J.; Thompson, J.                                                                                                         |
| JURISDICTION          | Louisiana Court of Appeal, Second Circuit                                                                                                      |
| DECIDED               | April 8, 2026                                                                                                                                  |
| DOCKET                | 56,821-JAC                                                                                                                                     |
| DISPOSITION           | affirmed                                                                                                                                       |
| PROCEDURAL POSTURE    | M.W. appealed a judgment terminating his parental rights to K.S. and certifying K.S. free for adoption.                                        |
| STANDARD OF REVIEW    | The appellate court reviews a trial court's findings regarding whether parental rights should be terminated under the manifest error standard. |
| PRECEDENTIAL VALUE    | published                                                                                                                                      |
| PARTIES               | M.W., Father v. State of Louisiana, State of Louisiana, Department of Children and Family Services, K.S. (DOB: 06/15/23)                       |

TOPICS

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

PRACTICE AREAS

- family law
- termination of parental rights
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the State proved by clear and convincing evidence that M.W. abandoned K.S. under La. Ch. C. art. 1015(4)(c) by failing to maintain significant contact with him for six consecutive months.
2. Whether termination of M.W.'s parental rights was in K.S.'s best interest.

## HOLDINGS

1. The State proved by clear and convincing evidence that M.W. abandoned K.S. because he failed to visit or communicate with the child for nearly two years before the termination petition was filed.
2. Termination of M.W.'s parental rights was in K.S.'s best interest because K.S. had lived with and formed strong attachments to his foster family since infancy, and removal from that stable and secure environment would risk significant harm.
3. The trial court did not manifestly err in finding grounds for termination or in determining that termination was in K.S.'s best interest.

## KEY QUOTATIONS

*“An appellate court reviews a trial court’s findings as to whether parental rights should be terminated according to the manifest error standard.” (17)*

*“We find that doubts about paternity are included in the calculation of the six-month period for purposes of La. Ch. C. art. 1015(4)(c).” (19)*

*“We find that the trial court did not err in ruling that it was in K.S.’s best interest for M.W.’s parental rights to be terminated and he be freed for adoption.” (22)*

## FACTUAL BACKGROUND

K.S. was removed from his parents' custody shortly after birth after testing positive for cocaine and marijuana and was placed with a foster family at approximately two weeks of age. Although M.W. was present at K.S.'s birth and knew he might be the child's father, he missed two scheduled paternity tests, did not maintain contact with K.S., and did not become actively involved until after being served with the termination petition nearly two years later. By the time of trial, K.S. was strongly bonded to his foster family, which provided a stable home and intended to adopt him, while M.W. had established only a recent relationship with the child.

## PROCEDURAL HISTORY

The trial court removed K.S. from parental custody in June 2023, adjudicated him in need of care in October 2023, and later changed the permanency plan to reunification/adoption. The State filed a termination petition in May 2025, and after a September 2025 trial, the trial court found that M.W. had abandoned K.S. and that termination was in K.S.'s best interest. The trial court entered judgment on October 27, 2025. The court of appeal affirmed.

## DISPOSITION

affirmed

#### CASES CITED

- State in Interest of C.F., 17-1054 (La. 12/6/17), 235 So. 3d 1066
- State in Interest of H.W., 55,528 (La. App. 2 Cir. 1/10/24), 380 So. 3d 124
- State ex rel. B.H. v. A.H., 42,864 (La. App. 2 Cir. 10/24/07), 968 So. 2d 881
- State ex rel. D.L.R., 08-1541 (La. 12/12/08), 998 So. 2d 681
- State ex rel. K.G., 02-2886 (La. 3/18/03), 841 So. 2d 759
- State in Interest of K.C.C., 15-84 (La. App. 5 Cir. 5/26/16), 358 So. 3d 46

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