

COURT OF APPEALS OF GEORGIA

Brooks v. Eichfeld

No. A26A0075 (Ga. Ct. App. May 8, 2026) · No. A26A0075 · Decided May 8, 2026

SUMMARY

The Georgia Court of Appeals affirmed the denial of Damien Brooks’s petition to adopt his three stepchildren. The court held that the trial court did not abuse its discretion in finding justifiable cause for the biological father’s lack of communication and child-support payments, and that adoption was not shown by clear and convincing evidence to be in the children’s best interests. The opinion discusses Georgia’s stepparent-adoption and parental-rights termination standards under OCGA §§ 19-8-6 and 19-8-10.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Hodges, J.; Barnes, P. J.; Markle, J.
JURISDICTION	Court of Appeals of Georgia
DECIDED	May 8, 2026
DOCKET	A26A0075
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a stepparent's petition to adopt three minor children and terminate their biological father's parental rights.
STANDARD OF REVIEW	Adoption and parental-rights determinations are reviewed for plain abuse of the trial court's broad discretion. If any evidence supports the judgment, it must be affirmed. The evidence is viewed in the light most favorable to the appellee, and the appellate court defers to the trial court's factual findings and credibility determinations.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Damien Brooks v. Tatum Eichfeld

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred in finding that Eichfeld's failure to communicate with the children was justified.
2. Whether the trial court sufficiently addressed whether Eichfeld's failure to pay child support was justified.
3. Whether the trial court erred in determining that adoption and termination of Eichfeld's parental rights were not in the children's best interests.

HOLDINGS

1. The trial court did not plainly abuse its discretion in finding justifiable cause for Eichfeld's failure to communicate with the children because evidence showed that he sent letters and gifts, sought visitation, and that Jannah's actions and protective orders impeded communication and visitation.
2. The trial court sufficiently stated the facts and rationale supporting its finding that Eichfeld had justifiable cause for failing to pay child support, and it was not required to make more specific findings because it denied the adoption petition and did not terminate parental rights.
3. The trial court did not plainly abuse its broad discretion in finding that Brooks failed to prove by clear and convincing evidence that adoption and termination of Eichfeld's parental rights were in the children's best interests.

KEY QUOTATIONS

“When, as here, a biological father will not surrender his parental rights to allow a stepparent adoption, the trial court may terminate the biological father’s rights and grant the stepparent’s petition to adopt the children when the court determines by clear and convincing evidence that the parent, for a period of one year or longer immediately prior to the filing of the petition for adoption, without justifiable cause, has significantly failed:” (at 5-6)

“The Due Process Clause gives a parent substantial protection of his or her parental rights requiring that clear and convincing evidence of unfitness be shown before a natural parent’s rights in his child may be terminated.” (at 6)

“With regard to the best interest test in adoption cases, the trial court has very broad discretion with which this Court will not interfere except in cases of plain abuse.” (at 12-13)

“The requirements of Georgia’s adoption statutes are mandatory and must be strictly construed in favor of the natural parents, because the application thereof results in the complete and permanent severance of the parental relationship.” (at 13)

FACTUAL BACKGROUND

Eichfeld and Jannah Brooks had three children and divorced while Eichfeld was incarcerated after pleading guilty to offenses involving a false report and aggravated stalking of Jannah. Their divorce order provided

Eichfeld visitation and required child support, but a protective order prevented visitation after his release, and Jannah later obtained sole legal and physical custody. Brooks sought a stepparent adoption, asserting that Eichfeld had failed to communicate with or support the children for at least one year. The evidence showed that Eichfeld had maintained a substantial relationship with the children before incarceration, sent letters and items while incarcerated, attempted to arrange visitation, later made some child-support payments, and that the children could potentially be reintroduced to him through counseling.

PROCEDURAL HISTORY

Brooks petitioned to adopt his three stepchildren under OCGA §§ 19-8-6 and 19-8-10(b), alleging that Eichfeld had failed for at least one year to communicate with the children and provide care and support without justifiable cause. After a hearing, the trial court denied the petition, finding that Brooks had not proved by clear and convincing evidence that Eichfeld's failures lacked justifiable cause or that adoption was in the children's best interests. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Price v. Grehofsky, 349 Ga. App. 214, 215 (825 SE2d 594) (2019)
- Ray v. Hann, 323 Ga. App. 45, 49(2) (746 SE2d 600) (2013)
- In the Interest of C. T., 286 Ga. App. 186, 187(1) (648 SE2d 708) (2007)
- Rolleston v. Estate of Sims, 253 Ga. App. 182, 185(2) (558 SE2d 411) (2001)
- Smallwood v. Davis, 292 Ga. App. 173, 175(1) (664 SE2d 254) (2008)
- Thorne v. Padgett, 259 Ga. 650, 651-652 (386 SE2d 155) (1989)
- Johnson v. Taylor, 292 Ga. App. 354, 357(1) (665 SE2d 49) (2008)
- Thaggard v. Willard, 285 Ga. App. 384, 389-390(3) (646 SE2d 479) (2007)
- Bateman v. Futch, 232 Ga. App. 271, 272(1) (501 SE2d 615) (1998)
- Newlin v. Adamar, 363 Ga. App. 456, 459 (871 SE2d 458) (2022)
- In re Marks, 300 Ga. App. 239, 242-243 (684 SE2d 364) (2009)
- Owens v. Griggs, 151 Ga. App. 730, 731(2) (261 SE2d 463) (1979)
- Hix v. Patton, 147 Ga. App. 14, 15 (248 SE2d 28) (1978)