

COURT OF APPEALS OF UTAH

In re N.E.

2026 UT App 24 · No. No. 20240672-CA · Decided February 12, 2026

SUMMARY

The Utah Court of Appeals held that it had jurisdiction to review the juvenile court’s denial of a petition to terminate a mother’s parental rights. The court concluded that the juvenile court misapplied Utah law by treating the strictly necessary inquiry as separate from the best-interest analysis and by improperly discounting case-specific stability concerns associated with adoption. The court remanded for the juvenile court to reconsider the child’s best interests.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	Michele M. Christiansen Forster; Ryan D. Tenney; John D. Luthy
JURISDICTION	Utah Court of Appeals
DECIDED	February 12, 2026
DOCKET	No. 20240672-CA
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The guardian ad litem appealed the juvenile court's denial of the State's petition to terminate the mother's parental rights and the award of permanent legal and physical custody and guardianship to the child's biological grandfather and his domestic partner.
STANDARD OF REVIEW	Whether an order is final and appealable is a question of law. A juvenile court's best-interest determination is reviewed deferentially, but an embedded legal conclusion is reviewed for correctness; misapplication of the law constitutes an abuse of discretion.
PRECEDENTIAL VALUE	published and precedential
PARTIES	N.E., through the guardian ad litem v. State of Utah, J.L.P.

TOPICS

- termination of parental rights
- guardianships
- final judgment rule
- appellate jurisdiction
- family law procedure

PRACTICE AREAS

family law

juvenile law

termination of parental rights

appellate procedure

QUESTIONS PRESENTED

1. Whether the juvenile court's order denying the termination petition was a final, appealable order despite unresolved parent-time, child-support, and residual-parental-rights issues.
2. Whether the juvenile court misapplied Utah's termination-of-parental-rights best-interest framework by treating the strictly-necessary inquiry as separate from the best-interest inquiry.
3. Whether the juvenile court improperly treated the stability and permanency benefits of adoption as categorical factors that could not be considered, rather than evaluating them in light of the child's particularized needs.
4. Whether the appellate court could direct the juvenile court to terminate the mother's parental rights rather than remand for a new best-interest determination.

HOLDINGS

1. The juvenile court's denial of the termination petition was a final, appealable order because it finally determined and ended the proceedings initiated by the termination petition, even though the juvenile court retained jurisdiction over broader underlying juvenile proceedings and other issues remained pending.
2. The strictly-necessary determination is part of, not separate from, the overall best-interest inquiry in a termination-of-parental-rights case.
3. A juvenile court may consider the differences between permanent guardianship and adoption, including greater stability and permanency, when those considerations are tied to the child's particularized needs and the specific circumstances of the case; those categorical differences may not be dispositive by themselves.
4. The appellate court could not direct termination of the mother's parental rights based on the existing record; it was required to remand for a new best-interest determination conducted in present-tense fashion.

KEY QUOTATIONS

“If the child can be equally protected and benefited by an option other than termination, termination is not strictly necessary.” (2026 UT App 24, ¶ 15)

“These categorical differences cannot be dispositive in and of themselves, but they can be one of the many factors evaluated in the particularized best interest analysis.” (2026 UT App 24, ¶ 20)

“A proper best-interest inquiry requires evaluating all relevant past and present circumstances bearing on a child’s welfare as of the date of the proceeding.” (2026 UT App 24, ¶ 27)

FACTUAL BACKGROUND

The child was removed from her mother's care at age six because of the mother's substance-abuse problem and was initially placed with a foster family before being placed with her biological grandfather and his longtime domestic partner. The State later petitioned to terminate the mother's parental rights based on unresolved substance abuse, noncompliance with the service plan and court orders, and continuing legal troubles. The juvenile court found multiple statutory grounds for termination and found that the mother continued to use dangerous drugs and engage in criminal behavior, but denied termination and awarded permanent custody and guardianship to the grandfather and his partner.

PROCEDURAL HISTORY

After the child was removed from the mother's custody, the State petitioned to terminate the mother's parental rights. Following trial, the juvenile court found statutory grounds for termination and that reunification efforts were reasonable, but concluded that termination was not strictly necessary because permanent custody and guardianship with relatives was a feasible alternative. The Court of Appeals held that the order was final and appealable, reversed because the juvenile court misapplied the best-interest framework, and remanded for a new present-tense best-interest determination.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The juvenile court must conduct a new, present-tense best-interest determination as of the remand proceedings. It must consider strict necessity as part of the overall best-interest inquiry and may consider case-specific stability and permanency reasoning, including the child's particularized need for enhanced stability and protection from conflict.

CASES CITED

- Powell v. Cannon, 2008 UT 19, ¶ 9, 179 P.3d 799
- In re J.M., 2020 UT App 52, ¶ 35, 463 P.3d 66
- In re J.J.W., 2022 UT App 116, ¶¶ 18, 28, 520 P.3d 38
- In re Adoption of M.A., 2024 UT 6, ¶ 10, 545 P.3d 241
- In re S.M., 2007 UT 21, ¶ 18, 154 P.3d 835
- Ross v. Kracht, 2025 UT 22, ¶¶ 11, 13
- In re M.J., 2011 UT App 398, ¶ 50, 266 P.3d 850
- In re R.P., 2024 UT App 106, ¶ 11, 554 P.3d 1183
- In re A.C.M., 2009 UT 30, ¶ 11, 221 P.3d 185
- In re A.F., 2007 UT 69, ¶ 6, 167 P.3d 1070
- In re A.H., 2024 UT 26, ¶¶ 31-32, 69, 554 P.3d 969
- In re J.A.L., 2022 UT 12, ¶¶ 23-25, 506 P.3d 606
- In re D.S., 2025 UT 11, ¶¶ 49-51, 568 P.3d 1060

- In re Z.C.W., 2021 UT App 98, ¶¶ 4-5, 11-12, 19, 500 P.3d 94
- In re G.J.C., 2016 UT App 147, ¶¶ 32-33, 379 P.3d 58
- In re B.T.B., 2018 UT App 157, ¶¶ 20, 31-32, 436 P.3d 206

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