

OREGON COURT OF APPEALS

Dept. of Human Services v. K. R. K.

348 Or. App. 651 (2026) · No. A188129 · Decided April 22, 2026

SUMMARY

The Oregon Court of Appeals reversed a judgment terminating the mother's parental rights to her three-year-old son. The court held that clear and convincing evidence established the mother's unfitness and that the child could not be safely integrated into her home within a reasonable time, but concluded that the Department of Human Services failed to prove termination was in the child's best interests because it did not adequately address alternatives such as permanent guardianship.

CASE DETAILS

COURT	Oregon Court of Appeals
WRITING FOR THE COURT	Hellman, J.; Ortega, Presiding Judge; Joyce, Judge; Hellman, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	April 22, 2026
DOCKET	A188129
DISPOSITION	reversed
PROCEDURAL POSTURE	Mother appealed from a juvenile court judgment terminating her parental rights to her son. The Oregon Court of Appeals reviewed the record de novo and reversed because the Department of Human Services failed to prove by clear and convincing evidence that termination was in the child's best interests.
STANDARD OF REVIEW	De novo review under ORS 419A.200(6) and ORS 19.415(3)(a), with the court independently determining whether clear and convincing evidence establishes unfitness, improbable integration within a reasonable time, and that termination is in the child's best interests.
PRECEDENTIAL VALUE	Published precedential Oregon Court of Appeals opinion
PARTIES	K. R. K. v. Department of Human Services, A. D. D. C., aka A. C.

TOPICS

- termination of parental rights
- guardianships
- parental rights
- standard of review
- appellate procedure

PRACTICE AREAS

family law

termination of parental rights

guardianships

appellate procedure

QUESTIONS PRESENTED

1. Whether clear and convincing evidence established that mother was unfit because her conduct or condition was seriously detrimental to the child.
2. Whether clear and convincing evidence established that integration of the child into mother's home was improbable within a reasonable time.
3. Whether clear and convincing evidence established that terminating mother's parental rights was in the child's best interests.
4. Whether the juvenile court's findings regarding DHS's compliance with a psychologist's recommendations affected the termination determination.

HOLDINGS

1. Clear and convincing evidence established that mother was unfit because her cognitive difficulties impaired her ability to address the child's significant medical needs and to determine who was safe to interact with him, creating a risk of seriously detrimental harm.
2. Clear and convincing evidence established that the child could not be safely integrated into mother's home within a time reasonable for the child because mother made only modest progress over three years despite extensive services and continued to lack the skills necessary to safely parent him.
3. DHS failed to prove by clear and convincing evidence that termination of mother's parental rights was in the child's best interests because it did not establish that severing the legal relationship was necessary or superior to a permanent guardianship.

KEY QUOTATIONS

“However, we determine that ODHS did not carry its burden to prove that terminating mother’s parental rights is in A’s best interests.” (at 653)

“Instead, a best-interests analysis asks whether the child’s best interests require severing the legal relationship between the parent and the child.” (at 667)

“Because ODHS failed to present evidence on whether A would suffer any detriment in the context of guardianship that would be alleviated by adoption, we cannot conclude based on this record that it is highly probable that termination is in A’s best interests.” (at 673)

FACTUAL BACKGROUND

The child was born premature and underweight and later sustained severe injuries, including skull trauma, brain bleeding, a leg fracture, and retinal hemorrhaging, while in his parents' care. The parents delayed obtaining medical care, and medical providers concluded that the injuries were consistent with physical abuse and that the delay constituted medical neglect. The child developed global developmental delay, remained largely nonverbal, and required extensive medical and developmental services. Mother made limited progress through parenting

classes, mentoring, and supervised visits, while the child remained securely attached to his resource parents, who wished to adopt him.

PROCEDURAL HISTORY

The juvenile court asserted dependency jurisdiction over the child in April 2023 and later changed the permanency plan from reunification to adoption. After a termination trial in June 2025, the juvenile court found mother unfit, found that the child could not be integrated into her home within a reasonable time, and concluded that termination was in the child's best interests. Mother appealed.

DISPOSITION

reversed

CASES CITED

- Dept. of Human Services v. K. T., 334 Or. App. 55, 62-63, 554 P.3d 832 (2024), rev. den., 372 Or. 787 (2024)
- Dept. of Human Services v. N. H., 322 Or. App. 507, 513-21, 520 P.3d 424 (2022), rev. den., 370 Or. 694 (2022)
- State ex rel SOSCF v. Stillman, 333 Or. 135, 146, 148, 36 P.3d 490 (2001)
- State ex rel SOSCF v. Wilcox, 162 Or. App. 567, 573, 576, 986 P.2d 1172 (1999)
- Dept. of Human Services v. J. E. D. V., 326 Or. App. 149, 166, 531 P.3d 683 (2023)
- State ex rel Dept. of Human Services v. Smith, 338 Or. 58, 87, 106 P.3d 627 (2005)
- State ex rel SOSCF v. Lehtonen, 172 Or. App. 584, 594, 20 P.3d 210 (2001), rev. den., 333 Or. 73 (2001)
- State ex rel Dept. of Human Services v. Keeton, 205 Or. App. 570, 582-83, 586, 135 P.3d 378 (2006)
- Dept. of Human Services v. L. M. B., 321 Or. App. 50, 52-53, 515 P.3d 927 (2022)
- Dept. of Human Services v. T. M. D., 365 Or. 143, 162-66, 442 P.3d 1100 (2019)
- Dept. of Human Services v. M. H., 306 Or. App. 150, 161, 164, 473 P.3d 1152 (2020)
- Dept. of Human Services v. J. A. P., 317 Or. App. 525, 526-27, 505 P.3d 473 (2022)
- State ex rel Juv. Dept. v. Burke, 170 Or. App. 644, 649, 14 P.3d 73 (2000), rev. den., 331 Or. 583 (2001)
- Dept. of Human Services v. D. F. R. M., 313 Or. App. 740, 746, 497 P.3d 802 (2021), rev. den., 368 Or. 702 (2021)
- Dept. of Human Services v. T. M. M., 327 Or. App. 631, 638, 535 P.3d 800 (2023)