

COURT OF APPEALS OF TENNESSEE

In re Harper A.

No. E2025-00869-COA-R3-PT · No. E2025-00869-COA-R3-PT · Decided January 13, 2026

SUMMARY

The Tennessee Court of Appeals reviews an order terminating a mother's parental rights to two children. The court affirms three statutory grounds for termination and vacates the finding concerning failure to manifest an ability and willingness to assume custody or financial responsibility because the trial court's findings were insufficient. It also vacates the best-interests determination and remands for additional findings of fact and conclusions of law.

CASE DETAILS

COURT	Court of Appeals of Tennessee
WRITING FOR THE COURT	JUDGE CARMA DENNIS MCGEE; THOMAS R. FRIERSON, II; JEFFREY USMAN
JURISDICTION	Tennessee Court of Appeals, Eastern Section at Knoxville
DECIDED	January 13, 2026
DOCKET	E2025-00869-COA-R3-PT
DISPOSITION	affirmed_in_part_vacated_in_part_and_remanded
PROCEDURAL POSTURE	Appeal from the Chancery Court for Sullivan County
STANDARD OF REVIEW	De novo review of factual findings pursuant to Tenn. R. App. P. 13(d), with presumption of correctness unless evidence preponderates otherwise; de novo review of conclusions of law regarding sufficiency of evidence to terminate parental rights.
PRECEDENTIAL VALUE	published
PARTIES	Whitney A. v. Tennessee Department of Children’s Services

TOPICS

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

PRACTICE AREAS

- family law

QUESTIONS PRESENTED

1. Whether the trial court erred when it determined that termination of Mother's parental rights was in the best interests of the children.

HOLDINGS

1. The trial court's order on this ground contained only conclusions of law and lacked the necessary findings of fact required by Tennessee Code Annotated section 36-1-113(k).
2. The ground of persistent conditions was proven by clear and convincing evidence.
3. The grounds of substantial noncompliance with the permanency plan and abandonment by failure to provide a suitable home were proven by clear and convincing evidence.
4. The trial court's order on best interests contained insufficient findings of fact and conclusions of law as required by Tennessee Code Annotated section 36-1-113(k).

FACTUAL BACKGROUND

Mother's two children, Caylem A. (born 2009, with type 1 diabetes and ADHD) and Harper A. (born 2014), were removed from her custody in December 2022 following a report of environmental neglect and Mother testing positive for methamphetamine, amphetamine, and cocaine. Mother was homeless, unemployed, and lacked transportation. She tested positive for drugs numerous times throughout the proceedings, including ten days before the termination trial in May 2025. Despite completing some substance abuse programs, she failed to maintain sobriety. She did not obtain suitable housing, stable employment, or reliable transportation, and stopped paying child support. The children remained in separate foster homes where they were thriving.

PROCEDURAL HISTORY

The Tennessee Department of Children's Services (DCS) filed a petition to terminate the parental rights of Mother (Whitney A.) to her two children, Harper A. and Caylem A. The trial court found four grounds for termination proven by clear and convincing evidence and that termination was in the best interests of the children. Mother appealed.

DISPOSITION

affirmed_in_part_vacated_in_part_and_remanded

REMAND INSTRUCTIONS

Remand for entry of an order containing findings of fact and conclusions of law regarding: (1) the ground of failure to manifest an ability and willingness to care for the children, and (2) the factors concerning the best interests of the children.

CASES CITED

- In re Carrington H., 483 S.W.3d 507 (Tenn. 2016)
- In re Neveah M., 614 S.W.3d 659 (Tenn. 2020)

- In re Kaliyah S., 455 S.W.3d 533 (Tenn. 2015)
- In re Bernard T., 319 S.W.3d 586 (Tenn. 2010)
- In re Markus E., 671 S.W.3d 437 (Tenn. 2023)
- In re Valentine, 79 S.W.3d 539 (Tenn. 2002)
- In re Audrey S., 182 S.W.3d 838 (Tenn. Ct. App. 2005)
- In re N.B., 285 S.W.3d 435 (Tenn. Ct. App. 2008)
- In re Trenton B., No. M2022-00422-COA-R3-PT, 2023 WL 569385 (Tenn. Ct. App. Jan. 27, 2023)
- In re Zaylee W., No. M2019-00342-COA-R3-PT, 2020 WL 1808614 (Tenn. Ct. App. Apr. 9, 2020)
- In re Jonathan M., No. E2018-00484-COA-R3-PT, 2018 WL 5310750 (Tenn. Ct. App. Oct. 26, 2018)
- In re K.N.R., No. M2003-01301-COA-R3-PT, 2003 WL 22999427 (Tenn. Ct. App. Dec. 23, 2003)
- In re Navada N., 498 S.W.3d 579 (Tenn. Ct. App. 2016)
- In re S.M., 149 S.W.3d 632 (Tenn. Ct. App. 2004)
- In re Skylar M., No. E2022-00119-COA-R3-PT, 2022 WL 3099267 (Tenn. Ct. App. Aug. 4, 2022)
- In re Adoption of T.L.H., No. M2008-01408-COA-R3-PT, 2009 WL 152475 (Tenn. Ct. App. Jan. 21, 2009)
- In re Lucas S., No. M2019-01969-COA-R3-PT, 2021 WL 710841 (Tenn. Ct. App. Feb. 24, 2021)
- In re Alleyanna C., No. E2014-02343-COA-R3-PT, 2015 WL 4773313 (Tenn. Ct. App. Aug. 10, 2015)
- In re D.C.C., No. M2007-01094-COA-R3-PT, 2008 WL 588535 (Tenn. Ct. App. Mar. 3, 2008)
- In re Abigail F.K., No. E2012-00016-COA-R3-JV, 2012 WL 4038526 (Tenn. Ct. App. Sept. 14, 2012)
- In re Edward R., No. M2019-01263-COA-R3-PT, 2020 WL 6538819 (Tenn. Ct. App. Nov. 6, 2020)
- In re Meadow L., No. E2024-01425-COA-R3-PT, 2025 WL 1779767 (Tenn. Ct. App. June 24, 2025)
- In re Angela E., 303 S.W.3d 240 (Tenn. 2010)
- In re Audrey S., 182 S.W.3d 838 (Tenn. Ct. App. 2005)
- In re S.S.-G., No. M2015-00055-COA-R3-PT, 2015 WL 7259499 (Tenn. Ct. App. Nov. 16, 2015)
- Dept. of Children's Servs. v. A.M.H., 198 S.W.3d 757 (Tenn. Ct. App. 2006)
- In re D.L.B., 118 S.W.3d 360 (Tenn. 2003)
- In re Kadean T., No. M2013-02684-COA-R3-PT, 2014 WL 5511984 (Tenn. Ct. App. Oct. 31, 2014)
- In re Jaxon N., No. E2024-01405-COA-R3-PT, 2025 WL 1250586 (Tenn. Ct. App. Apr. 30, 2025)
- In re Glenn B., No. M2023-00096-COA-R3-PT, 2023 WL 8369209 (Tenn. Ct. App. Dec. 4, 2023)