

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

State of Louisiana in the Interest of R.M. and R.M.

No. 2025-CA-0604 · No. 2025-CA-0604 · Decided December 30, 2025

SUMMARY

The Louisiana Fourth Circuit Court of Appeal considered an appeal from a juvenile court judgment finding that M.M. established parental rights under Louisiana Children’s Code article 1138 after the mother surrendered her parental rights to twins. The appellate court held that the record was insufficient to permit meaningful review of the statutory parental-fitness requirement, particularly in light of one child’s significant medical needs. It vacated the judgment and remanded for a full, new hearing.

CASE DETAILS

COURT	Louisiana Court of Appeal, Fourth Circuit
WRITING FOR THE COURT	Judge Joy Cossich Lobrano; Judge Rosemary Ledet; Judge Rachael D. Johnson
JURISDICTION	Louisiana Court of Appeal, Fourth Circuit
DECIDED	December 30, 2025
DOCKET	2025-CA-0604
DISPOSITION	vacated
PROCEDURAL POSTURE	The Department of Children and Family Services appealed a juvenile court judgment holding that M.M. established his parental rights under Louisiana Children's Code article 1138 and declaring that the children could not be adopted without his consent.
STANDARD OF REVIEW	Factual findings in a termination-of-parental-rights proceeding are reviewed for manifest error. De novo review applies to questions or findings of law when the juvenile court misapplies the law. An appellate court may remand when the record is so incomplete that it cannot definitively decide the issues presented.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Department of Children and Family Services v. M.M.

TOPICS

parental rights

adoption

family law procedure

appellate procedure

statutory interpretation

PRACTICE AREAS

family law

parental rights

adoption

appellate procedure

QUESTIONS PRESENTED

1. Whether M.M. established his parental rights under Louisiana Children's Code article 1138 by acknowledging paternity, manifesting a substantial commitment to his parental responsibilities, and proving that he was a fit parent.
2. Whether the appellate court could review the juvenile court's finding of parental fitness on the incomplete record.
3. Whether the appropriate remedy for an inadequate record concerning a required statutory element was remand for a new hearing.

HOLDINGS

1. An alleged father must prove all three statutory elements: acknowledgment of the child, manifestation of a substantial commitment to parental responsibilities, and fitness to parent.
2. The record was insufficient to support meaningful appellate review of the juvenile court's finding that M.M. was a fit parent.
3. When the record is so incomplete that the appellate court cannot definitively decide an issue or the parties have failed to present material available evidence, the proper remedy is remand for a full, new hearing.

KEY QUOTATIONS

“Thus, in order to establish his parental rights under the statutory scheme, the alleged father must prove: (1) acknowledgment of the child; (2) manifestation of a substantial commitment to his parental responsibilities; and (3) fitness to parent.” (at 4)

“The lack of evidence prevents meaningful appellate review.” (at 5)

“For the following reasons, we vacate the juvenile court’s decision and remand for a full, new hearing consistent with this opinion.” (at 6)

FACTUAL BACKGROUND

The twins entered the custody of the Department of Children and Family Services after the female child suffered severe, permanent injuries, including a skull fracture, multiple long-bone fractures, and brain trauma, while in the mother's care. After several alleged fathers were identified and paternity testing was delayed, testing confirmed M.M.'s paternity in March 2025. M.M. was notified of the mother's surrender, acknowledged paternity, requested custody, began visitation, and objected to the surrender and adoption. The juvenile court found that he had established his parental rights and was a fit parent, but the record contained little or no

evidence concerning his home, finances, protective capacity, ability to meet the medically impaired child's needs, evaluations, or agency recommendations.

PROCEDURAL HISTORY

After the mother voluntarily surrendered her parental rights, M.M. acknowledged paternity, objected to the surrender and adoption, and sought custody. Following a contradictory hearing, the Orleans Parish Juvenile Court found that M.M. established his parental rights and found him fit to parent. The Department appealed, and the Fourth Circuit vacated the judgment because the record was insufficient to permit meaningful appellate review of the statutory parental-fitness requirement.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The juvenile court must conduct a full, new hearing consistent with the opinion, including development and consideration of evidence bearing on M.M.'s parental fitness and the other requirements of Louisiana Children's Code article 1138.

CASES CITED

- State ex rel. A.T., 06-501, p. 5 (La. 7/6/06), 936 So. 2d 79, 82-83
- State in Int. of B.H., 24-46, p. 9 (La. App. 3 Cir. 5/1/24), 388 So. 3d 471, 477
- State in Interest of G.S., 19-0605, p. 5 (La. App. 4 Cir. 12/4/19), 287 So. 3d 752, 756
- State in Interest of K.C.C., 15-1429, p. 4 (La. 1/27/16), 188 So. 3d 144, 146
- Southern Trace Property Owners Assn. v. Williams, 50,992, pp. 15-16 (La. App. 2 Cir. 11/23/16), 210 So. 3d 835, 844-45
- In re Adoption of S.C.D., 99-455, p. 4 (La. App. 5 Cir. 9/28/99), 742 So. 2d 1058, 1060
- In re Applying for Priv. Adoption C.J.P., 54,460, p. 8 (La. App. 2 Cir. 4/13/22), 337 So. 3d 186, 192