

STATE OF LOUISIANA
COURT OF APPEAL
FIRST CIRCUIT

2026 CJ 0565

STATE OF LOUISIANA
IN THE INTEREST OF P.M.

Judgment Rendered: SEP 18 2026

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On Appeal from the 17th Judicial District Court
In and for the Parish of Lafourche
State of Louisiana
Docket No. J-15264

Honorable Christopher J. Boudreaux, Judge Presiding

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BEFORE: PENZATO, LANIER, AND FIELDS, JJ.

PENZATO, J.

T.N.,¹ the mother of P.M., appeals a trial court judgment terminating her parental rights to P.M. and certifying P.M. for adoption.² For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

On August 2, 2023, the Louisiana Department of Children and Family Services (DCFS) received a report of neglect/lack of adequate supervision concerning P.M. (born April 24, 2016). According to the affidavit filed in support of an instant order of removal, T.N. brought P.M. to the home of Lily Chapman in May of 2023 and had not returned to pick him up.³ Ms. Chapman did not believe either parent planned to retrieve P.M., and while she did not mind caring for him, she was not his legal guardian and was unable to make medical or educational decisions for P.M. Pursuant to an instant order for removal, P.M. was placed in the provisional custody of DCFS on August 4, 2023.

The State filed a child in need of care (CINC) petition alleging P.M. was without a legal caretaker to meet his day-to-day medical and educational needs. At the adjudication hearing on October 5, 2023, T.N. stipulated that P.M. was in need of care without admitting to the allegations of the petition. A disposition hearing was held the same day; the trial court ordered that P.M. remain in the custody of DCFS, approved the case plan submitted by DCFS, and ordered T.N. to comply therewith. T.N.'s case plan required that she: obtain secure, safe, and stable

¹We use the initials of the minor child and the parents to ensure confidentiality and to protect the minor's identity. See Uniform Rules—Courts of Appeal, Rules 5-1 and 5-2.

² The same judgment terminated the parental rights of P.M.'s father, D.M., who did not appeal the judgment. The judgment is final as it relates to termination of his parental rights. See *State in Interest of A.B.*, 2023-0655 (La. App. 1 Cir. 1/19/24), 383 So. 3d 933, 935 n.2, writ denied, 2024-00221 (La. 3/7/24), 380 So. 3d 552.

³ Ms. Chapman is D.M.'s cousin. According to Ms. Chapman, P.M. was living with D.M. until a fatal shooting involving P.M. and his brother occurred at D.M.'s home in February of 2023 and P.M. was removed from D.M.'s care. P.M. was living with T.N. from February to May of 2023.

housing; make herself available for home visits and phone contact; complete substance abuse and mental health assessments; submit to random drug screens; attend all court hearings, meetings, and visits with P.M.; complete parenting education classes; complete a psychological evaluation; and obtain employment. The matter came for a permanency hearing on August 5, 2024, at which time the court approved the case plan of adoption.

On June 2, 2025, DCFS filed a petition for termination of parental rights, requesting that T.N.'s rights be terminated pursuant to La. Ch.C. art. 1015, including but not limited to Sections (4) and/or (5). DCFS alleged that T.N. had not visited or otherwise communicated with P.M. since he came into DCFS's custody on August 4, 2023; T.N. had not substantially complied with the court-approved case plan; and there was no reasonable expectation of significant improvement in T.N.'s condition or conduct in the near future.

The trial court held a hearing on the petition for termination of parental rights on September 3, 2025 and November 14, 2025. At the conclusion of the hearing, the trial court granted the petition for termination of parental rights, freeing P.M. for adoption. On December 1, 2025, the trial court signed a judgment finding DCFS proved grounds for termination under La. Ch.C. arts. 1015(4)(c) and 1015(5). T.N. appeals, contending the trial court erred in finding she did not substantially comply with her case plan; she failed to communicate with P.M. in excess of six months without cause; she did not demonstrate any reasonable expectation of significant improvement in the near future; and termination is in P.M.'s best interest.

LAW AND ANALYSIS

Title X of the Louisiana Children's Code governs the involuntary termination of parental rights. The purpose of an involuntary termination proceeding is "to protect children whose parents are unwilling or unable to provide safety and care adequate to meet their physical, emotional, and mental health needs, by providing a

judicial process for the termination of all parental rights and responsibilities and for the certification of the child for adoption.” La. Ch.C. art. 1001. The focus is not whether the parent should be deprived of custody, but whether it would be in the best interest of the child for all legal relations with the parents to be terminated. *State in Interest of H.R.*, 2021-1328 (La. App. 1 Cir. 2/25/22), 341 So. 3d 592, 597.

In order to terminate a person’s parental rights, the court must find the State has established at least one of the statutory grounds contained in La. Ch.C. art. 1015 by clear and convincing evidence. See La. Ch.C. art. 1035(A); *State in Interest of C.F.*, 2017-1054 (La. 12/6/17), 235 So. 3d 1066, 1072. Even upon finding the State has met its evidentiary burden, a court may not terminate parental rights unless it determines that to do so is in the child’s best interest. See La. Ch.C. art. 1037(B). Whether termination of parental rights is warranted is a question of fact, and a trial court’s factual determinations will not be set aside in the absence of manifest error. *State in Interest of E.O.*, 2018-1093 (La. App. 1 Cir. 2/6/19), 272 So. 3d 552, 556. Under the manifest error standard, this Court does not decide whether the factfinder was right or wrong; rather, we are required to consider the entire record to determine whether a reasonable factual basis exists for the finding, and whether the finding is manifestly erroneous or clearly wrong. *State in Interest of H.R.*, 341 So. 3d at 598.

During the termination hearing, Danielle Shroff, the DCFS case manager; T.N.; Ms. Chapman; and T.N.’s mother testified. The evidence established that P.M. was placed in Ms. Chapman’s home when he entered DCFS’s custody on August 4, 2023. On May 6, 2025, P.M. was removed from Ms. Chapman’s home and hospitalized at Vermillion Behavioral Health Systems as a result of his behavior. He was transferred to the Methodist Children’s Home on June 9, 2025. At the time of the November 14, 2025 hearing, P.M. remained at the Methodist Children’s Home, was making progress, but was not ready for discharge.

Ms. Shroff testified that at the time she became involved with the case in July of 2024, T.N. had not made any progress on her case plan nor had she had any visits with P.M. Ms. Shroff further testified that T.N. had not made contact with or visited P.M. as of the time the petition for termination was filed on June 2, 2025. According to DCFS records, the initial plan of frequency for visitation was two visits per month at the DCFS office in Thibodaux. T.N. attended the initial visit on August 22, 2023. She attended two additional visits, with the last visit taking place on October 10, 2023.

According to Ms. Shroff, after the commencement of the termination hearing on September 3, 2025, T.N. completed substance abuse and mental health assessments. Ms. Shroff testified she assessed T.N.'s home and found it was appropriate. Ms. Shroff agreed T.N. had been actively attempting to complete all aspects of her case plan, testifying that T.N. had contacted her for the information to start parenting classes. Visitation with P.M. was scheduled for October 22, 2025 from 11 a.m. to 12 p.m., but the day before the visit, T.N. informed Ms. Shroff she was having transportation issues and would not be there until after 12, so the visit had to be rescheduled.

T.N. testified it had been approximately one year since she saw P.M. According to T.N., she visited P.M. at Ms. Chapman's residence, but the DCFS worker at the time asked her to stop visiting. T.N. testified she made progress on her case plan prior to the September 3, 2025 hearing date but did not complete anything. She testified she was not fully aware of P.M.'s significant mental health issues but understood he needed therapy. According to T.N., she did not take any steps to educate herself about P.M.'s mental health issues.

Ms. Chapman testified that the last visit T.N. had with P.M. was in October of 2023.

At the conclusion of the hearing, the trial court noted that by T.N.'s own testimony it had been "about a year or so" since she last contacted P.M. The trial court accepted the testimony of Ms. Shroff and Ms. Chapman that it was almost two years since T.N. had contacted P.M. The trial court found that although T.N. completed substance abuse and mental health assessments and was making attempts to attend parenting classes, it was "too little too late." The trial court observed that everything T.N. had done was started after the last court date, well after the filing of the petition to terminate. In addition, the trial court stated: "What I find particularly striking is that the mother is not educated, or has not attempted to educate herself, on the child's current mental health issues. The extent. The severity." The trial court observed T.N. had not done anything in the last year to find out what was going on with T.N. to "take action." The trial court's concerns about T.N.'s failure to educate herself on the seriousness of P.M.'s mental health issues led it to conclude that P.M.'s health and well-being would be seriously jeopardized if P.M. was placed in T.N.'s care, regardless of her completing substance abuse and mental health assessments and having an appropriate home living with her mother. For these reasons, the trial court concluded there was no expectation of significant improvement in T.N.'s ability to care for P.M. and his needs.

Grounds for Termination Under La. Ch.C. art. 1015(4)(c)

The trial court determined DCFS proved by clear and convincing evidence that T.N. abandoned P.M. pursuant to La. Ch.C. art. 1015(4)(c) by failing to maintain significant contact with P.M. by visiting him or communicating with him for a period in excess of six consecutive months.⁴

⁴ Louisiana Children's Code art. 1015(4)(c) provides the following statutory ground by which a court may involuntarily terminate the rights of parents:

(4) Abandonment of the child by placing him in the physical custody of a nonparent, or the department, or by otherwise leaving him under circumstances demonstrating an intention to permanently avoid parental responsibility by any of the following:

On appeal, T.N. does not dispute the amount of time she failed to maintain significant contact with P.M. Rather, she argues DCFS restricted visits to twice a month at the DCFS office in Thibodaux, Louisiana, and at the time, T.N. was living in Lafayette without reliable transportation. T.N. further argues P.M. was placed in an institutional/hospital setting in excess of six months during 2025 without T.N. being educated as to her rights regarding visitation with P.M. at the facility. She argues DCFS did not engage in any real or reasonable efforts to assist T.N. with visitation.

We find no merit to T.N.'s arguments on appeal. There is no evidence she had transportation issues during the time P.M. was living with Ms. Chapman. Rather, she testified the DCFS worker asked her to stop visiting. Moreover, there is no evidence T.N. asked for assistance with transportation. P.M. was not hospitalized until May of 2025, and according to DCFS records, T.N. had not visited P.M. since October 10, 2023. Considering the evidence presented, we find no error in the trial court's determination that T.N. failed to maintain significant contact with P.M. by visiting him or communicating with him for a period in excess of six consecutive months and terminating her parental rights pursuant to La. Ch.C. art. 1015(4)(c).

Grounds for Termination Under La. Ch.C. art. 1015(5)

Although only one ground for termination need be established, the trial court also determined DCFS proved by clear and convincing evidence the allegations under La. Ch.C. art. 1015(5). Specifically, the trial court found that T.N. failed to substantially comply with her court-approved case plan and there was no reasonable expectation of significant improvement in her conduct in the near future.⁵

(c) As of the time the petition is filed, the parent has failed to maintain significant contact with the child by visiting him or communicating with him for any period of six consecutive months.

⁵ Louisiana Children's Code art. 1015(5) provides the following statutory ground by which a court may involuntarily terminate the rights of parents:

On appeal, T.N. contends she completed most aspects of her case plan, and the main aspect of the case plan not achieved was visitations and successful completion of parenting classes, for which she was waiting on a referral from DCFS. T.N. further argues that because the case plan did not require her to educate herself as to the requirements of P.M.'s mental health treatment, it would be unjust to use this imaginary case plan goal as a basis to terminate her parental rights and to demonstrate no possibility of improvement based on perceived inaction of an aspect of the case plan not articulated or required.

T.N. acknowledges she did not comply with all aspects of her case plan. Moreover, she did not even begin to address any aspects of her case plan until September of 2025, more than two years after P.M. was placed in DCFS custody. To avoid termination of parental rights, a parent must show a significant change in the behavior that originally led to the child's removal by the State. *State in Interest of C.W.*, 2025-0257 (La. App. 1 Cir. 9/19/25), 421 So. 3d 570, 578

While T.N. may have completed some aspects of her case plan, she failed to demonstrate a significant change in her ability to meet P.M.'s physical, emotional, and mental health needs. See La. Ch.C. art. 1001. T.N. left P.M. in Ms. Chapman's care without demonstrating an intention to return for him. The inability to meet his day-to-day needs was the basis for his removal. Although educating herself on the seriousness of P.M.'s mental health issues was not specifically included in T.N.'s case plan, such information is necessary to meet P.M.'s needs. Under the evidence presented herein, we cannot say the trial court was manifestly erroneous in finding

(5) Unless sooner permitted by the court, at least one year has elapsed since a child was removed from the parent's custody pursuant to a court order; there has been no substantial parental compliance with a case plan for services which has been previously filed by the department and approved by the court as necessary for the safe return of the child; and despite earlier intervention, there is no reasonable expectation of significant improvement in the parent's condition or conduct in the near future, considering the child's age and his need for a safe, stable, and permanent home.

T.N. failed to substantially comply with her court-approved case plan and there was no reasonable expectation of significant improvement in her conduct in the near future and terminating her parental rights under La. Ch.C. art. 1015(5).

Best Interest of the Child

Finally, we address T.N.'s argument that the trial court erred in finding that termination of parental rights was in P.M.'s best interest. After considering the entire record, we find a reasonable factual basis exists for the trial court's finding that P.M.'s health and well-being would be seriously jeopardized if P.M. was placed in T.N.'s care. Accordingly, we find no error in the trial court's determination that termination of T.N.'s parental rights was in P.M.'s best interest.

CONCLUSION

For the reasons set forth above, we affirm the trial court's December 1, 2025 judgment terminating T.N.'s parental rights to P.M. and certifying P.M. free and eligible for adoption. All costs of this appeal are assessed against T.N.

AFFIRMED.