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NOT TO BE PUBLISHED

Commonwealth of Kentucky
Court of Appeals

NO. 2026-CA-0049-ME

C.B.M. AND B.J.M.

APPELLANTS

v. APPEAL FROM CALLOWAY CIRCUIT COURT
HONORABLE STEPHANIE J. PERLOW, JUDGE
ACTION NO. 25-AD-00016

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES AND S.G.M., A
MINOR CHILD

APPELLEES

AND

NO. 2026-CA-0050-ME

C.B.M. AND B.J.M.

APPELLANTS

v. APPEAL FROM CALLOWAY CIRCUIT COURT
HONORABLE STEPHANIE J. PERLOW, JUDGE
ACTION NO. 25-AD-00017

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES AND S.N.M., A
MINOR CHILD

APPELLEES

AND

NO. 2026-CA-0051-ME

C.B.M. AND B.J.M.

APPELLANTS

v. APPEAL FROM CALLOWAY CIRCUIT COURT
HONORABLE STEPHANIE J. PERLOW, JUDGE
ACTION NO. 25-AD-00018

COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND
FAMILY SERVICES AND S.J.M., A
MINOR CHILD

APPELLEES

OPINION
AFFIRMING

** ** *

BEFORE: CALDWELL, A. JONES, AND McNEILL, JUDGES.

JONES, A., JUDGE: In these consolidated appeals, B.J.M. (“Mother”) and C.B.M. (“Father”) appeal the orders of the Calloway Circuit Court (“family court”) terminating their parental rights to their three biological children. Having carefully reviewed the record, the parties’ arguments, and the applicable law, we conclude the family court’s detailed findings are supported by substantial evidence and that it correctly applied KRS¹ 625.090. Accordingly, we affirm.

¹ Kentucky Revised Statutes.

I. BACKGROUND

Mother and Father are married and have three biological daughters: S.N.M., born in 2009, S.G.M., born in 2015, and S.J.M., born in 2017 (collectively, “the children”). They also adopted M.M., the children’s biological cousin, (“Adopted Daughter”) in 2018.²

The Cabinet for Health and Family Services (“the Cabinet”) became involved with the family in November 2021 after learning that Father had sexually abused Adopted Daughter over the course of several years in the family home, sometimes in the same room as one of the other children. The Cabinet initially implemented a safety plan permitting Mother to remain in the home with the children provided Father had no further contact with them. Shortly thereafter, however, the Cabinet learned Mother had allowed Father to attend Thanksgiving with the family and accompany the family on a subsequent outing despite the safety plan. As a result, the Cabinet requested the family court to remove the children, and the children were placed in the Cabinet’s custody on December 2, 2021.

² Although Adopted Daughter was a party to both the underlying dependency, neglect, and abuse proceedings and the subsequent termination proceedings, and the family court likewise terminated Mother’s and Father’s parental rights to her, Parents have appealed only the termination orders relating to their three biological children. We therefore limit our discussion accordingly.

The family court subsequently adjudicated the children abused or neglected and entered disposition orders committing them to the Cabinet's custody. A panel of this Court affirmed those orders in *C.M. v. Cabinet for Health and Family Services*, 710 S.W.3d 18 (Ky. App. 2024) (hereinafter "*C.M. I*"). The children have remained in the Cabinet's custody since their initial removal in December 2021.

The Cabinet filed petitions to terminate Mother's and Father's parental rights on May 15, 2025. The family court conducted an evidentiary hearing on October 13, 2025, at which four witnesses testified: Andrea Fox, a supervisor with the Cabinet's Protection and Permanency Division; Tara Musselman, the family's ongoing Cabinet social worker; Mother; and Father.

Supervisor Fox testified that the Cabinet provided extensive reunification services throughout the nearly four-year case, including case planning, parenting classes, mental health services, supervised visitation for Mother, and regular home visits. Although Mother completed many components of her case plan and consistently attended visitation, she continued to reside with Father, denied he had sexually abused Adopted Daughter, and failed to establish a separate home for the children. Fox further testified that Father refused to complete a requested sex offender risk assessment, which the Cabinet considered necessary before reunification could safely occur. At the time of the termination

hearing, the children had been in foster care for approximately forty-one consecutive months and were thriving in their placement. Fox opined that neither parent had remedied the conditions leading to the children's removal and that termination of parental rights was in the children's best interests.

Social worker Musselman testified that Parents continued to reside together and had no concrete plans to legally separate. She further testified Mother continued to deny Father had sexually abused Adopted Daughter and had not demonstrated the protective capacity necessary to safely parent the children. Musselman also confirmed that Father remained unwilling to complete the requested assessments.

Mother testified she had maintained employment, consistently paid child support through wage garnishment, faithfully attended visitation, and remained involved in the children's lives. She acknowledged, however, that she continued living with Father, did not believe Adopted Daughter's allegations of sexual abuse, and had taken no meaningful steps toward establishing a separate residence despite nearly four years of Cabinet involvement. Mother also acknowledged that, despite agreeing to the Cabinet's initial safety plan prohibiting Father's contact with the children, she nevertheless allowed Father to attend Thanksgiving with the family and accompany them on a family outing because she did not believe either incident placed the children at risk. Although Mother

testified Father would move elsewhere if the children were returned, she admitted neither she nor Father had taken any concrete steps toward establishing separate households or pursuing a divorce.

Father likewise testified the children could safely return home. He stated he would relocate only if the children were returned, proposing to move into a camper on property only a few miles from the family residence, although no camper had yet been purchased. Father also admitted refusing to complete the requested sex offender risk assessment because he denied sexually abusing Adopted Daughter, and the second anger management assessment due to the fact it would not be covered by his insurance.

Following the hearing, the family court entered comprehensive orders terminating Mother's and Father's parental rights. The family court subsequently denied their CR³ 59.05 motion to alter, amend, or vacate. This appeal followed.

II. ANALYSIS

Parents raise four assignments of error. First, they contend the family court erred in finding the statutory grounds for termination established under KRS 625.090(2). Specifically, they argue Father's absence from the home was compelled by court order rather than constituting abandonment, any failure to provide occurred only after the children entered the Cabinet's custody, and any

³ Kentucky Rule of Civil Procedure.

child support arrearages resulted from administrative delay rather than parental defiance. Second, they argue the family court failed to make individualized findings as to each parent and instead improperly attributed Father's conduct and shortcomings to Mother. Third, they contend the Cabinet failed to make reasonable efforts toward reunification as required by KRS 625.090(3)(c). Finally, they argue the family court failed to adequately consider their rebuttal evidence under KRS 625.090(4) and (5).

KRS 625.090 sets forth the requirements that must be met before a Kentucky court may involuntarily terminate a parent's rights to his or her child. First, the family court must determine whether the child is an abused or neglected child or whether the child was previously adjudicated an abused or neglected child by a court of competent jurisdiction. KRS 625.090(1)(a). Second, the Cabinet must have filed a petition pursuant to KRS 620.180 or KRS 625.050. KRS 625.090(1)(b). Third, the family court must determine that termination is in the child's best interests. KRS 625.090(1)(c). In making that determination, the family court must consider the factors set forth in KRS 625.090(3), including whether the Cabinet made reasonable efforts toward reunification. Finally, the family court must find by clear and convincing evidence the existence of one or more of the statutory grounds enumerated in KRS 625.090(2). Even if these requirements are met, the family court may decline to terminate parental rights if

the parent establishes by a preponderance of the evidence that the child will not continue to be abused or neglected if returned to the parent's care. KRS 625.090(5).

Following the termination hearing, the family court was required to enter findings of fact and conclusions of law supporting its decision. Broad discretion is afforded family courts in determining whether parental rights should be terminated, and our review is limited to the clearly erroneous standard. *Cabinet for Health and Family Services v. H.L.O.*, 621 S.W.3d 452, 462 (Ky. 2021). Findings of fact supported by substantial evidence are not clearly erroneous. *R.M. v. Cabinet for Health and Family Services*, 620 S.W.3d 32, 37 (Ky. 2021). "Substantial evidence" is evidence sufficient to induce conviction in the mind of a reasonable person. *Id.* When the family court's findings are supported by substantial evidence, we review its legal conclusions *de novo*. If the family court's factual findings are not clearly erroneous and its legal conclusions are correct, our review is limited to determining whether the family court abused its discretion in applying the law to the facts. *H.L.O.*, 621 S.W.3d at 462.

The first two statutory requirements are readily satisfied. The children were previously adjudicated abused or neglected, and this Court affirmed the family court's adjudication and disposition orders in *C.M. I*. Likewise, the Cabinet properly filed its petitions to terminate parental rights pursuant to KRS

625.090(1)(b). Accordingly, we turn to the remaining statutory requirements challenged on appeal.

Parents first argue the family court erred in finding the statutory grounds for termination established under KRS 625.090(2). Specifically, they contend Father could not have abandoned the children because his absence from the home resulted from a court order rather than a voluntary relinquishment of his parental duties. They further argue that any failure to provide occurred only after the children entered the Cabinet's custody, that any child support arrearages resulted from administrative delay rather than parental defiance, and that the family court failed to make individualized findings by improperly attributing Father's conduct and shortcomings to Mother.

The family court found Father satisfied KRS 625.090(2)(a),⁴ (e),⁵ (g),⁶ and (j).⁷ It found Mother satisfied KRS 625.090(2)(e), (g), and (j). However, only one statutory ground is required to support termination. *T.P. v. Cabinet for Health and Family Services*, 697 S.W.3d 758, 762 (Ky. App. 2024); *W.L.C. v. Commonwealth, Cabinet for Health and Family Services*, 484 S.W.3d 737, 743 (Ky. App. 2016).

Substantial evidence supports the family court’s finding under KRS 625.090(2)(j). At the time of the termination hearing, the children had remained in foster care under the responsibility of the Cabinet for approximately forty-one of the preceding forty-eight months. Consequently, the family court properly concluded that KRS 625.090(2)(j) was satisfied as to both Parents. This finding alone satisfied KRS 625.090(2) and is sufficient to support termination.

⁴ “(a) That the parent has abandoned the child for a period of not less than ninety (90) days[.]” KRS 625.090(2)(a).

⁵ “(e) That the parent, for a period of not less than six (6) months, has continuously or repeatedly failed or refused to provide or has been substantially incapable of providing essential parental care and protection for the child and that there is no reasonable expectation of improvement in parental care and protection, considering the age of the child[.]” KRS 625.090(2)(e).

⁶ “(g) That the parent, for reasons other than poverty alone, has continuously or repeatedly failed to provide or is incapable of providing essential food, clothing, shelter, medical care, or education reasonably necessary and available for the child’s well-being and that there is no reasonable expectation of significant improvement in the parent’s conduct in the immediately foreseeable future, considering the age of the child[.]” KRS 625.090(2)(g).

⁷ “(j) That the child has been in foster care under the responsibility of the cabinet for fifteen (15) cumulative months out of forty-eight (48) months preceding the filing of the petition to terminate parental rights[.]” KRS 625.090(2)(j).

Nevertheless, we will consider Parents' additional argument concerning the grounds for termination KRS 625.090(2).

The family court did not base termination upon Father's court-ordered removal from the home or upon Parents' temporary inability to provide for the children after they entered the Cabinet's custody. Rather, the family court considered the entirety of Parents' conduct before and after removal, their failure to remedy the conditions that led to the children's removal despite nearly four years of reunification efforts, and their continuing inability to provide the children with a safe home. Substantial evidence supports those findings.

Nor are we persuaded that the family court failed to make individualized findings. Although portions of the family court's order necessarily discussed Parents collectively because many of the underlying facts applied equally to both, the court separately evaluated each parent's conduct, compliance with his or her respective case plan, and the statutory grounds applicable to each. Indeed, the court found Father satisfied four statutory grounds, while Mother satisfied three. The family court also recognized that Mother completed many components of her case plan while distinguishing Father's refusal to complete significant aspects of his own. We are satisfied the family court made the individualized findings required by KRS 625.090.

Parents next contend the family court erred in concluding termination of their parental rights was in the children's best interests because the Cabinet failed to make reasonable efforts toward reunification. In determining whether termination is in a child's best interests, the family court must consider the factors set forth in KRS 625.090(3), including whether the Cabinet made reasonable efforts toward reunification. KRS 625.090(3)(c). The record fully supports the family court's conclusion that the Cabinet satisfied this obligation.

Over the course of nearly four years, the Cabinet provided Parents with extensive reunification services, including case planning, parenting classes, mental health assessments, counseling, supervised visitation, home visits, and other supportive services designed to facilitate reunification. Mother completed many aspects of her case plan, maintained employment, consistently exercised visitation with the children, and paid child support through wage withholding. Father likewise completed certain aspects of his case plan. However, successful completion of individual case-plan tasks does not, standing alone, require reunification. Rather, the ultimate question is whether Parents remedied the conditions that led to the children's removal and whether there were any additional services that the Cabinet could provide that would help them do so.

The central concern throughout these proceedings was Parents' inability or unwillingness to protect the children from Father. Despite the prior

adjudication that the children were abused or neglected, this Court's affirmance of that adjudication, and nearly four years of Cabinet involvement, Father denied abusing Adopted Daughter and refused to participate in sex offender treatment. Mother likewise did not believe any abuse had occurred and failed to separate herself from Father. Significantly, Mother acknowledged she previously violated the Cabinet's safety plan by allowing Father to have contact with the children. Despite knowing that this conduct violated her plan, she nevertheless believed that allowing the contact had not harmed the children or placed them at risk of harm.

The Cabinet maintained that until Parents acknowledged the prior abuse and the risk to the children, there was nothing else it could do. The Cabinet cannot compel parents to acknowledge the conditions that led to removal or force them to benefit from the services provided. After nearly four years of reunification efforts, the family court reasonably concluded the obstacle to reunification was not the absence of additional services but Parents' continuing refusal to address the fundamental safety concerns that necessitated the children's removal. The evidence supports this conclusion.

The family court likewise acted within its discretion in determining termination was in the children's best interests. At the time of the hearing, the children had remained in foster care for approximately forty-one of the preceding forty-eight months and were thriving in their placement. Although Mother

completed several aspects of her case plan, including consistent visitation and stable employment, the family court reasonably concluded those considerations did not outweigh Parents' continuing inability to provide the children with a safe and stable home. Substantial evidence supports that determination.

Most notably, despite having four years to separate from Father, Mother continued to reside in the same home as him without any plans to legally separate. While Parents contended that Father would move out of the home if the children were returned to Mother, the property he planned to move to did not have a residence on it and was only a few miles from the family home. Given Mother's previous violations of the safety plan and her failure to appreciate the risk of harm those violations posed, the family court was justified in concluding that returning the children to her care was not in their best interests.

Finally, Parents argue the family court failed to adequately consider their rebuttal evidence as contemplated by KRS 625.090(4) and (5). Specifically, they contend the family court dismissed their evidence in a single sentence without meaningfully addressing it.

The record does not support that assertion. The family court summarized Parents' testimony and arguments throughout its findings, including Mother's testimony regarding her compliance with many aspects of her case plan, Parents' assertions that Father would relocate if the children were returned, and

their testimony that they believed the children could safely return to their care.

The family court simply found that evidence unpersuasive.

The family court was not required to accept Parents' assurances that the circumstances leading to removal had been remedied. Despite nearly four years of Cabinet involvement, Mother continued to deny Father sexually abused Adopted Daughter, continued to reside with Father, and acknowledged she previously violated the Cabinet's safety plan because she did not believe Father posed a danger to the children. Likewise, Father continued to deny the abuse and refused to complete the requested sex offender risk assessment. Although Parents testified Father would relocate if the children were returned, no meaningful steps had been taken to implement that proposal before the termination hearing. Under these circumstances, the family court acted well within its discretion in concluding Parents failed to establish by a preponderance of the evidence that the children would not continue to be abused or neglected if returned to their care.

The family court entered a careful and comprehensive thirty-one-page order addressing each of the statutory requirements governing termination of parental rights. Having reviewed the entire record, we conclude its findings are supported by substantial evidence, its legal conclusions are correct, and it did not abuse its discretion in determining that termination of Mother's and Father's parental rights was in the children's best interests.

III. CONCLUSION

For the foregoing reasons, we affirm the orders of the Calloway Circuit Court terminating Mother's and Father's parental rights to S.N.M., S.G.M., and S.J.M.

ALL CONCUR.

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