

APPENDIX B

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Minutes
3/15/23

IN THE JUVENILE COURT OF SULLIVAN COUNTY, AT
KINGSPORT, TENNESSEE

STATE OF TENNESSEE,
DEPARTMENT OF CHILDREN'S SERVICES,

Petitioner,

vs.

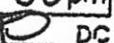
TARA DAWN CHAPMAN

Respondent.

No. J39995
J36,742;
J37,325

IN THE MATTER OF:
K [REDACTED] H [REDACTED] D.O.B. [REDACTED] 2008
B [REDACTED] H [REDACTED] D.O.B. [REDACTED] 2011
CHILDREN UNDER EIGHTEEN (18) YEARS OF AGE

FILED

3/15/23 10:58 AM
Bobby L. Russell  DC
JUVENILE COURT CLERK
SULLIVAN COUNTY, TN.

ORDER TERMINATING PARENTAL RIGHTS
AND
AWARDING FULL GUARDIANSHIP

This matter came to be heard before the Honorable Mark H. Toohey, Juvenile Court Judge, on the 6th day of February 2023 for ruling on a Petition to Terminate Parental Rights (Petition) filed by the State of Tennessee, Department of Children's Services (DCS) on January 24th, 2014, the Amended Petition to Terminate Parental Rights filed on April 24th, 2017, the Second Amended Petition to Terminate Parental Rights filed on December 21st 2021.

Present before the Court were Polly Peterson, Guardian ad Litem; Tara Dawn Chapman and attorneys Gregory Francisco and Randy Fleming; Whitney Manning guardian of Tara Dawn Chapman; Elizabeth Brady, attorney ad Litem for Tara Dawn

2911M

Chapman; Christina Stapleton, counsel for foster parents; DCS case managers, and Aaron I. Guinn, Esq., Associate General Counsel for DCS.

Whereupon the Court finds that the Respondent Ronald Joshua Hilliard is deceased as evidenced by his death certificate previously filed with this Court, and he is no longer a party to this action.

That the initial petition included the child E_____H_____ who prior to the resolution of this matter was placed in the guardianship of others and is not subject to this action.

Upon the evidence presented, arguments of counsel, and the entire record as a whole, the Court finds, upon clear and convincing evidence, that the Petition to Terminate Parental Rights of Respondent Tara Dawn Chapman as filed herein by the Tennessee Department of Children's Services is well taken and should be sustained and relief granted thereunder for the reasons stated herein.

Based upon the statements of counsel, evidence presented at trial, and the record as a whole, the Court hereby makes the foregoing findings of fact and conclusions of law:

FINDINGS OF FACT:

From the testimony of witnesses, the exhibits entered into evidence, and the record as a whole, the Court finds and so rules that the State has proven by clear and convincing evidence the following facts:

PARTIES, JURISDICTION AND VENUE

1. This Court has jurisdiction over this case pursuant to T.C.A. §§ 36-1-113, 37-1-104 and 37-1-147.

2. **Venue is properly in Sullivan County pursuant to T.C.A. §§ 36-1-113 and -114 and 37-1-111, in that the children are wards of the State of Tennessee Department of Children's Services, Sullivan County Office.**

3. The State of Tennessee, Department of Children's Services, is the current custodian of the children. This Honorable Court adjudicated the children dependent and neglected on October 30th 2012 after issuing an emergency protective custody order placing the children in temporary state custody on June 11th 2012. The children have been in foster care continuously since this Honorable Court's protective custody order.

4. The child, K [REDACTED] H [REDACTED] was born to Tara Dawn Chapman and Ronald Joshua Hilliard on [REDACTED], 2008 in Johnson City, TN.

5. The child, B [REDACTED] H [REDACTED] was born to Tara Dawn Chapman and Ronald Joshua Hilliard on [REDACTED] 2011 in Kingsport, TN.

6. That Ronald Joshua Hilliard is deceased and is no longer a party to this action.

7. The State consulted with the putative father registry within 10 days of the filing of this petition, and there were no claims of paternity in the registry as to these children. A copy of the putative father registry results was filed as an exhibit in this cause. No other paternity claims or guardians exist.

GROUND 3

ABANDONMENT -- FAILURE TO SUPPORT

T.C.A. §§ 36-1-113(g)(1) and 36-1-102(1)(A), -102 (1)(B) and -102(1)(D)

7. DCS has failed to prove, by clear and convincing evidence, the ground of abandonment by failure to support against Respondent Tara Dawn Chapman.

8. Tara Dawn Chapman was initially behind in child support payments; however, she was able to get caught up with the assistance of her social security disability benefits and made regular support payments thereafter.

GROUND 4
SUBSTANTIAL NONCOMPLIANCE WITH PERMANENCY PLAN
T.C.A. §§ 36-1-113(g)(2) and 37-2-403

9. After the children came into state custody, DCS created permanency plans for them. The permanency plans listed a number of requirements that Tara Dawn Chapman needed to satisfy before the children could safely be returned home. The plans were initially designed to address her substance abuse issues and domestic violence with the children's father.

10. Tara Dawn Chapman went to several different substance abuse treatment facilities and continued to struggle with her sobriety. At one point this Court held Tara Dawn Chapman in contempt for failing to follow through with treatment.

11. In reviewing the records of her current treatment providers in Prince William County Virginia Tara Dawn Chapman no longer has illegal substance abuse issues.

12. In 2016 DCS realized through assessments and reports from her mother Whitney Manning that Tara Dawn Chapman also had serious mental health needs that required further actions to address.

13. The Court finds that to hold someone responsible for not substantially complying with a permanency plan, the person must have the ability and wherewithal to comply with the plan requirements.

14. At one point due to her mental health status Tara Dawn Chapman was under the conservatorship of her mother Whitney Manning through Chancery Court of Sullivan County which was later dismissed by Ms. Manning.

15. Ms. Manning then removed Tara Dawn Chapman from Gibson Place, an inpatient mental health facility in Johnson City and relocated her to Virginia. Again as a result of Ms. Chapman's mental needs Ms. Manning and Ms. Chapman's sister Diana Perry were appointed as her legal Guardians by the Virginia Courts.

16. Tara Dawn Chapman stated that her mother kidnapped her and relocated her to Virginia and prevented her from returning to Tennessee which she desired to do.

17. The Court finds that due to Tara Dawn Chapman's mental health needs and others having legal control over her whereabouts and movements she was not permitted to comply with her statement of responsibilities on the permanency plans and therefore this ground is dismissed.

GROUND 5
PERSISTENT CONDITIONS
T.C.A. §§ 36-1-119(g)(3)

18. As of the filing of the State's termination petition, the children had been removed from the home, physical and legal custody of Tara Dawn Chapman for a period of six (6) months by a court order at the preliminary stage of the underlying dependency and neglect proceedings in that gave rise to this cause. This order was based upon a petition which alleged that the children were dependent and neglected.

19. DCS removed the children from their home because of Tara Dawn Chapman's violation of the no contact order with Ronald Hilliard, her ongoing substance abuse, pending criminal charges, and she was noncompliant with DCS and service providers.

20. The conditions that led to the removal no longer exist. There is no longer a restraining order with Ronald Hilliard, there is no evidence of her current substance abuse, she has no outstanding criminal charges, and as stated previously she was unable to comply with DCS and service providers due to her mental health status that placed her under the control of others that restricted her movement and ability to comply.

21. That due to the foregoing the ground of persistent conditions against Respondent Tara Dawn Chapman is hereby dismissed.

GROUND 6
(Amended Petition)
MENTAL INCOMPETENCE
T.C.A. §§ 36-1-118(g)(8)

22. The Court finds based on the testimony of witnesses, and thorough review of the voluminous records from various mental health providers over the years that Tara Dawn Chapman is incompetent to provide adequately for the further care and supervision of the children because her mental condition is impaired and is so likely to remain impaired to a level that she will probably not be able to resume the care and responsibility for the children in the near future.

23. The testimony of Tara Dawn Chapman's family members was that she first manifested issues with her mental health at the age of six years old and continued throughout her childhood and early adulthood.

24. Tara Dawn Chapman's mental health problems were further exacerbated by her use of illegal drugs, and failure to follow her doctors' order in the use of her prescription medication.

25. Tara Dawn Chapman had over a dozen hospitalizations with many instances wherein she would appear at an emergency room displaying thoughts and statements that were not based in reality and was subsequently hospitalized.

26. Whitney Manning testified that several hospitalizations were due to the mother not taking her psychotropic medications as prescribed. Further that due to the same issue on one occasion the mother struck Ms. Manning on her arm. On another occasion when the mother requested Ms. Manning take her get cigarettes and when Ms. Manning refused the mother held a knife close to Ms. Manning's face requiring several individuals to restrain her and remove the knife. The mother was subsequently hospitalized after that event.

27. Tara Dawn Chapman has a persistent history of being prescribed medication to address her mental health, not taking it appropriately leading to psychotic episodes and decompensation. This was the driving factor for her mother and sister to eventually gain conservatorship in Tennessee and guardianship in Virginia in order to take control over Tara Dawn Chapman's person to ensure she received proper mental health treatment.

28. The conservatorship and guardianship orders were supported by qualified physicians who evaluated Tara Dawn Chapman and determined that she was not able to manage her own affairs in that her mental condition was severe, persistent, disabling, and most likely permanent.

29. Tara Dawn Chapman was diagnosed with schizoaffective disorder characterized by psychotic features with deterioration from a previous level of functioning. She has experienced delusions or hallucinations grossly disorganized behavior and incoherence, loosening of associations, illogical thinking, and poverty of content of speech with blunt

affect. She has depression characterized by anhedonia, sleep disturbance, decreased energy, feelings of guilt or worthlessness, difficulty concentrating or thinking, thoughts of suicide, and hallucinations, delusions, and paranoid thinking.

30. Tara Dawn Chapman's psychological evaluation states that her impairments cause marked restriction in activities of daily living, marked difficulties in maintaining social functioning, moderate difficulties in maintaining concentration, persistence or pace, and episodes of decompensation each of extended duration.

31. Tara Dawn Chapman's medical records indicate a history of severe mental illness going back to childhood to wit:

- a) On May 24th 1994 Tara Dawn Chapman was hospitalized at HCA Dominion Hospital and the treating physician noted the day previous to admission she was planning to kill herself by jumping into the family swimming pool, but stopped at the last minute. Respondent tried to run away but her parents stopped her. Over the previous week Respondent was disruptive at school and unable to follow directions.
- b) Tara Dawn Chapman was in the fourth grade and had a long history of aggressive behavior and depression. She had outbursts wherein she screamed, bit and scratched herself, banged walls, and threw objects. She also attacked her parents and became increasingly rageful in the past week. Her academic functioning had declined since February 1994, decreased concentration and hypersexual behavior. She had been in counseling since age five, and been treated with Mellaril, Imipramine, and Zoloft.
- c) Tara Dawn Chapman was placed at Springwood inpatient facility in 1990 and 1992 and was diagnosed with major depression and attention deficit

hyperactivity disorder and treated with Ritalin, Clonidine, and Prozac and was discharged on June 7th, 1994.

- d) From August 2011 to December 2015 Tara Dawn Chapman received treatment from Frontier Mental Health for depression and anxiety. The records indicate she experienced symptoms of hopelessness, helplessness, problems with sleep, and feeling overwhelmed and she was diagnosed with mood disorder, bipolar disorder, depressive disorder, and anxiety disorder and was treated with medication and case management. She completed intensive outpatient program for substance abuse and attended group meetings to assist with recovery.
- e) From November 25th, 2013, to February 5th, 2014, Tara Dawn Chapman completed Rainbow Residential treatment program for cocaine addiction.
- f) From June 2014 to October 2014 Tara Dawn Chapman received mental health treatment at the Lloyd C. Elam Mental Health Center, whose records show she had a history of bipolar disorder and substance dependence. She reported having depressive symptoms and manic and hypomanic symptoms. The records also state Tara Dawn Chapman had decreased concentration, focus, and hallucinations and she was treated with Topamax, Lithium, Cymbalta, and Neurontin.
- g) From September 15th, 2014, to September 18th, 2014, Tara Dawn Chapman was hospitalized at Middle Tennessee Mental Health Institute. The records indicate she reported symptoms of depression, memory loss, auditory and visual hallucinations for the last couple of weeks; feeling electrical shocks all over her body; and having suicidal thoughts. She was diagnosed with bipolar

disorder with psychotic features, and was discharged with Venlafaxine, Lithium, Topamax, Gabapentin, Vistaril, Haldol, Cogentin, and Buspar.

h) From December 27th, 2015, to December 29th, 2015, Tara Dawn Chapman was hospitalized at Indian Path Medical Center due to an altered mental status. Their records indicate that she was having confusion and auditory hallucinations. She reported that she had not taken her Lithium in two days and was having severe anxiety. Ms. Chapman was diagnosed with altered mental state, auditory hallucinations, and bipolar disorder and was prescribed Gabapentin, Lithium, Lorazepam, Montelukast, Tamsulosin, Tizanidine, and Topiramate.

i) On January 9th, 2016, Tara Dawn Chapman was seen at Indian Path Medical Center emergency room and the records indicate she exhibited significant confusion, anxiety, rambling, moderate paranoia with disjointed thought processes. The treating physician noted that her sentences would begin only to quickly trail off and virtually all her verbal output ended with little coherent or purposeful conclusions. She was observed to wring her hands and seemed to be at a loss to express herself satisfactorily, and that her frame of mind was frightening to her. She was transferred to Woodridge Hospital for mental health treatment.

j) From January 9th, 2016, to January 15th, 2016, Tara Dawn Chapman was hospitalized at Woodridge Hospital for mental health treatment.

k) On January 19th, 2016, Tara Dawn Chapman was seen at the emergency room whose records indicate she had an altered mental state, confusion, paranoia,

manic, rambling, and tangential speech. She was diagnosed with psychosis and transferred to Woodridge Hospital for mental health treatment.

- l) On February 24th, 2016, Tara Dawn Chapman was seen at the emergency room, whose records indicate she had severe paranoia, anxiety, agitation and withdrawal. She was noted to have illogical thought processes and flight of ideas and was unable to answer questions appropriately and was transferred to Woodridge Hospital for mental health treatment.
- m) On March 15th, 2016, Tara Dawn Chapman seen at the emergency room whose records indicate she was displaying anxiety, depression, and hallucinations. The treating physician noted that she was at the emergency room a few days prior but left prior to treatment. The physician reported Ms. Chapman had difficulty formulating answers, and she appeared scared and anxious, and was scratching her body and scalp. She was diagnosed with psychosis and transferred to Woodridge Hospital for mental health treatment.
- n) In August 2016 Tara Dawn Chapman Respondent was released from Woodridge Hospital inpatient treatment and returned in December 2016 and remained there. Her discharge plan was to be committed permanently to a mental health facility once placement had been found.
- o) Dr. Rajesh Kadam recommended a conservator be appointed for Tara Dawn Chapman because she suffered from a mental condition of such severity that she is unable to make reasonable decisions regarding her medical or her health in general. Dr. Kadam reports that Ms. Chapman is severely chronically mentally ill, and her mental illness was severe in degree and had led to mental impairment. He further reports that she had poor chronic

mental condition, social conditions, adaptive behavior, and social skills, and poor physical condition, and had fair, poor, chronic educational condition.

32. Tara Dawn Chapman was declared disabled due to her mental illness by the Social Security Administration effective May 31st, 2013.
33. Tara Dawn Chapman contacted DCS while she was a patient at Woodridge hospital in 2016 and 2017 and made outrageous claims that she was then pregnant with seven children; that Woodridge stole a previous child she was pregnant with; that she has been drugged and physically abused; that she has a myriad of physical ailments including various cancers; that she is the mother of thirty three children and the majority of them were embryos housed by the State and placed in surrogates; that Josh Hilliard has all of the children in his custody at this time.
34. Since 2017 Tara Dawn Chapman has been relocated to Virginia and having reviewed the medical and mental health records from her various providers in that state it is noteworthy that some of the medications she was prescribed seem to have exacerbated her symptoms. Some of the complaints she made to medical professionals that were deemed to be illogical may have been actual side effects of the medications.
35. In reviewing Exhibit 13, records from Prince William County dated January 27th, 2022, it details her past medications, treatment, and her plan for her future care with her legal guardians. Since that time the records reflect that Ms. Chapman's condition has stabilized at least to the extent she has not experienced the severe psychosis she suffered in the past.
36. Tara Dawn Chapman's diagnosis reflects, and this Court so finds that her mental impairment is most likely a permanent one. She has demonstrated over the years that she is not capable of maintaining her medication and treatment on her own and has

done better recently due to her guardians overseeing her care. This has been for a limited time of approximately two years of a thirty-year mental impairment.

37. Tara Dawn Chapman has been able to obtain employment and assist with caring for other children in the home but is not left alone with them as her guardians or other adults are always present.

38. Tara Dawn Chapman does not have a drivers license, does not have a car, and her income is approximately \$540 per month. She relies extensively on her family for support and for her own care.

39. Tara Dawn Chapman testified that if she had custody of the children, she would need the assistance of others to care for them as would any parent. This Court finds that to be true to a certain extent however due to the foregoing Ms. Chapman is not mentally capable of providing care for her children.

40. The Court finds there is little chance that Ms. Chapman's condition can be improved to such an extent that the children can be placed safely with her in the foreseeable future.

GROUND 7

(Second Amended Petition)

**FAILURE TO MANIFEST AN ABILITY AND WILLINGNESS TO ASSUME
CUSTODY ¹³ ~~PT.C.A. § 36-1-113(g)(14)~~**

41. In this case Tara Dawn Chapman has addressed her substance abuse, her criminal issues, and has made attempts to address her mental health concerns.

42. That due to the forgoing this ground is dismissed.

**BEST INTEREST
T.C.A. § 36-1-113(i)(1)**

The Court finds that, after having found that a ground exists to terminate the parental rights of a Respondent, the Court must then analyze whether or not it is in the children's best interest for termination to be granted. The Court further finds that the nonexclusive list of best interest factors which the Court must consider are contained in Tennessee Code Annotated § 36-1-113(i)(1).

43. The initial petition as pled was under previous subheadings of the same statute, therefore the Court will address these best interest factors under the current headings and subheadings, as pled in the subsequent amended pleadings.

44. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(A) is applicable in this matter. Thus, the Court finds that it is in the best interests of the minor children for termination to be granted as to Tara Dawn Chapman, because the children require stability and continuity of placement through their minority. K_____ H_____ and B_____ H_____ have been placed in the Hickman foster home for most of their lives. K_____ H_____ testified that his life is with the Hickmans and he wants to stay there. The children view the Hickmans as their parents. Thus, the Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

45. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(I)(1)(B) is applicable in this matter. Thus, the Court finds that it is in the children's best interests for termination to be granted as to Tara Dawn Chapman because the effect of a change in caretakers and physical environment is likely to have a detrimental effect on the children's emotional, psychological, and medical conditions. The children are

entrenched in their lives with the Hickmans who have met all of their needs for the better part of a decade. To remove them from that environment would be devastating. Thus, the Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

46. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(C) is applicable in this matter. The Court finds that it is in the children's best interests for termination to be granted as to Tara Dawn Chapman, because she has not demonstrated continuity and stability in meeting the children's basic material, educational, housing, and safety needs. She has not done these things in part because of her mental health, because she was not allowed to by her guardians, and because of a no contact order put in place by this court some years ago. Thus, the Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

47. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(D) is applicable in this matter. The Court finds that it is in the children's best interests for termination to be granted as to Tara Dawn Chapman, because there is no secure and healthy parental attachment between her, and the children and it is unlikely that such an attachment can be created. The children have not seen their mother since 2016, and any attempt to reestablish that relationship would not be in their best interest. Thus, the Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

48. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(E) is not applicable in this matter and does not weigh in favor of, or against, termination because of her mental health issues, hospitalizations, and this Court's past order suspending her visitation.

49. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(F) does not weigh in favor of termination because the Court finds that the children are not afraid to live with their mother.

50. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(G) is not applicable in this matter and does not weigh in favor of, or against, termination as the Court is without sufficient information about Tara Dawn Chapman's home to be able to determine if placing the children there would exacerbate their past trauma.

51. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(H) is applicable in this matter. Thus, the Court finds that that it is in the children's best interest for termination to be granted as to Tara Dawn Chapman, because the children have created a healthy parental attachment with another person or persons in the absence of their mother. The children have developed a parental attachment to the Hickmans who have provided for them as parents for most of the children's lives. Thus, the Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

52. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(I) is applicable in this matter. Thus, the Court finds that that it is in the children's best interest for termination to be granted as to Tara Dawn Chapman, because the children have an emotionally significant relationship with persons other than their mother and it would have a detrimental impact on the children's relationships with those persons.

K[REDACTED] H[REDACTED] testified that he is close with his foster siblings and considers them his family. The children attend church and family functions and has forged relationships

with friends at school. Thus, the Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

53. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(J) is applicable in this matter. Thus, the Court finds that in the children's best interests for termination to be granted as to Tara Dawn Chapman, because she failed to demonstrate such a lasting adjustment of circumstances, conduct, or conditions as to make it safe and beneficial for the children to be placed in her home and she is consistently unable to provide safe and stable care for the children. There is no evidence that Tara Dawn Chapman is using alcohol or other controlled substances, however her commitment to maintaining consistent mental health is uncertain. Thus, The Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

54. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(K) is not applicable in this matter and does not weigh in favor of, or against, termination. Tara Dawn Chapman with the help of her family has taken advantage of services made available to her. Whether or not these will be lasting changes is unknown at this point because of her permanent mental health needs.

55. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(L) is applicable in this matter. Thus, the Court finds that it is in the children's best interest for termination to be granted, because DCS has provide reasonable efforts to assist Tara Dawn Chapman in making a lasting adjustment of circumstances, conduct or condition which would make it safe for the children to return to her care. Part of the problem was for a time DCS could not maintain contact with Ms. Chapman after she left the state, however DCS made what reasonable efforts they could give those

circumstances. Thus, the Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

56. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(M) is applicable in this matter. Thus, the Court finds that it is in the children's best interest for termination to be granted, because Tara Dawn Chapman has not demonstrated a sense of urgency in seeking custody of the children, or addressing the circumstances, conduct, or conditions which would make it safe to return the children to her home. Initially Ms. Chapman was using extremely dangerous drugs, which may have been fueled by her mental health issues but were having a very detrimental effect on her mental health. Thus, the Court finds that this factor weighs in favor of terminating the Respondents' parental rights.

57. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(N) is not applicable in this matter and does not weigh in favor of, or against, termination. Tara Dawn Chapman did strike her mother and once pulled a knife on her; however, the children were not present, and she did not present a danger to them.

58. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(O) is applicable in this matter. Thus, the Court finds that it is in the children's best interest for termination to be granted, because Tara Dawn Chapman has not provided safe and stable care for these children or any other children. She has been able to assist in the care of her daughter, and her autistic brother, but she is not able to provide one on one care for any child or children. Thus, the Court finds that this factor weighs in favor of terminating Tara Dawn Chapman's parental rights.

59. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(P) is not applicable in this matter and does not weigh in favor of, or against,

termination. When Tara Dawn Chapman is taking her medication as prescribed, she understands the children's needs, but when she is not the Court finds she is not able to properly understand and meet the children's needs.

60. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(Q) is not applicable in this matter and does not weigh in favor of, or against, termination. When Tara Dawn Chapman is maintaining proper mental health treatment, she is somewhat better able to recognize the children and their needs, but not well enough to provide consistent proper childcare.

61. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(R) is not applicable in this matter and does not weigh in favor of, or against, termination. The home of Tara Dawn Chapman would be healthy and safe for the children so long as another adult caregiver were present.

62. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(S) is not applicable in this matter and does not weigh in favor of, or against, termination. Initially Tara Dawn Chapman was unable to maintain employment due to her mental health issues which is why she now receives social security disability from which child support was diverted to the state.

63. The Court finds that the best interest factor contained in T.C.A. § 36-1-113(i)(1)(T) is applicable in this matter. Thus, the Court finds that it is in the children's best interest for termination to be granted, because Tara Dawn Chapman's mental or emotional unfitness would be detrimental to the children and prevent her from consistently and effectively providing safe and stable care and supervision for the children. Thus, the Court finds that this factor weighs in favor of terminating the Tara Dawn Chapman's parental rights.

PETITION FOR CUSTODY

64. That based upon for the forgoing reasons, sufficient evidence has been established to terminate the parental rights of Tara Dawn Chapman, and therefore her petition for a return of custody, and motion for visitation are dismissed.

BASED UPON the foregoing FINDINGS OF FACT, the Court hereby makes the following CONCLUSIONS OF LAW:

1. There is clear and convincing evidence that the State has made reasonable efforts in this cause pursuant to T.C.A. § 37-1-166.
2. Pursuant to T.C.A. §§ 36-1-113(g)(1) and 36-1-102(1)(A), -102 (1)(B) and -102(1)(D), there is not clear and convincing evidence that Respondent Tara Dawn Chapman has abandoned the children by failing to support the children, such that this ground is dismissed.
3. Pursuant to T.C.A. §§ 36-1-113(g)(2) and 37-2-403(a)(2), there is not clear and convincing evidence that Respondent Tara Dawn Chapman has been substantially noncompliant with the statements and responsibilities set out for her in the permanency plans, such that this ground is dismissed.
4. Pursuant to T.C.A. §§ 36-1-113(g)(3), there is not clear and convincing evidence that the conditions that led to removal continue to persist, such that this ground is dismissed.
5. Pursuant to T.C.A. §§ 36-1-113(g)(8), there is clear and convincing evidence that Tara Dawn Chapman is mentally incompetent to care for the children, such that Tara Dawn Chapman's parental rights should be terminated.

6. Pursuant to T.C.A. § 36-1-113(g)(14), there is not clear and convincing evidence that Respondent Tara Dawn Chapman has failed to manifest a willingness to assume legal and physical custody of the children, such that this ground is dismissed.
7. Tara Dawn Chapman has not made an adjustment in circumstance that would warrant custody being granted to her as it would not be in the children's best interest.

Best Interests:

Having evaluated all of the relevant best interest factors found in T.C.A. § 36-1-113(i), there is clear and convincing evidence that it is in the best interest of the minor children for the parental rights of Respondent Tara Dawn Chapman to be forever terminated.

1. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(A), that the children have a critical need for stability and continuity of placement throughout the children's minority which the Respondent Tara Dawn Chapman has failed to provide. The Court is, therefore, of the opinion and so holds the State has established, by clear and convincing evidence, it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman to the children due to the need for stability of continuity of care, pursuant to T.C.A. § 36-1-113(i)(1)(A).
2. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(B), the effect of a change of caretakers and physical environments is likely to have a detrimental effect on the children's emotional, psychological, and medical conditions. The Court is, therefore, of

the opinion and so holds the State has established, by clear and convincing evidence, it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman due to the detrimental effect a change of caretakers and physical environments would have on the children's emotional, psychological, and medical conditions, pursuant to T.C.A. § 36-1-113(i)(1)(B).

3. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that DCS has proven by clear and convincing evidence that, pursuant to T.C.A. § 36-1-113(i)(1)(C), the Respondent Tara Dawn Chapman has failed to demonstrate continuity and stability in meeting the children's basic material, educational, housing and safety needs. The Court is, therefore, of the opinion and so holds the State has established, by clear and convincing evidence, it is in the best interests of the children, that the parental rights of Tara Dawn Chapman should be terminated for failure to demonstrate continuity and stability in meeting the children's basic material, educational, housing and safety needs pursuant to T.C.A. § 36-1-113(i)(1)(C).

4. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(D), that Respondent Tara Dawn Chapman has failed to establish a secure and healthy parental attachment with the children. The Court is, therefore, of the opinion and so holds the State has established, by clear and convincing evidence, it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman for failure to establish a secure and healthy parental attachment with the children pursuant to T.C.A. § 36-1-113(i)(1)(D).

5. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that the T.C.A. § 36-1-113(i)(1)(E) is not applicable in this matter and does not weigh in favor of, or against, termination.
6. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that T.C.A. § 36-1-113(i)(1)(F) is not applicable in this matter and does not weigh in favor of, or against, termination.
7. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that T.C.A. § 36-1-113(i)(1)(G) is not applicable in this matter and does not weigh in favor of, or against, termination.
8. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(H) the children have created a healthy parental attachment with another person or persons in the absence of the Respondent Tara Dawn Chapman. The Court is, therefore, of the opinion and so holds it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman due to the children forming a healthy parental attachment to other persons pursuant to T.C.A. § 36-1-113(i)(1)(H).
9. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(I) that the children have significant relationships with persons other than Respondent Tara Dawn Chapman or caretakers because the children have an emotionally significant relationship with persons other than their mother and it would have a detrimental impact on the children's relationships with those persons. The Court is, therefore, of the opinion and

so holds, it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman pursuant to T.C.A. § 36-1-113(i)(1)(I).

10. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(J) the Respondent Tara Dawn Chapman has failed to demonstrate a lasting adjustment of circumstances, conduct or condition as to make it safe and beneficial for the children to be placed in her home and she is unable to consistently provide care for the children in a safe and stable manner. The Court is, therefore, of the opinion and so holds the State has established, by clear and convincing evidence, it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman due to the failing to make a lasting adjustment of circumstances pursuant to T.C.A. § 36-1-113(i)(1)(J).

11. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that T.C.A. § 36-1-113(i)(1)(K) is not applicable in this matter and does not weigh in favor of, or against, termination.

12. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(L) the Respondent Tara Dawn Chapman has failed to demonstrate a lasting adjustment of circumstances or conduct after reasonable efforts by DCS. The Court is, therefore, of the opinion and so holds it is in the best interests of the children to terminate the parental rights of Tara Dawn Chapman due to failing to demonstrate a lasting adjustment after reasonable efforts by DCS pursuant to T.C.A. § 36-1-113(i)(1)(L).

13. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(M) the Respondent Tara Dawn Chapman has failed to demonstrate a sense of urgency in seeking custody of the children, or addressing the circumstances, conduct, or conditions that would make it safe for the children to return to their care. The Court is, therefore, of the opinion and so holds it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman due to the lack of urgency demonstrated in seeking custody or addressing circumstances or conduct pursuant to T.C.A. § 36-1-113(i)(1)(M).

14. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that T.C.A. § 36-1-113(i)(1)(N) is not applicable in this matter and does not weigh in favor of, or against, termination.

15. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(O) the Respondent Tara Dawn Chapman has failed to provide a safe and stable care for these children or any child. The Court is, therefore, of the opinion and so holds it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman for failure to provide safe and stable care for these children pursuant to T.C.A. § 36-1-113(i)(1)(O).

16. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that T.C.A. § 36-1-113(i)(1)(P) is not applicable in this matter and does not weigh in favor of, or against, termination.

17. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that T.C.A. § 36-1-113(i)(1)(Q) is not applicable in this matter and does not weigh in favor of, or against, termination.

18. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that T.C.A. § 36-1-113(i)(1)(R) is not applicable in this matter and does not weigh in favor of, or against, termination.

19. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules that T.C.A. § 36-1-113(i)(1)(S) is not applicable in this matter and does not weigh in favor of, or against, termination.

20. From the exhibits entered into evidence, the testimony of the witnesses, and the record as a whole, the Court finds and so rules DCS has proven by clear and convincing evidence, pursuant to T.C.A. § 36-1-113(i)(1)(T) the Respondent Tara Dawn Chapman's mental and emotional condition prevent her from consistently and effectively providing safe and stable care and supervision for the children. The Court is, therefore, of the opinion and so holds the State has established, by clear and convincing evidence, it is in the best interests of the children, to terminate the parental rights of Tara Dawn Chapman due mental and emotional condition of Tara Dawn Chapman pursuant to T.C.A. § 36-1-113(i)(1)(T).

IT IS, THEREFORE, ORDERED ADJUDGED, AND DECREED:

1. That the petition and motion for return of custody and for visitation filed by Tara Dawn Chapman are hereby dismissed.
2. The State of Tennessee Department of Children's Services has proven by clear and convincing evidence that the conditions for termination of parental rights as set forth in T.C.A. § 36-113(c)(1) and (2) have been established in this matter.

3. That the State has proven by clear and convincing evidence the statutory ground for termination of parental rights of Tara Dawn Chapman to the children, pursuant to T.C.A. §§ 36-1-113(g)(8), that Tara Dawn Chapman is mentally incompetent to care for the children.

4. That the State has proven by clear and convincing evidence that it is in the best interests of the children, that the parental rights of Tara Dawn Chapman should be terminated pursuant to the provisions of T.C.A. § 36-1-113(i)(1)(A) child's need for stability; T.C.A. § 36-1-113(i)(1)(B) effect a change of caretakers would have on the children; T.C.A. § 36-1-113(i)(1)(C) failure to demonstrate continuity and stability for children's basic needs; T.C.A. § 36-1-113(i)(1)(D) failure to establish a secure and healthy parental attachment; T.C.A. § 36-1-113(i)(1)(H) parental attachment to another person or persons; T.C.A. § 36-1-113(i)(1)(I) children's emotionally significant relationship with extended family members; T.C.A. § 36-1-113(i)(1)(J) failure to demonstrate a lasting adjustment; T.C.A. § 36-1-113(i)(1)(L) failure to adjust circumstances after reasonable efforts by DCS; T.C.A. § 36-1-113(i)(1)(M) failure to demonstrate a sense of urgency in regaining custody; T.C.A. § 36-1-113(i)(1)(O) failure to provide safe and stable care; T.C.A. § 36-1-113(i)(1)(T) mental or emotional unfitness.

5. That the State of Tennessee Department of Children's Services has proven, by clear and convincing evidence, that grounds for termination of parental rights exists and has proven, by clear and convincing evidence, that it is in the best interest of the children that all of the parental rights of Tara Dawn Chapman to said children be forever terminated; and therefore the complete custody, control, and full guardianship of said children be awarded to the State of Tennessee, Department of Children's Services, with

the right to place said children for adoption and to consent to said adoption in loco parentis.

6. That this Decree shall have the effect of terminating all the rights and obligations of Respondent Tara Dawn Chapman to said children and of said children to Respondent Tara Dawn Chapman arising from the parental relationship, and Respondent Tara Dawn Chapman is not hereafter entitled to notice of proceedings for the adoption of said children by another nor has Respondent Tara Dawn Chapman any right to object to such adoption or otherwise to participate in such proceedings.

Therefore, the parental rights of Tara Dawn Chapman in and to the children are terminated.

7. This is a final order as to the Respondent Tara Dawn Chapman. Any appeal from this order must be made to the Court of Appeals within thirty days of the entry of this order.

8. That the parental rights, duties, responsibilities, and obligations of Respondent Tara Dawn Chapman in and to the children, are terminated and severed.

9. That the rights, duties, responsibilities, and obligations of the children, to Respondent Tara Dawn Chapman are hereby terminated and severed.

10. That the full legal guardianship of these children is hereby awarded to the State of Tennessee, Department of Children's Services.

11. That there is no just reason for delay of entry of a final order terminating the parental rights of the Respondent Tara Dawn Chapman in and to the children, as all issues as to all parties have been resolved. Therefore, pursuant to Tenn. R. Civ. P. 54.02, because there is no just reason for delay, entry of judgment as to Tara Dawn Chapman is directed. Accordingly, this is a final order as to Tara Dawn Chapman and

may be immediately appealed as of right to the Court of Appeals pursuant to Tenn. R. App. 8(a).

12. That the Department of Children's Services has made reasonable efforts to establish permanency for the children in this matter.

Any appeal of the trial court's final disposition of the complaint or petition for termination of parental rights will be governed by the provisions of Rule 8A, Tennessee Rules of Appellate Procedure, which imposes special time limitations for the filing of a transcript or statement of the evidence, the completion and transmission of the record on appeal, and the filing of briefs in the appellate court, as well as other special provisions for expediting the appeal. All parties must review Rule 8A, Tennessee Rules of Appellate Procedure, for information concerning the special provisions that apply to any appeal of this case.

ENTERED pursuant to Rule 58, T.R.C.P.


HONORABLE MARK H. TOOHEY,
JUVENILE COURT JUDGE

Prepared for Entry by:

/es/ Aaron J. Guinn

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Assistant General Counsel
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Certificate of Service

The undersigned hereby certifies that a true and exact copy of the foregoing Order has been sent via email, fax, or deposited in the U. S. Mail, postage prepaid, addressed to:

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Connie.mcreynolds@tn.gov

This the 14th day of March, 2023.

/es/ Aaron J. Guinn

Aaron I. Guinn