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ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2021-2022

2200394 and 2200395

D.J.

v.

Etowah County Department of Human Resources

**Appeals from Etowah Juvenile Court
(JU-18-375.02 and JU-19-134.02)**

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S.B.

v.

Etowah County Department of Human Resources

**Appeals from Etowah Juvenile Court
(JU-18-375.02, JU-18-376.02, and JU-19-134.02)**

FRIDY, Judge.

D.J. ("the father") and S.B. ("the mother") appeal from judgments entered by the Etowah Juvenile Court ("the juvenile court") terminating their parental rights to Ki.J. and Ka.J. The mother also appeals from the judgment of the juvenile court terminating her parental rights to K.U.¹ Ki.J., Ka.J., and K.U. are hereinafter referred to collectively as "the children." We reverse the juvenile court's judgments.

Background

The mother and the father have never been married to each other. K.U. had already been born when the mother and the father met. When the mother and the father began dating, the mother moved in with the father. Ki.J. was born of their relationship in 2017; Ka.J. was born in 2019.

¹The juvenile court also terminated the parental rights of T.U., K.U.'s biological father, but T.U. has not appealed.

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The Etowah County Department of Human Resources ("DHR") first became involved with the parents in July 2018. Loni Estes, the first foster-care worker to work with the children, testified that DHR had received a report that the two older children were living in inadequate housing and that the parents were using illegal drugs. On July 11, 2018, the two older children were placed in foster care, where they have since remained.

Estes testified that, at the first individualized service plan ("ISP") meeting the parents attended, the mother sat in a fetal position, sucked her thumb, and laughed at random instances. Both parents tested positive for methamphetamine that day. At the initial ISP meeting, Estes said, the parents were asked to submit to random drug screens, to remain drug free, to provide a stable home, and to maintain stable employment.

Mignon Strickland, a family-service worker with a DHR contractor, supervised the visits between the parents and the children for about a year and a half. Strickland, who had formerly worked for DHR, said that the mother and the father were uncooperative at first. During that 18-month period, there were times when the mother and the father refused

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to take some of the random drug tests, and they did not provide DHR with any relative resources for the children. They did not obtain housing, and, although the mother said that she was employed, she failed to provide any proof of employment. The mother also refused to release any of her mental-health records, saying that they had nothing to do with why the children were in foster care. The father appears to have been employed during that period.

Strickland testified that the oldest child showed signs of anxiety when he had to meet with the mother. The younger children were too young to understand what was occurring, Strickland said. At the mother's first visitation with the two older children, Strickland said, the mother "completely showed out" by "cussing, fussing, and being loud." Strickland said that the mother did not want the oldest child's hair to be cut and that she would roughly braid his hair during their visits. On one visit, the mother became angry because of rubber bands in the child's hair, and she pulled them out so harshly that she also pulled out "chunks" of the child's hair. The oldest child wanted a hair cut because, Strickland said, the child said that other children called him a girl and that he was being bullied at

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school. The juvenile court allowed the child to have his hair cut, and, on the next visitation, the mother once again became belligerent over the child's hair, even though she had been warned beforehand not to confront the child about the haircut.

Strickland said that some of the visits went well and that the mother and the father were attentive, loving parents. However, Strickland said, most of the time the parents "wanted to find something wrong" with the children, the caseworkers, the foster family, and Strickland. Strickland said that sometimes, when the mother became unruly, the father would attempt to calm her; other times, she said, the father "fed off" the mother and the situation would escalate. For the most part, however, Strickland said, the father acted appropriately with the children. When the mother "acted out," Strickland said, the older child "hid under" the father. She also said that the father was the parent who took part in discussions about child nutrition, finances, and how he would balance work and day care if he were to obtain custody of the children. Estes testified that the father was easier to work with when the mother was not present.

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Strickland testified that the father sometimes attended visitation under the influence of some substance. She described the father's behavior on those occasions as being incoherent when he interacted with the older children. On one occasion, Strickland said, when the visitation ended she saw the father drive away on the wrong side of the road. Strickland said that the father was consistent in visiting with the children until the mother was incarcerated.

Estes testified that, at the ISP meeting held in February 2019, when the older children had been in foster care for seven months, the parents were informed that they were still failing to meet several of the goals that had been set for them. The mother and the father had not identified any relative resources, they were not participating in the random drug screenings, they did not have safe housing or reliable transportation, and the mother was unemployed and had not applied for disability benefits. The father was employed at that time. The parties had been asked to complete psychological evaluations, but they would not agree to do so. Estes said that the mother and the father had completed a parenting assessment. She said that the father had participated in one session of

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individual and family counseling, and that the mother had participated in "a few" counseling sessions, but counseling was terminated because of the parents' noncompliance. Estes added that the father had been incarcerated at one point during this period, but no details about his incarceration were elicited.

Jennifer Engle, a counselor, testified by deposition that she worked with the oldest child from February 2019 to June 2020. According to Engle, the oldest child suffered from "generalized anxiety" that, she said, was higher than that of most children under similar circumstances. Engle characterized the child as having "excessive worry" about starting school and making friends. During her testimony, Engle related an incident in which the child described having been worried that the father was dead or in the hospital because, during a storm, the father had failed to attend a visitation. During the COVID-19 pandemic, when in-person visitations were suspended, Engle said that the oldest child wondered if he would ever see the mother and the father again and blamed DHR and the foster parents for his inability to visit them.

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The oldest child was more attached to the father than to the mother, Engle said, adding that, during their sessions, he rarely mentioned the mother. He had told Engle about a time when the mother had been physically abusive. Engle said that the mother also made the child feel like he was responsible for the older of his two younger siblings, making the oldest child, who was five years old at the time, get up to give a bottle to that sibling. As their sessions came to an end, Engle testified, the oldest child still expressed a desire to see the father and the mother. Engle said that the oldest child had developed a bond with the foster parents by that time and was no longer angry with them.

The youngest child was born in March 2019 and was immediately taken into foster care. At that time, the mother and the father became more cooperative with DHR, Estes said. They agreed to submit to psychological evaluations and to follow the resulting recommendations. The mother's evaluation demonstrated that she experienced "considerable stress" with the children because she was unable to change from one task to another "without emotional upset." The mother perceived that the children were "overly dependent" on her. She was diagnosed with bipolar

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disorder, cannabis abuse, methamphetamine abuse, borderline personality disorder, and borderline intellectual functioning. Regarding the latter diagnosis, however, the examiner noted that the mother did not appear to be motivated and did not put forth a good effort. Thus, according to the examiner, the mother's intellectual functioning was probably higher than the testing indicated. The father's psychological evaluation resulted in a diagnosis of adjustment disorder. It was recommended that the father engage in parenting and marital therapy, as well as therapy for substance abuse.

Upon the birth of the youngest child in March 2019, the mother was arrested for chemical endangerment. She was placed at Aletheia House, a women's substance-abuse treatment facility, to receive rehabilitation, but, Estes said, the mother did not improve, and in July 2019, the mother was removed from that program and moved into an apartment in Gadsden with the father.

In September 2019, the permanency plan for the children was changed from reunification to kinship guardianship, and the concurrent plan was adoption by the children's foster parents. Estes said that the

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progress the parents had made toward reunification had begun to decline. The mother had been removed from her rehabilitation program, and she had failed to follow through on the mental-health treatment that had been recommended. The mother also refused to take a drug test when requested to do so. The father participated in drug screens as requested and had consistently tested negative in the tests administered through DHR. However, Estes said, he was not participating in the various classes he was supposed to be taking, and he was not attending Narcotics Anonymous meetings as required. The father was also not in compliance with a "veterans' court" program, having tested positive for an illegal substance known as "spice" through that program. The veterans' court sent the father to a substance-abuse rehabilitation program. Although the father was employed, he often changed jobs, Estes said, and he was having financial difficulties. She said that the father had told her that he was working two jobs at one time and that he had had a stroke and had to miss work. As a result, the father had gotten behind on his rent and power bills. Despite the father's problems, Estes said, the children maintained a bond with him.

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In December 2019, the mother pleaded guilty to chemical endangerment, which is a felony. See § 26-15-3.2, Ala. Code 1975. Tommy Campbell, the drug-court coordinator for Etowah County, testified that the mother was supposed to attend a drug-court program for one year, but she stopped coming after only two months. When the mother stopped participating in drug court, Campbell said, a warrant was issued for her arrest based on her failure to appear.

Campbell testified that he did not hear from the mother again until August 4, 2020, when she was arrested for giving a false identification to a police officer. On that day, Campbell said, the mother was given a drug test, the results of which were positive. Campbell said that the mother was to be sentenced for the violation. On the last day of the termination-of-parental-rights trial, Wednesday, January 13, 2021, the mother's attorney advised the juvenile court that the mother had been released from jail the previous Friday.

Regarding evidence concerning the issue of viable alternatives, Estes said that, in September 2019, the mother's sister, who lived in North Carolina, had been identified as a relative resource. However, the

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mother's sister was pregnant with twins and requested time to give birth and get settled with her new family before taking in the three children. Ultimately, the mother's sister withdrew her name from consideration as a relative resource. The father's sister ("the paternal aunt"), who also lived in North Carolina, had been identified as a relative resource who would be available if the mother's sister were unable to take the children. Until the mother's sister was no longer considered a potential relative resource, the paternal aunt said, she and her family were "put on the back burner."

The paternal aunt testified that she was the biological aunt to the younger children but that she wished to bring the older child into her home as well. Because she was not biologically related to the older child, the paternal aunt said, she was required to participate in classes and to submit to a home evaluation pursuant to the Interstate Compact on the Placement of Children ("the ICPC") performed by the State of North Carolina. She and her husband had recently built a five-bedroom, three-bathroom house in Charlotte. Her husband had a child from a previous relationship who lived with them during the summers and every other weekend. After the mother's sister was no longer available as a relative

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resource, the paternal aunt began participating in the ISPs related to the children.

Scarlett Holt, the DHR worker who took over as the family's foster-care worker in September 2019 and who was working with the family when the petitions to terminate parental rights were filed in March 2020, explained that the younger children could have been placed with the paternal aunt without the need for her to attend foster-parent classes in North Carolina, but that because the oldest child was not biologically related to the paternal aunt, DHR could not place the oldest child with her unless she attended those classes. DHR did not want to separate the children.

As part of the ICPC evaluation performed in North Carolina, a home visit was conducted and the paternal aunt's house was approved. The paternal aunt purchased beds, cribs, clothes, and toys for the children. While she and her husband were waiting for their required foster-parent classes to begin, the paternal aunt said, the COVID-19 pandemic forced the cancellation of those classes. The paternal aunt testified that, as of the second day of the trial in October 2020, they were still waiting to take the

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classes and that North Carolina was attempting to set up virtual classes. Otherwise, the paternal aunt said, they had done everything they could possibly do toward being able to serve as relative resources for all three children. On the last day of the trial in January 2021, the paternal aunt testified that she and her husband were taking the foster-care classes and had only two sessions left to complete the course. Their background checks had been completed, the paternal aunt said, and she believed that there was only one last home visit and a final inspection of their house that were needed. No problems had been identified with the paternal aunt, her husband, or their house.

The paternal aunt said that she had spoken with "North Carolina" several times and was told that it had not heard from DHR regarding further information. The paternal aunt said that she had also tried to follow up with Holt but that Holt had not given her any information in regard to obtaining custody of the children. The paternal aunt worked with Holt to establish regular video conferencing with the children. She said that, each Tuesday evening, she talks with the children and they get to see each other.

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Holt testified that the paternal aunt had been presented as a relative resource in December 2019, after the mother's sister withdrew her name. She acknowledged that, before the mother's sister had withdrawn her name, the paternal aunt had been "the back-up plan," and Holt had not contacted her about being a relative resource until December 2019. Also in December 2019, Holt said, the permanency plan for the children was changed to adoption by the foster parents. She testified that, at that time, the father was still complying with the veterans' court, was still participating in counseling, was visiting with the children regularly, and had housing and an income. Even when the plan was changed, Holt said, the father continued to comply with DHR's requests for a period.

Holt explained that, even though DHR had no concerns about the paternal aunt, it went forward with seeking to terminate parental rights because "of the policy of the children having been in care for over a year and that relative not coming forward until December of '19." Holt explained that she was not aware of the paternal aunt's interest as a relative resource until December 2019 and said that she had acknowledged to the paternal aunt that DHR had an obligation to

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investigate any relative resources provided by the parents. She said that DHR requested that North Carolina conduct the ICPC evaluation on the paternal aunt in December 2019 but that, at that time, DHR still intended to go forward with termination of the parents' parental rights. Holt conceded that she was aware that the classes the paternal aunt and her husband were required to take had been put on hold because of the COVID-19 pandemic, but, she said, she had "not spoken to North Carolina." Engle, the oldest child's counselor, testified that, although she was aware of the paternal aunt, she did not attempt to counsel the oldest child about the possibility of living with her, and Engle did not work with the paternal aunt.

On cross-examination, Holt was asked: "So surely to goodness, because of factors in no one's control, foster parent classes in North Carolina, not doing anything, we are here on the brink of termination when we have—very well [could] have viable relative resources available." Holt replied: "Yes, sir. That's possible." She also acknowledged that the children and the paternal aunt were still visiting and maintaining their relationship because the paternal aunt could be a relative resource. Holt

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remained firm in her explanation that, because of the amount of time that the children had been in foster care, "policy" required DHR to proceed with termination of the parents' parental rights.

The father testified that he had been incarcerated and had been released the week before trial began. He acknowledged that he was unable to care for the children at the time of the trial but that he wanted the children to live with the paternal aunt. The mother was not present at the trial, even after being released from jail before the last day of the trial in January 2021. The children's foster parents did not testify.

On January 20, 2021, the juvenile court entered judgments terminating the mother's parental rights to the children and terminating the father's parental rights to the younger children. The juvenile court also terminated the parental rights of the oldest child's father. See note 1, supra. In the judgments, the juvenile court found that the mother and the father were unable to discharge their responsibilities to and for the children; that their conduct and condition rendered them unable to properly care for the children; that their conduct and condition was unlikely to change in the foreseeable future; that the mother had a

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criminal history that made her unable to care for the children; that that mother had failed to maintain consistent contact or communication with the children; that the mother and the father had failed to maintain regular visits with the children; that they had failed to provide for the material needs of the children when they were able to do so; that they suffered from emotional or mental illnesses that made them unable to care for the children; and that they had exhibited a lack of effort to adjust their circumstances or meet the needs of the children. The juvenile court also found that no suitable relative resources were timely identified and that no viable alternatives to termination existed.

The mother and the father filed timely motions to alter, amend, or vacate the judgments, which the juvenile court denied. The mother and the father then filed timely notices of appeal of the judgments to this court.² This court consolidated the appeals.

Analysis

²As previously noted, see note 1, supra, the oldest child's father, T.U., did not appeal the termination of his parental rights.

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On appeal, the mother challenges the juvenile court's determination that the children are dependent. As mentioned, the father testified that he was unable to care for the children at the time of the trial, and he does not appeal from that determination. Both the mother and the father contend that the juvenile court erred in determining that no viable alternatives to termination of their parental rights existed.

We start with the premise that "[t]he right to maintain family integrity is a fundamental right protected by the due process requirements of the Constitution." Bowman v. State Dep't of Hum. Res., 534 So. 2d 304, 305 (Ala. Civ. App. 1988). "'[T]he termination of parental rights is a drastic measure, and we know of no means by which those rights, once terminated, can be reinstated.'" D.O. v. Calhoun Cnty. Dep't of Hum. Res., 859 So. 2d 439, 445 (Ala. Civ. App. 2003) (quoting V.M. v. State Dep't of Hum. Res., 710 So. 2d 915, 921 (Ala. Civ. App. 1998)). In determining whether to terminate parental rights, the juvenile court must consider whether the parent is physically, financially, and mentally able to care for the child. In re Von Goyt, 461 So. 2d 821 (Ala. Civ. App. 1984).

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DHR had the burden of proof at trial to establish by clear and convincing evidence that the termination of the mother's and the father's parental rights was warranted. § 12-15-319(a), Ala. Code 1975. "Clear and convincing evidence" is "[e]vidence that, when weighed against evidence in opposition, will produce in the mind of the trier of fact a firm conviction as to each essential element of the claim and a high probability as to the correctness of the conclusion." § 6-11-20(b)(4), Ala. Code 1975. This court's role is to determine whether the record contains evidence that a fact-finder reasonably could find clearly and convincingly established the fact sought to be proved. Ex parte McInish, 47 So. 3d 767, 778 (Ala. 2008). A juvenile court's fact findings that are based on ore tenus evidence are presumed to be correct. K.R.S. v. DeKalb Cnty. Dep't of Hum. Res., 236 So. 3d 910, 912–13 (Ala. Civ. App. 2017).

In determining whether to terminate parental rights, a juvenile court is required to find clear and convincing evidence that the child is dependent and must properly consider and reject all viable alternatives to a termination of parental rights. Ex parte Beasley, 564 So. 2d 950, 954 (Ala. 1990); see also B.M. v. State, 895 So. 2d 319, 331 (Ala. Civ. App.

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2004). The question of whether a viable alternative to termination of parental rights exists is a question of fact to be decided by the juvenile court. Ex parte J.R., 896 So. 2d 416 (Ala. 2004). "At trial, the party petitioning for termination of parental rights bears the burden of proving the lack of a viable alternative by clear and convincing evidence." K.R.S., 236 So. 3d at 912.

The factors a juvenile court should consider when determining whether a child is dependent are set forth in § 12-15-319(a), which provides, in pertinent part:

"(a) If the juvenile court finds from clear and convincing evidence, competent, material, and relevant in nature, that the parents of a child are unable or unwilling to discharge their responsibilities to and for the child, or that the conduct or condition of the parents renders them unable to properly care for the child and that the conduct or condition is unlikely to change in the foreseeable future, it may terminate the parental rights of the parents. In a hearing on a petition for termination of parental rights, the court shall consider the best interests of the child. In determining whether or not the parents are unable or unwilling to discharge their responsibilities to and for the child and to terminate the parental rights, the juvenile court shall consider the following factors including, but not limited to, the following:

"....

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"(2) Emotional illness, mental illness, or mental deficiency of the parent, or excessive use of alcohol or controlled substances, of a duration or nature as to render the parent unable to care for the needs of the child.

"....

"(4) Conviction of and imprisonment for a felony.

"....

"(7) That reasonable efforts by the Department of Human Resources or licensed public or private child care agencies leading toward the rehabilitation of the parents have failed.

"....

"(9) Failure by the parents to provide for the material needs of the child or to pay a reasonable portion of support of the child where the parent is able to do so.

"(10) Failure by the parents to maintain regular visits with the child in accordance with a plan devised by the Department of Human Resources, or any public or licensed private child care agency, and agreed to by the parent.

"(11) Failure by the parents to maintain consistent contact or communication with the child.

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"(12) Lack of effort by the parent to adjust his or her circumstances to meet the needs of the child in accordance with agreements reached, including agreements reached with local departments of human resources or licensed child-placing agencies, in an administrative review or a judicial review."

The mother argues that clear and convincing evidence did not support the juvenile court's determination of dependency. She points to evidence indicating that she had taken part in rehabilitation programs and had participated in therapy in an effort to rehabilitate herself. She also argues that she had maintained contact with the children and wanted to continue to be a part of the children's lives. She says the that evidence showed that she was making progress toward removing the barriers that prevented reunification with the children and that, therefore, termination of her parental rights was premature.

The evidence indicates that the mother continued to use illegal substances and had tested positive for drugs on August 4, 2020, less than a month before the first day of the trial. She was incarcerated for the first two days of trial in late August and early October. The record was not clear regarding whether she had been sentenced for her chemical-

2200394, 2200395, 22200396, 2200397, and 2200398 endangerment conviction after being terminated from the drug-court program for noncompliance. She also had a pending charge of giving false information to a law-enforcement officer. Despite her contention that she had participated in programs intended to rehabilitate her, evidence indicated that, in addition to failing to take part in drug court after only two months, the mother had been removed from Aletheia House, through which she had taken part in a substance-abuse rehabilitation program. Although the mother eventually submitted to a mental-health evaluation, the evidence indicated that she had failed to follow through on the treatment recommended for her.

Although at one point the mother told DHR that she had a job, she never provided proof of employment. Other evidence indicated that the mother did not act appropriately when visiting with the children. Based on the record before us, we conclude that the juvenile court reasonably could have been clearly convinced that the mother continued to engage in behavior demonstrating that she was unable or unwilling to discharge her responsibilities to and for the children. As a result, we cannot say the juvenile court erred in finding the children dependent.

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Finding no merit in the mother's first contention, we turn to the contention of both the mother and the father that the juvenile court erred in determining that no viable alternatives to termination existed. "A finding of dependency alone will not allow a trial court to terminate a parent's rights to his or her child; the trial court also must find by clear and convincing evidence that there are no viable alternatives to the termination of parental rights." A.M. v. St. Clair Cnty. Dep't of Hum. Res., 146 So. 3d 425, 436 (Ala. Civ. App. 2013); see also C.E.W. v. P.J.G., 14 So. 3d 166, 170-71 (Ala. Civ. App. 2009). In the context of terminating parental rights, an alternative is "viable" when it is available to the juvenile court as an alternative means of successfully protecting the children from parental harm while serving their best interests. See J.B. v. Cleburne Cnty. Dep't of Hum. Res., 991 So. 2d 273, 283 (Ala. Civ. App. 2008).

In determining that there were no suitable relative resources willing or able to take custody of the children, the juvenile court found that the paternal aunt was not presented as a possible resource in a timely or appropriate manner to be considered for placement. We disagree.

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In V.M. v. State Department of Human Resources, 710 So. 2d 915 (Ala. Civ. App. 1998), the maternal grandmother, who initially refused to be a resource for the children, later notified the State Department of Human Resources ("the State DHR") of her interest in taking the children but did not follow through with contacting the State DHR to arrange the home study. The State DHR did not perform a home study, and, after two more years, the juvenile court directed the State DHR to file the termination petition. This court concluded, among other things, that the State DHR had failed to investigate the maternal grandmother's current circumstances and that, therefore, the juvenile court had erred in determining that there were no viable alternatives to termination. V.M., 710 So. 2d at 921. This court reversed the juvenile court's judgment terminating mother's parental rights.

In M.H. v. Cleburne County Department of Human Resources, 158 So.3d 471 (Ala. Civ. App. 2014), relatives who had initially been unwilling to provide a home for the children changed their minds a few weeks before the Cleburne County Department of Human Resources (the Cleburne County DHR) filed its termination petitions. The Cleburne County DHR

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did not timely or adequately investigate those relatives before the termination hearing, and this court, among other things, concluded that the juvenile court had erred in determining that the Cleburne County DHR had met its burden of demonstrating that there were no appropriate relative resources in that case. Id. at 483.

When DHR began investigating possible relative resources in this case, it initially proceeded as though the mother's sister would serve as the relative placement, and the permanency plan was kinship guardianship concurrent with adoption by the foster family. The paternal aunt testified that she was aware that she was the alternate choice for a relative resource and that DHR had put her on the "back burner" until the mother's sister withdrew from consideration in December 2019. Holt acknowledged that she knew that the paternal aunt was the "back up plan" if the mother's sister could not serve as the relative placement.

Once the mother's sister withdrew as a possible relative resource in December 2019, the paternal aunt immediately prepared to accept the children into her home. The home was approved for the children pending a final evaluation. Through no fault of their own, the paternal aunt and

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her husband's attendance at the foster-parent classes were postponed because of restrictions brought on by the COVID-19 pandemic caused North Carolina to cancel the classes. By the end of the trial, the classes had resumed, and the paternal aunt and her husband had only two more sessions to finish the course. The paternal aunt, not DHR, initiated the weekly video conferences she had with the children.

Holt acknowledged that she had not contacted officials in North Carolina to work with them in approving the paternal aunt as a relative resource. In her testimony, Holt made clear that DHR had made the decision to terminate the parents' parental rights in December 2019 despite the paternal aunt's willingness and apparent suitability to serve as a placement for the children. According to Holt, that decision was driven purely by policy and not by actual conditions. Although DHR was aware that the paternal aunt wished to serve as a relative resource for the children in December 2019, there is no evidence indicating that it fulfilled its duty to investigate her as a relative resource between that time and March 2020, when DHR filed its petitions to terminate parental rights. DHR did not take any steps to work with the paternal aunt or to make

2200394, 2200395, 22200396, 2200397, and 2200398 adjustments to handle the unavoidable delays the COVID-19 pandemic caused. See, e.g., A.M. v. St. Clair Cnty. Dep't of Hum. Res., 146 So. 3d at 436-37 (noting that the St. Clair County Department of Human Resources waited four months after learning of the grandmother's interest in the children before submitting an ICPC request to Michigan and that, had the request been made in a more timely manner, results may have been available at the time of the termination trial). In short, we conclude that DHR did not present clear and convincing evidence demonstrating that placement of the children with the paternal aunt was not a viable alternative to the termination fo the mother's and the father's parental rights.

Conclusion

The termination of parental rights is an extreme and irreversible measure. As such it should never be undertaken as a matter of mere adherence to policy but instead should be reserved for only the most egregious circumstances, when there are no alternatives available to the severance of familial bonds. Based on the record, we conclude that DHR failed to meet its burden to present clear and convincing evidence

2200394, 2200395, 22200396, 2200397, and 2200398 demonstrating that no viable alternative to termination of parental rights existed. Accordingly, the juvenile court erred in terminating the mother's and the father's parental rights, and the judgments are reversed. The cause is remanded for the juvenile court to enter an order consistent with this opinion.

2200394 -- REVERSED AND REMANDED.

2200395 -- REVERSED AND REMANDED.

2200396 -- REVERSED AND REMANDED.

2200397 -- REVERSED AND REMANDED.

2200398 -- REVERSED AND REMANDED.

Thompson, P.J., and Edwards and Hanson, JJ., concur.

Moore, J., concurs in the result, without writing.