

RENDERED: AUGUST 8, 2008; 10:00 A.M.  
NOT TO BE PUBLISHED

**Commonwealth of Kentucky**  
**Court of Appeals**

NO. 2007-CA-002099-ME

J.O.B.

APPELLANT

APPEAL FROM FAYETTE CIRCUIT COURT  
FAMILY COURT DIVISION

v. HONORABLE LUCINDA MASTERTON, JUDGE  
ACTION NOS. 05-J-00233; 05-J-00234; AND 06-AD-00174

CABINET FOR HEALTH AND FAMILY  
SERVICES, COMMONWEALTH OF KENTUCKY;  
D.B.O., A MINOR; AND D.J.O., A MINOR

APPELLEES

OPINION  
AFFIRMING

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BEFORE:  FORMTEXT  CLAYTON, MOORE, AND TAYLOR ,  
JUDGES.

TAYLOR, JUDGE: J.O.B. brings this *pro se* appeal from a September 13, 2007,  
order of the Fayette Circuit Court involuntarily terminating her parental rights to  
two minor children, D.B.O. and D.J.O. We affirm.

On November 1, 2006, the Cabinet for Health and Family Services, Commonwealth of Kentucky (Cabinet) filed a petition for involuntary termination of parental rights. Therein, the Cabinet sought to terminate the parental rights of appellant as to D.B.O., born August 11, 2002, and D.J.O., born December 27, 2003. Thereafter, on January 9, 2007, appellant filed a petition for voluntary termination of parental rights. In the petition, appellant stated she was “unable to provide . . . [D.B.O. and D.J.O.] with the necessary food, clothing, shelter, medical attention or appropriate care and control” and sought to voluntarily terminate her parental rights. However, by order entered January 29, 2007, the court permitted appellant to “withdraw” her petition for voluntary termination of parental rights.

An evidentiary hearing was held on the Cabinet’s petition for involuntary termination of parental rights. By separate orders entered September 13, 2007, the circuit court made detailed findings of fact and conclusions of law finding that both children, D.B.O. and D.J.O., were abused and neglected under Kentucky Revised Statutes (KRS) 625.090 and ordered the involuntary termination of J.O.B.’s parental rights. This appeal follows.

Appellant contends that the circuit court’s order terminating her parental rights is not supported by substantial evidence of a probative value and that she was denied due process of law. Appellant asserts that she successfully completed parenting classes, case plans, and random drug testing. Appellant also maintains that she provided financial support for D.B.O. and D.J.O. and that there were “no reunification efforts ever provided” to her. She also states that there have

been improvements to her living conditions and that she did not abandon D.B.O. and D.J.O. Appellant contends that D.B.O. and D.J.O. are being abused and neglected while in the Cabinet's care and that she has "requested the social worker to investigate."

Under KRS 625.090, a parent's rights may be involuntarily terminated if the court finds by clear and convincing evidence that the child is abused or neglected and that termination is in the child's best interests. *M.P.S. v. Cabinet for Human Resources*, 979 S.W.2d 114 (Ky.App. 1998). The circuit court must also find the existence of at least one of ten specified grounds for termination as set forth in KRS 625.090(2). Upon appeal of an order of involuntary termination, our review is limited to the clearly erroneous standard as found in Kentucky Rules of Civil Procedure (CR) 52.01. *M.P.S.*, 979 S.W.2d 114.

In this case, the circuit court set forth detailed findings of fact and conclusions of law to support its order of involuntary termination of appellant's parental rights. Included therein, the circuit court found that appellant suffered from bi-polar disorder which was severe and debilitating. The circuit court found that during the disorder's active phase appellant was "incapable of parenting the children, who would be at risk in her care." The court also found appellant to be "rambling and incoherent" at times during the proceeding. As to D.B.O. and D.J.O., the court found that both children "suffered emotional injury because of severe neglect of their needs." In particular, the court found that D.B.O. suffered from reactive attachment disorder as a result of the emotional abuse and of being

privity to domestic violence in the home. As a result, the court noted that D.B.O. suffered from serious anger issues, an eating disorder, and was taking anti-psychotic medications to help control these behaviors. The court also found that the children have been in foster care for “at least fifteen of the last twenty-two months” preceding the filing of the petition. Upon the above, the circuit court found by clear and convincing evidence that D.B.O. and D.J.O. were abused and neglected under KRS 625.090. *See* KRS 600.020.

The circuit court further found that appellant “inflicted emotional injury on the children by other than accidental means, by extreme neglect and by domestic violence in the home.” The court also found that appellant failed to provide or was incapable of providing the children “essential food, clothing, shelter, medical care, or education reasonably necessary and available for the children’s well-being, and there are no reasonable expectations of significant improvement . . . in the immediately foreseeable future.” And, the court found that termination of appellant’s parental rights to be in the best interest of D.B.O. and D.J.O.

Upon review of the entire record and considering the specific evidence outlined by the circuit court, we believe substantial evidence of a probative value that was both clear and convincing existed to support the circuit court’s findings that D.B.O. and D.J.O. were abused and neglected under KRS 625.090. The evidence as a whole clearly supports the conclusion that it was in children’s best interest to terminate appellant’s parental rights.

Accordingly, we hold that substantial evidence of a probative value supports the circuit court's findings of fact and, thus, the circuit court's order terminating appellant's parental rights is affirmed.

For the foregoing reasons, the order of the Fayette Circuit Court is affirmed.

ALL CONCUR.

BRIEFS FOR APPELLANT:

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BRIEF FOR APPELLEE:

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