

**STATE OF LOUISIANA IN
THE INTEREST OF J.S.**

*** NO. 2017-CA-0908**

*** COURT OF APPEAL**

*** FOURTH CIRCUIT**

*** STATE OF LOUISIANA**

BROWN, J., CONCURS AND ASSIGNS REASONS

I write separately to reiterate the district court's finding that the State proved by clear and convincing evidence one of the statutory grounds for termination of parental rights under La. C.Ch. art. 1015, as I find the mother's actions toward J.S. inexcusable. However, I agree with the majority that the district court was not manifestly erroneous in finding it was not in the best interest of the child to terminate the mother's parental rights at this time. Based upon the record before this Court, I find that termination of the mother's parental rights would have been premature. Particularly persuasive and supported by the record was the district court's finding of the effort made by the mother; the district court stated:

One; the mother is participating in all her therapy sessions, she is progressing, but not at a rate in which DCFS [Louisiana Department of Children and Family Services] would like but, she is progressing according to the testimony of the [State's] expert [Dr. Larrieu]. Additionally, she is still in phase one and has not gotten to phase two. The doctor [Dr. Larrieu] could not tell us how long that would take and that currently right now Ms. S[] is not even at the average at what it will take she said anywhere from thirty-five to fifty sessions. According to the testimony Ms. S[] is currently at thirty sessions.

Accordingly, I concur with the majority to affirm the district court's judgment.