

**Fifth Circuit Court of Appeal**  
**State of Louisiana**

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No. 26-CA-49

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STATE OF LOUISIANA IN THE INTEREST OF T. P.-B.

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ON APPEAL THE TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, STATE OF LOUISIANA  
NO. 23-CC-84, DIVISION "B"  
HONORABLE AMANDA L. CALOGERO, JUDGE PRESIDING

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May 11, 2026

**TIMOTHY S. MARCEL**  
**JUDGE**

Panel composed of Judges Jude G. Gravois,  
John J. Molaison, Jr., and Timothy S. Marcel

**AFFIRMED**

**TSM**  
**JGG**  
**JJM**

TRUE COPY



MORGAN NAQUIN  
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## **MARCEL, J.**

The mother of a child adjudicated in need of care and in custody of the Department of Children and Family Services appeals the Jefferson Parish Juvenile Court's judgment changing the case plan goal from reunification to adoption on November 13, 2025. For the reasons more fully detailed below, we affirm the ruling of the trial court.

### **FACTS AND PROCEDURAL HISTORY**

On October 10, 2024, at 2:30 p.m., a verbal instanter order was given for the removal of T.P.-B., born on August 30, 2018, from the custody of her mother, J.P., and placement of provisional custody to the Department of Children and Family Services (DCFS). The written affidavit filed the following day by DCFS set forth the mother's alleged physical abuse and threats of harm to the child. Specifically, the affidavit states the mother, J.P., threatened to kill her child, T.P.-B., with a "knife that had scissors on it," repeatedly choked the child, and the child reported feeling unsafe in her mother's custody. It further states that the CPS worker observed a cut over T.P.-B.'s eye, which a school social worker reported was made by J.P. The affidavit also averred that J.P. was not receiving treatment for diagnosed bipolar disorder and schizophrenia.<sup>1</sup> A written instanter order was issued on October 11, 2024, finding reasonable grounds to believe T.P.-B. is in need of care and that her emergency removal was necessary for securing her protection because her continuation in the home of her parents would be contrary to her health, safety and welfare.

A continued custody hearing was conducted on October 15, 2024. An amended affidavit in support of instanter order was filed by DCFS on the same day which provided additional details of the allegations contained in the original

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<sup>1</sup> The affidavit identifies the child's father as C.B., who in the course of the juvenile court proceedings, executed a surrender of parental rights over T.P.-B. on October 2, 2025.

affidavit. In the hearing, the juvenile court accepted J.P.'s stipulation to the need for continued state custody of T.P.-B. without admitting to the allegations. The juvenile court also issued an amended instanter order for removal, granted provisional custody to DCFS, and, after receiving evidence, ordered that T.P.-B. remain in DCFS custody. Also in that hearing, Court Appointed Special Advocates (CASA) was appointed for T.P.-B.

On November 13, 2024, the State filed a Child in Need of Care Petition against both parents of T.P.-B.<sup>2</sup> The petition alleges that DCFS received reports of neglect and abuse by the mother before the circumstances leading to placement of T.P.-B. in State custody. Previously reported incidents of neglect and abuse included allegations that the mother regularly smoked marijuana during her 2018 pregnancy. While T.P.-B. tested positive for THC following her birth, she did not experience withdrawal symptoms or complications. The petition also alleges that DCFS responded to a March 2023 report that J.P. refused speech therapy services for T.P.-B. Also in March 2023, DCFS investigated an incident wherein J.P. allegedly slapped and choked T.P.-B. because of a homework mistake. The petition states that J.P. denied physically abusing T.P.-B. but did admit to getting overwhelmed and screaming at the child.

The petition additionally contains descriptions of two alleged arrests involving J.P. The first was for domestic abuse battery when T.P.-B. was three months old. A second alleged incident occurred in January 2023, wherein J.P. was accused of accosting a manager and employees at a T-Mobile store. Further, the State's petition avers that J.P. has been diagnosed with bipolar disorder, for which she refuses prescription medication, but uses marijuana and has expressed suicidal ideations. The petition also describes J.P. as being "extremely defensive and

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<sup>2</sup> The petition also asserts allegations against the child's father C.B.

aggressive” towards DCFS workers, who report safety concerns because of the symptoms of her untreated mental illness.

An answer hearing was conducted on November 14, 2024. In that hearing, the State requested suspension of J.P.’s visitation until the Tulane Comprehensive Assessment Treatment Team (T-CATT) is involved due to what was described as her “disruptive behavior” during visits with T.P.-B. The juvenile court denied the State’s request but advised J.P. to avoid outbursts and not to be disrespectful or display violence during visits.

On December 5, 2024, the State filed a written motion to suspend visitation based on an incident occurring in a visit three days earlier. During that visit, J.P. allegedly referred to DCFS workers in inappropriately coarse words in the presence of T.P.-B. and belligerently refused to cease that behavior. Ultimately, DCFS called the Kenner Police Department for assistance with obtaining J.P.’s compliance with its directive to end the visit and leave the building. Also, contrary to DCFS instructions, it was discovered that J.P. installed a messaging app onto the T.P.-B.’s tablet device. An order was issued on December 9, 2024 suspending visitation pending further court orders.

On December 12, 2024, a case plan was created for safely returning T.P.-B. to her parents. Actions steps for J.P. included completing parenting classes through the Tulane Parenting Education Program (T-PEP) and applying information learned when interacting with her child, signing authorizations to release information to DCFS, being available for DCFS home visits, attending all court sessions, agency meetings and scheduled visits with her child, consenting to drug screens administered by DCFS and substance abuse treatment providers, updating her contact information as needed, securing stable housing and provide proof of income, paying \$25.00 per month as a contribution to the child’s support, completing substance abuse and mental health assessments at the Jefferson Parish

Human Services Authority (JPHSA) and following recommendations for treatment, and completing a psychological evaluation with Dr. Powenda and following treatment recommendations.

On December 19, 2024, the juvenile court conducted an adjudication hearing in which J.P. stipulated that T.P.-B. is in need of care without admitting to the allegations contained in the petition. In the same proceeding, the juvenile court addressed its prior order temporarily suspending visitation. Evidence was presented that an app was installed on T.P.-B.'s iPad for sending video recordings of the foster caregiver to J.P., which DCFS previously prohibited. Additionally, it was reported that J.P.'s family members engaged in intimidation of the case worker outside the DCFS office on visitation days. On the record in that hearing, J.P. consented to continuing the suspension of visitation with T.P.-B.

The disposition hearing was conducted on January 16, 2025. Testimony included an update on case plan progress from Chelsey Flesch, the DCFS foster care worker. Ms. Flesch testified that J.P. started weekly private parenting sessions at T-PEP. An assessment of T.P.-B. was in progress by T-CATT; the status report by T-CATT included preliminary indications of a post-traumatic stress disorder (PTSD) diagnosis for the child. She also testified that T-CATT and T-PEP were collaborating on a plan for reinstatement of visitation between T.P.-B. and J.P. During Ms. Flesch's testimony, J.P. was admonished by the judge for glaring and waving her arms to intimidate the witness. Based on evidence that J.P.'s disruptive, aggressive behavior had not abated, the juvenile court maintained its prior order suspending visitation.

Pursuant to the case plan, Dr. Powenda conducted a psychological evaluation of J.P. and issued her report dated January 29, 2025. The report notes that J.P. denied all allegations made in the case. During the evaluation, J.P. disclosed that she was diagnosed with bipolar disorder and had been hospitalized at

fifteen years old. She also reported using marijuana occasionally and that she is prescribed Lamictal by an Ochsner psychiatrist. Dr. Powenda listed her diagnostic impression of J.P. as bipolar disorder. Her report also contains recommendations that the mother successfully complete T-PEP, continue psychiatric treatment and take prescribed medications, submit to random drug screens to assess for possible substance abuse issues, and participate in therapy to address mental health problems. Additionally, Dr. Powenda recommended J.P. continue working on the DCFS case plan for reunification but recommended against reunification at the time.

On February 25, 2025, the T-CATT issued its summary of assessment of T.P.-B. and her foster caregiver. In the report, T.P.-B. is described as “a caring and affectionate child” having “episodes of emotional and behavioral dysregulation, including anger outbursts directed at adults, attempts to control or boss around adults and peers, and expressions of sadness, worry and fear related to potential future harm or threats of harm from her mother.” It was also reported that T.P.-B. habitually picks at her skin and scalp which causes bleeding. T-CATT diagnosed T.P.-B. as having post-traumatic stress disorder and excoriation (skin picking) disorder. Recommendations included for T.P.-B. to remain in the foster caregiver’s custody, for T.P.-B. and her caregiver to engage in cognitive behavioral therapy to address symptoms of PTSD, and for maintaining suspension of contact with J.P.

DCFS issued a court report dated March 10, 2025 which stated that J.P. has been meeting appointments at T-PEP twice weekly, appeared for substance abuse classes at JPHSA, and achieved stable housing. However, DCFS also reported that J.P.’s continued untreated mental health issues which led to verbally and physically abusing T.P.-B. remain safety and risk concerns. The report also described an incident where law enforcement was called when J.P. and her companion appeared

at T.P.-B.'s school without authorization. Further, the case report noted that the drug test administered to the mother in the previous month was positive for THC.

On March 20, 2025, a case review hearing was conducted by the juvenile court. Following her removal pursuant to the juvenile court's instant order, T.P.-B. was placed in the care of paternal relatives on October 21, 2024. Chelsey Flesch, the DCFS case manager assigned to the family, testified that T.P.-B. was doing well in the placement and all her needs were being met. Ms. Flesch described T.P.-B.'s overall health as good and that her academic performance had improved since entering care. She also testified that the mother, grandmother, and aunt had recently been secretly communicating with T.P.-B. via an app on the child's iPad, in violation of express DCFS prohibitions. Before closing the hearing, the juvenile judge ordered the mother to abide by the recommendations of no visitation at this time.

The matter returned to the juvenile court's docket on May 15, 2025 for a status hearing. Testimony at the hearing was received from the DCFS child's case manager, the DCFS child welfare manager, and the mother. Evidence adduced in the hearing reflected J.P. was partially compliant with her case plan. While achieving stable housing with her grandmother, J.P. was unemployed and made no financial contributions to her child's care. J.P. attended all scheduled T-PEP appointments, but the agency reported that her resistance to participation was a barrier to progress. More specifically, J.P. informed T-PEP staff that attending sessions was a "waste of time" because she does not have difficulty parenting her daughter. T-PEP also reported that J.P. appears for appointments smelling of marijuana and that on-going push back will result in her discharge from the program. JPHSA, the substance abuse treatment provider identified in the case plan, discharged J.P. from its program on April 16, 2025 because of her persistent disruptive behavior and disrespect to staff and other participants. DCFS referred

J.P. to Beacon Behavioral Health as an alternative substance abuse and mental health treatment provider. Drug screenings and progress notes of J.P.'s psychiatric treatment reflect ongoing use of marijuana. In its May court report, DCFS opined that the threats of danger to T.P.-B. identified in the initial safety assessment have not abated. At the end of the hearing, the juvenile court maintained the case plan goal of reunification but advised J.P. that her failure to make progress in her case plan through counseling and parenting programs will likely result in termination of her rights. The juvenile court further observed that the numerous reports of threats and disruptive behavior by J.P. and her family continue to be an impediment to resumption of visitation.

In its September 4, 2025 court report prepared for the scheduled permanency hearing, DCFS issued its recommendation for a case plan goal of adoption. The report notes that T-PEP discharged J.P. from its program and would not consider resumption of services until her mental health condition is treated. Alternative referrals were made for individual therapy from Breanna Green, therapy through JeffCare, and services at Beacon Behavioral Health. While she refused JeffCare's services, J.P. began bi-weekly individual counseling sessions with Ms. Green on July 6, 2025. In her written report, Ms. Green described J.P. as presenting with combative, argumentative, and confrontational behaviors consistent with her bipolar diagnosis. No observable changes in her symptoms were reported by Ms. Green as of the September court report. According to a June 18, 2025 progress note from NOMC Child Psychiatry (Ochsner Medical Center), J.P. reported taking prescribed medications daily but also smoking marijuana daily. The prescribing psychiatrist documented advising J.P. that marijuana use diminishes the effectiveness of medication prescribed for her mental illness.

Responding to the September 4, 2025 DCFS court report, J.P. filed a written request to the juvenile court for a finding that DCFS has failed to make reasonable

efforts for reunification. The filing describes her compliance with the case plan, pointing out the items achieved – such as stable housing, attendance at all court proceedings, and appearing for all scheduled appointments with case plan service providers.

On September 4, 2025, the juvenile court commenced a permanency hearing. Testimony was received from Kathleen Downing, the DCFS child welfare manager supervising the child’s case, which focused on J.P.’s T-PEP removal. Ms. Downing opined that failure to successfully complete T-PEP as a barrier to recommending reunification. Additionally, Ms. Downing recounted the history of visitation between T.P.-B. and her maternal great-grandmother. She described incidents where the maternal great-grandmother would interrogate T.P.-B., then later misstate information to J.P. and other family members for the purpose of creating allegations of mistreatment by the foster caregiver.

Additionally, Chelsey Flesch, the DCFS case manager, was called as a witness. She reported that T.P.-B. completed eleven of twelve services at T-CATT; once the program is complete, T-CATT recommends T.P.-B. receive parent/child interaction therapy to address ongoing symptoms of post-traumatic stress disorder. Ms. Flesch testified that T.P.-B. had recently started prescription medication for ADHD, and her teachers reported that classroom behavior disruptions had lessened. She was also performing well in school. Aside from minor, treatable skin conditions, Ms. Flesch testified that T.P.-B.’s pediatrician reported the child to be in good health. Ms. Flesch further testified T-CATT recommended against resumption of visitation until such time as T.P.-B.’s post-traumatic stress disorder symptoms are reduced, and J.P. makes meaningful progress in her mental health treatment.

J.P. also testified in the September 4, 2025 permanency hearing. She described her expectations for T-PEP participation as “to see what new information

they could teach me.” She also explained that services offered at JPHSA were not tailored to her because she did not have an alcohol addiction. However, J.P. did accept the DCFS referral to Beacon Behavioral Health, where she has started attending three group therapy sessions weekly.

Following J.P.’s testimony, the court found the efforts of DCFS to be reasonable but described the mother’s progress towards meeting reunification goals as “lagging.” Particularly noted by the juvenile court was J.P.’s inability to accept information and parenting instruction from T-PEP, which the judge described as the “gold standard” program. Before recessing the permanency hearing, the juvenile court maintained its order suspending visitation, finding the measure to be necessary for T.P.-B.’s wellbeing.

The permanency hearing resumed on October 23, 2025. Kathleen McPherson, the DCFS child welfare manager assigned to the case, testified that J.P.’s inability to enhance her caretaking capacities make it unsafe for T.P.-B. to return to her care. While recognizing all scheduled T-PEP sessions were attended, Ms. McPherson opined that J.P. “did not learn anything ... because she did not have to be taught anything,” and according to reports from T-PEP, J.P. has taken no accountability for the reason T.P.-B. is in care. Ms. McPherson also testified that J.P. completed the course of intensive outpatient treatment at Beacon Behavioral Health but continued using marijuana, noting that the prescribing psychiatrist previously advised its use reduces the effectiveness of prescribed medication for treating symptoms of her bipolar disorder. She additionally recounted a home visit in which the case worker reported that J.P. blew marijuana smoke in the case worker’s face and the residence smelled of marijuana.

Also testifying in the October 23, 2025 hearing was Katina Price, the DCFS case supervisor assigned to T.P.-B. Ms. Price testified that T.P.-B. was performing better academically and her behaviors had improved since placement in the care of

her paternal great-aunt. T-CATT reported their services to T.P.-B. were completed in September and a referral was made for in-home wraparound services.

Wraparound services, according to Ms. Price are intended to address T.P.-B.'s behavioral health needs as well as support the caregiver with parenting strategies for working with the child's behaviors. In addition, Ms. Price testified that T.P.-B. will also receive individual counseling through Metropolitan Human Service District for treatment of post-traumatic stress disorder. Following Ms. Price's testimony, the permanency hearing was recessed.

The permanency hearing resumed on November 6, 2025. Testimony was received from Gayland Johnson, the DCFS foster care worker assigned to the case. Ms. Johnson testified that J.P. completed the attendance requirements of T-PEP in May 2025 but did not gain expected knowledge from participation because of her antagonism and combativeness toward the program and its staff. She identified J.P.'s inability to successfully complete the parenting program as the obstacle to resuming visitation. Ms. Johnson testified that treatment of T.P.-B.'s serious mental health conditions would be placed at risk by exposure to J.P.'s volatile outbursts. According to Ms. Johnson, T-PEP would re-accept J.P. into their program once her mental health symptoms are effectively managed. DCFS did not consider referral to another parenting program because of J.P.'s ongoing unmanaged mental health condition.

Also testifying on November 6, 2025 were Christen Powell, T.P.-B.'s maternal grandmother, and her maternal aunt, Queen Jonafa Tervalon. Ms. Powell testified that J.P. does not need her support to complete a case plan for regaining custody of T.P.-B. Ms. Tervalon testified that she is very supportive of her sister's efforts to regain custody of T.P.-B., pointing out that she accompanied J.P. to every court hearing and to most appointments set pursuant to the case plan. Additionally,

Ms. Tervalon stated that J.P. is compliant with her mental health treatment, taking medications as prescribed.

Stacey Thompson, the CASA volunteer assigned for T.P.-B., testified that she has had monthly contact with the child as well as with the foster caregiver and the child's teachers since her assignment in November 2024. She testified that T.P.-B. is doing well in her foster care placement and reports the child described her paternal great-aunt as being "good to her." While T.P.-B. has expressed missing J.P., she has also stated that she does not want to see her mother. Ms. Thompson recounted T.P.-B. as saying that she was trying to forgive her mother for hurting her.

The foster caregiver, Mildred Morris, T.P.-B.'s paternal great-aunt, testified that the child stated that she wanted to stay with her, and Ms. Morris is willing to adopt her great-grand niece.

J.P. again testified on November 6, 2025. She reported being under the care of Dr. Goudelocke, an Ochsner psychiatrist, for medication management. She testified to taking Lamictal daily as Dr. Goudelocke prescribes. Regarding other mental health services she received, J.P. testified that she completed treatment at Beacon Behavioral Health for substance abuse and anger management. Following her discharge from Beacon Behavioral Health, she reported receiving individual therapy at Turning Point from Breanna Green for anger management, trauma, and bipolar symptoms. J.P. asserted that marijuana use does not limit effects of her prescription medication, but nonetheless, her frequency of marijuana use has decreased since obtaining a medical marijuana card. Regarding employment, she testified to working for Instacart, a grocery delivery service, and as a seasonal employee of Spirit Halloween. In response to being asked about her relationships with case plan workers, the mother testified that "DCFS has problems working with me, I have no problems with these people." She recounted a recent meeting

to review a proposed new case plan in which the DCFS workers ended the meeting, claiming she was being combative and argumentative. As to her parenting program experience, J.P. testified to believing T-PEP staff gave her mixed messages regarding her progress. As evidence supporting that belief, she recorded meetings with T-PEP staff on April 17, 2025 and September 4, 2025. After J.P.'s testimony concluded, the permanency hearing was recessed.

The permanency hearing resumed on November 13, 2025. In the hearing on that day, recordings of meetings between J.P. and T-PEP staff were broadcast. Also received into evidence were reports issued by T-PEP and T-CATT, each dated September 22, 2025. Afterward, following argument from counsel, the juvenile court entered judgment that T.P.-B. continued to be adjudicated in need of care, granted the State's request to change the case plan goal to adoption, and maintained its no visitation order. Included in comprehensive reasons given from the bench, the juvenile court observed:

The Court is just making a decision as to the permanency goal for the child. And the code directs that in order for reunification to remain as the permanent plan for the child, the parent shall be in compliance with a case plan and making significant measurable progress towards achieving its goals and correcting the conditions requiring the child to be in care. And I think that the State has proven, over multitudes of days we have been here for this hearing, that, in fact, significant measurable progress has not been made, nor have the conditions that led the child to coming into care been addressed.

J.P. timely appeals the November 13, 2025 judgment.

## **DISCUSSION**

On appeal, J.P. asserts two assignments of error. In the first assignment, J.P. avers that the juvenile court erroneously changed the case plan goal to adoption. J.P. contends in the second assignment that the juvenile court erroneously suspended visitation. The arguments supporting each assignment of error is her

substantial compliance with the case plan. We will address these assignments sequentially.

*Approval of the Case Plan Goal of Adoption*

Under the Louisiana Children's Code, the purpose of child in need of care proceedings is the protection of children whose health, welfare, and safety is substantially at risk of harm by physical abuse, neglect, or exploitation. La. Ch.C. art. 601. Grounds on which a child may be found to be in need of care under the Children's Code may include allegations of abuse perpetrated against the child by a parent. La. Ch.C. art. 606(A)(1). Where the grounds for finding a child in need of care are present, and facts demonstrate emergency removal of the child is necessary for securing the child's health, safety and welfare, a court may issue an instanter order for the child to be taken into custody by the State. La. Ch.C. art. 619, 620. Within three days from issuance of an instanter order, the court must conduct a hearing to determine if grounds exist for continued custody of the child. La. Ch.C. art. 624(A).

When a child is continued in custody of the State, a petition requesting the child be adjudicated in need of care must be filed within thirty days of the continued custody hearing. La. Ch.C. art. 632. Filing of a petition by the district attorney, or under certain circumstances, the Department of Children and Family Services (DCFS), commences the child in need of care proceeding (CINC). La. Ch.C. art. 620(A). CINC proceedings are to be conducted expeditiously to avoid delays in achieving permanency for children. La. Ch.C. art. 601.

For a child in custody, a case plan detailing efforts toward achieving a permanent placement for the child must be developed within sixty days after the child enters custody. La. Ch.C. art. 673. The case plan is to be designed for achieving placement of the child in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' home,

consistent with the best interest and special needs of the child. La. Ch.C. art. 675. Thereafter, the juvenile court is required to conduct review hearings at intervals based upon when the child was removed from parental custody until permanently placed. La. Ch.C. art. 692. Ten days before case review hearings, DCFS is to file case review reports with the court and serve on all parties. La. Ch.C. art. 688-690.

In cases where a child was removed before disposition of a CINC petition, the court must conduct a permanency hearing within nine months of the disposition hearing. La. Ch.C. art. 702(B). The purpose of a permanency hearing is to determine the permanent plan for the child that is most appropriate and in the best interest of the child. La. Ch.C. art. 702(C). Maintaining reunification as the permanent plan requires the court to determine whether the parent is compliant with the case plan and is making significant measurable progress toward achieving its goals and correcting the conditions requiring the child to be in care. La. Ch.C. art. 702(C)(1). Additionally, the court must determine if DCFS has made reasonable efforts to reunify the parent and child or to finalize the child's placement in an alternative safe and permanent home in accordance with the child's permanent plan. La. Ch.C. art. 702(E).

Returning a child to the legal custody of the parents is the priority in permanent placement. *State in Int. of S.A.*, 23-491 (La. App. 5 Cir. 1/31/24), 380 So.3d 711, 720 (citing *State in Int. of K.W.*, 54,304 (La. App. 2 Cir. 1/12/22), 332 So.3d 825, 831). However, more than simply protecting parental rights, our judicial system is required to protect the child's rights to thrive and survive. *State in Int. of S.S.*, 55,933 (La. App. 2 Cir. 8/28/24), 401 So.3d 784, 793 (citing *State in Int. of Z.P.*, 52,354 (La. App. 2 Cir. 9/26/18), 255 So.3d 727; *State in the Int. of S.M.*, 98-922 (La. 10/20/1998), 719 So.2d 445). The Louisiana Children's Code establishes the paramount concern in all CINC proceedings is the child's health, safety, and best interests. La. Ch.C. art. 601; *State in Interest of S.S.*, 401 So.3d at

792. For reunification to remain the permanent plan for the child, the parent must comply with the case plan and make significant measurable progress toward achieving its goals and correcting the conditions which necessitated the child to be in care. *Id.*

The courts have used a reformation test to determine if a plan of reunification is consistent with the best interest and special needs of a child. *State in Interest of S.S.*, 401 So.3d at 793. This test evaluates whether there is an expectation of reformation of a parent's conduct. *Id.* Conduct such as behavioral or mental disorders which cause a parent to refuse to cooperate with the authorities in addressing the needs of the child would also suggest that no reasonable expectation of reformation exists and that it is unlikely that the parent will reform. *Id.* However, a reasonable expectation is found to exist if the parent has cooperated with the state officials and has shown improvement, although not all of the problems that exist have been eliminated. *Id.* Evidence of a lack of any reasonable expectation of significant improvement in the parent's conduct may include any physical or mental illness, mental deficiency, substance abuse, or chemical dependency that renders the parent unable or incapable of exercising parental responsibilities without exposing the child to a substantial risk of harm, based upon expert opinion or based upon an established pattern of behavior. *Id.*, La. Ch.C. art. 1015(6).

We begin our analysis with a chronological summary of the record leading to the judgment presented for our review. The child, T.P.-B., then 6 years old, was placed in State's custody on October 10, 2024 on allegations of physical abuse and threats from her mother, J.P. Particular allegations of abuse by J.P. included threats to kill T.P.-B. with a knife, cutting her face with scissors, and multiple incidents of choking and slapping the child. It was also alleged that T.P.-B. reported feeling unsafe with her mother. DCFS placed custody of T.P.-B. with her

paternal great-aunt on October 21, 2024, where she has remained through the CINC proceedings.

Following J.P.'s stipulation that T.P.-B. is in need of care without admitting to the allegations contained in the State's petition, the juvenile court issued a disposition that the child remain in State custody, approved the proposed case plan and found that DCFS made reasonable efforts in accordance with the plan goals of reunification and adoption. The case plan behavioral goals for J.P. were active engagement of services for her mental health issues and demonstration of learned/improved behaviors to meet and understand her child's emotional needs. Action steps listed for accomplishing those goals were completing parenting classes at T-PEP, making herself available for home visits by DCFS and other service providers, consenting to all drug screens, informing DCFS of any changes to her address or phone number, maintaining stable housing, completing and following recommendations of a substance abuse and mental health assessments, and completing a psychological evaluation and following any recommendation for treatment.

On appeal, J.P. avers that the decision to abandon reunification as the case plan goal was manifestly erroneous. Describing herself as "strong willed" and her conduct as sometimes argumentative, J.P. contends she has complied with every component of her case plan. She argues that DCFS failed to provide services tailored to her mental health needs, but nonetheless, the State failed to prove by clear and convincing evidence that she is unfit or that her mental illness poses a current threat to T.P.-B.

Evidence in the record does support J.P.'s assertion that she appeared for scheduled court appearances and appointments with case plan service providers. Additionally, the record demonstrates that J.P. maintained stable housing with her grandmother, kept DCFS up to date on any changes to her phone number and

address, and submitted to drug screens. However, we do not agree with the characterization of her case plan compliance as “substantial.”

The record clearly demonstrates that J.P. did not make any significant progress toward achieving her case plan goals and correcting the conditions which necessitated T.P.-B. to be in care. T-PEP, the parenting skills service provider identified in the case plan, reported that J.P. was unsuccessful in their program. In her psychological assessment report, Dr. Powenda recommended against reunification, noting that J.P. dismissed allegations of abuse against her as lies. After rejecting services from JPHSA to address her substance use and mental health, J.P. completed a Beacon Behavioral Health intensive out-patient program and followed discharge recommendations for individual counseling. Breana Green, whom J.P. selected for individual counseling services at Turning Point, reported that “[J.P.] has at times presented with combative, argumentative and confrontational behaviors during sessions” with no significant changes in her symptoms observed. Finally, despite cautions from her prescribing psychiatrist concerning its effect on medication to treat bipolar disorder, J.P. tested positive for marijuana use and obtained a medical marijuana card during the CINC proceedings.

Clear and convincing evidence is present throughout the record of J.P.’s unabated impulsive aggressive behavior. Early in the CINC proceeding, DCFS staff resorted to contacting law enforcement because of J.P.’s conduct during a visitation session with T.P.-B. Nearly a year later, DCFS was unable to perform a home visit due to safety concerns created by J.P.’s behavior. The record also reflects J.P.’s courtroom intimidation of testifying DCFS staff warranted an admonishment from the judge. In its September 22, 2025 report denying J.P. re-admission to its program, T-PEP described her as “combative,” “irate,” and speaking loud and rapidly. J.P. informed T-PEP that she knows how to parent her

daughter and did not need their services. The report concluded with T-PEP stating it was imperative that J.P. meaningfully engage in services to address ongoing mental health concerns, enroll in a program for managing her anger, and development of coping mechanisms and communication skills.

We find the juvenile court did not err in ruling that the permanent case plan goal should be adoption. The trial court observed the parties and received testimonial and documentary evidence from professionals during numerous hearings and case reviews. The record shows that J.P. possesses longstanding impulsive aggressive and violent tendencies which correlate to the reported harm upon T.P.-B. Contrary to J.P.'s assertion, compliance with a case plan is more than showing up for appointments. It is earnest engagement in resources intended to reform behaviors which expose a child to a substantial risk of harm. In this case, we observe that the evidence overwhelmingly demonstrates that J.P. is unmotivated to change her behaviors. Accordingly, we conclude this assignment of error is without merit.

#### *Suspension of Visitation*

In her second assignment of error, J.P. avers that the juvenile court erred by suspending her visitation with T.P.-B. She argues that the court's original temporary suspension has become an insurmountable obstruction for restoring the family unit. Despite successfully completing every service plan referral, J.P. argues, the juvenile court never implemented a plan for resuming visitation which is a critical case plan component for achieving reunification.

The constitutionally protected liberty interest of a parent in establishing and maintaining a meaningful relationship with his or her child is well settled. *State in Int. of A.C.*, 93-1125 (La. 1/27/94), 643 So.2d 719, *cert. denied*, 515 U.S. 1128, 115 S.Ct. 2291, 132 L.Ed. 2d 292 (1995). The criterion for determining a noncustodial biological parent's right to visitation is best interest of the child. *See*

*Bordelon v. Thiele*, 23-336 (La. App. 5 Cir. 12/27/23), 379 So.3d 804, 818; *State in Interest. of S.S.*, 401 So.3d at 796. In balancing the interests of the child and the parent, the interests of the child are paramount of those of the parent. *State in Int. of A.V.*, 14-465 (La. App. 5 Cir. 10/29/14), 164 So.3d 853, 864, *writ denied*, 14-2489 (La. 2/27/15), 160 So.3d 963. The trial court has inherent power to determine the child's best interest and to determine visitation orders in a manner that minimizes risk of harm to the child. *State in Interest. of S.S.*, 401 So.3d at 796. Great weight is given to a trial court determination in matters of visitation, and court judgments will not be overturned unless a clear of abuse of discretion is shown. *Ives v. Ives*, 25-413 (La. App. 5 Cir. 12/15/25) 428 So.3d 863, 868, *writ denied*, 26-64 (La. 3/18/26), 427 So.3d 1239.

In the instant case, visitation was suspended by the juvenile court only after prior admonitions against continued outbursts and disruptive behavior towards and in T.P.-B.'s presence. Evidence was presented that T.P.-B. exhibited dysregulated behavior following visits with J.P. Ultimately, a temporary suspension of visitation was ordered on December 9, 2024 based on reporting that J.P. belligerently refused to comply with requests for discontinuing use of coarse words in the presence of T.P.-B., which led DCFS to contact Kenner Police for assistance with gaining J.P.'s compliance with directives to leave its offices. In the next scheduled hearing, J.P. consented to continued suspension of visitation.

Ongoing suspension of visitation was supported by the professionals who provided services to J.P. and T.P.-B. The record contains evidence of T.P.-B.'s special needs related to her diagnosis of post-traumatic stress disorder. T-CATT opined that visitation was a risk to T.P.-B.'s health and recommended against visitation until such time symptoms of J.P.'s mental health are improved. No meaningful improvement was demonstrated.

The record also reflects documented concerns and instances of a negative impact on T.P.-B. from visitation. T.P.-B. expressed to her CASA volunteer and her paternal great-aunt that she did not wish to return to J.P. but was working to forgive her mother for hurting her. It is further well documented in the record that T.P.-B.'s behavior dysregulation and academic performance improved after visitation was suspended. In balancing the interest of the parent against the child's interest, the interests of the child are paramount. The juvenile court did not err in determining that contact with J.P. at this time is not in the best interest of T.P.-B. We likewise find this assignment of error is without merit.

### **CONCLUSION**

For the reasons stated above, we affirm the judgment on appeal.

**AFFIRMED**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
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**NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **MAY 11, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-CA-49**

**E-NOTIFIED**

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE AMANDA L. CALOGERO (DISTRICT JUDGE)

AMANDA L. CALOGERO (APPELLEE)

ALEXANDRA M. KAMP (APPELLEE)

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