IN THE NEBRASKA COURT OF APPEALS

MEMORANDUM OPINION AND JUDGMENT ON APPEAL
(Memorandum Web Opinion)

IN RE INTEREST OF BELLA M. ET AL.

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IN RE INTEREST OF BELLA M. ET AL., CHILDREN UNDER 18 YEARS OF AGE.

STATE OF NEBRASKA, APPELLEE,

V.

MARV M., APPELLANT.

Filed November 17, 2026. No. A-26-018.

Appeal from the Separate Juvenile Court of Lancaster County: ELISE M.W. WHITE, Judge. Affirmed.

Patrick T. Carraher, of Legal Aid of Nebraska, for appellant.

Jeremy P. Lavene, Deputy Lancaster County Attorney, for appellee.

Joy Shiffermiller, of Shiffermiller Law Office, P.C., L.L.O., guardian ad litem.

RIEDMANN, Chief Judge, and BISHOP and WELCH, Judges.

BISHOP, Judge.

I. INTRODUCTION

Marv M. appeals the order of the separate juvenile court of Lancaster County that terminated his parental rights to his four minor children. We affirm.

II. BACKGROUND

Marv is the biological father of Liberty M., born in July 2018; Bella M., born in August 2019; and Joseph M., born in January 2021. He is the legal father of Christopher M., born in December 2022. LaDasha M. is married to Marv and is the children's biological mother. LaDasha

voluntarily relinquished her parental rights to the children during these same juvenile proceedings. Because LaDasha is not part of this appeal, we will discuss her only as necessary.

1. Procedural Background

On July 29, 2022, the State filed a two-count petition alleging that Liberty, Bella, and Joseph were children within the meaning of Neb. Rev. Stat. § 43-247(3)(a) (Reissue 2016) because they lacked proper parental care by reason of the fault or habits of Marv and LaDasha; Marv and LaDasha neglected or refused to provide the children proper or necessary subsistence, education, or other care necessary for their health, morals, or well-being; and/or the children were in a situation dangerous to life or limb or injurious to their health or morals. Count 2 of the petition related to Marv and included the following allegations:

> (1) On one or more occasions since July of 2018, **Marv M**[.] has engaged in assaultive, threatening, intimidating, controlling, disturbing, verbally aggressive, and/or destructive behavior in the presence of one or more of [the children] and/or in the family home.
>
> (2) **Marv M**[.] has admitted to using controlled substances.
>
> (3) The above situation places the [children] at risk of harm[.]
>
> (4) Events occurring in Lancaster County, Nebraska.

(Emphasis in original.)

A few days after the petition was filed, the juvenile court appointed a guardian ad litem (GAL) for the children.

A hearing on the State's petition was held on August 29, 2022. Marv entered a denial to the allegations above. However, as part of a global plea agreement involving a separate criminal case, LaDasha admitted to allegations in count 1 of the petition specific to her. The juvenile court accepted LaDasha's admission and adjudicated Liberty, Bella, and Joseph as children within the meaning of § 43-247(3)(a). As a result of LaDasha's plea, Marv became subject to the jurisdiction of the court. See § 43-247(5) (extending juvenile court jurisdiction over the parent, guardian, or custodian of any juvenile described in § 43-247). In an October 24 disposition order, the court placed legal custody of the children with the Nebraska Department of Health and Human Services (DHHS). Physical custody was shared jointly between Marv and LaDasha. Marv was ordered to, among other things, maintain a safe and stable living environment for himself and the children, secure employment or obtain other legal means of support for the children, and regularly keep contact with DHHS workers.

A contested evidentiary hearing concerning the allegations specific to Marv was held on December 9, 2022. The juvenile court found the following paragraphs of the State's petition to be true by a preponderance of the evidence: "1" (Marv engaged in acts of domestic violence in the presence of the children and/or in the family home on multiple occasions), "3" (the children were at risk of harm), and "4" (the events occurred in Lancaster County). Paragraph "2" (drug use by Marv) was dismissed for insufficient evidence.

In a disposition order entered on January 27, 2023, Marv was ordered to, among other things, attend and successfully complete a men's domestic violence/batterer's intervention

program and refrain from engaging in threatening, controlling, or manipulative conduct and/or physical aggression.

On October 23, 2023, the juvenile court removed physical custody of Liberty, Bella, and Joseph from Marv due to ongoing concerns of domestic violence in the family home. LaDasha retained physical custody of the children and was granted permission by the court to travel with the children to Missouri to visit their maternal grandparents.

On that same day, the State filed a two-count supplemental petition alleging that Christopher was a child within the meaning of § 43-247(3)(a). The supplemental petition directed allegations at both Marv and LaDasha. As to Marv, the State alleged that Christopher lacked proper parental care by reason of the fault or habits of Marv; Marv neglected or refused to provide proper or necessary subsistence, education, or other care necessary for Christopher's health, morals, or well-being; and/or Christopher was in a situation dangerous to life or limb or injurious to his health or morals in that:

> a. Prior to Christopher['s] birth, his siblings in this case were adjudicated due to acts of domestic violence and/or abuse occurring in the family home and/or presence of the juveniles. Rehabilitative services were ordered and provided, but there is still ongoing domestic violence and/or abuse occurring in the family home and/or presence of the juveniles, including Christopher . . ., being perpetrated by Marv[.]
>
> b. The above matter places Christopher . . . at risk of harm.
>
> c. Christopher . . . is a resident of Nebraska.

On October 24, 2023, the State filed a motion for emergency temporary custody of Christopher. The motion requested that legal custody of Christopher be placed with DHHS and that physical custody be placed exclusively with LaDasha. A corresponding affidavit authored by a DHHS representative indicated that Marv had failed to address concerns related to domestic violence and that the family "household appear[ed] to be becoming more dangerous." It was further alleged that Christopher's young age made him "more vulnerable to abuse and neglect and less able to meet his own needs[.]" The juvenile court granted the State's motion.

On December 20, 2023, DHHS filed a motion seeking to transfer physical custody of the children from LaDasha to the children's maternal grandparents. According to an affidavit submitted in support of the motion, LaDasha notified DHHS on December 18 that she planned to leave the children in Missouri because she felt incapable of caring for the children alone. Marv reportedly picked up LaDasha from Missouri that evening, and the two returned to Nebraska together. The juvenile court granted the motion and transferred physical custody of the children to the maternal grandparents. The children remained in the physical custody of their maternal grandparents in Missouri for the remainder of the proceedings. Marv participated in supervised virtual visits with the children, and he occasionally traveled to Missouri for in-person visits.

After several continuances, an adjudication hearing on the State's supplemental petition was held on March 7, 2024. At the outset of the hearing, LaDasha pled no contest to certain allegations in the supplemental petition specific to her, and the juvenile court accepted her plea. Christopher was adjudicated as a child within the meaning of § 43-247(3)(a). Marv entered a denial to all allegations against him, and a contested evidentiary hearing was conducted. In an order

entered the following day, the court found all allegations specific to Marv in the supplemental petition to be true by a preponderance of the evidence.

On June 4, 2025, the children's GAL filed a motion to terminate Marv's parental rights pursuant to Neb. Rev. Stat. § 43-292(2), (4), (5), (6), and (7) (Reissue 2016). The GAL alleged that Marv had substantially and continuously or repeatedly neglected and refused to give the children necessary parental care and protection; Marv was unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs, or repeated lewd and lascivious behavior, which conduct was seriously detrimental to the health, morals, or well-being of the children; Marv was unable to discharge parental responsibilities because of mental illness or mental deficiency and there was reasonable grounds to believe that such condition would continue for a prolonged indeterminate period; reasonable efforts failed to correct the conditions leading to the adjudication of the children under § 43-247(3)(a); the children had been in an out-of-home placement for 15 or more months of the most recent 22 months; and termination of Marv's parental rights was in the children's best interests.

Pursuant to statute, the juvenile court appointed a GAL for Marv. See Neb. Rev. Stat. § 43-292.01 (Reissue 2016) (court shall appoint guardian ad litem for parent alleged to be incompetent when termination of parental rights is sought under § 43-292(5)). The State was joined as a party to the motion to terminate parental rights on July 7, 2025.

2. Termination Hearing

The termination hearing was held over several days in November and December 2025. The children's GAL and the State collectively called three DHHS workers, a mental health practitioner, and the children's maternal grandmother as witnesses. Marv called a visitation worker as a witness and testified in his own behalf. Numerous exhibits were offered by the parties as evidence. We set forth the relevant evidence below.

(a) DHHS Workers' Testimony

Three DHHS workers provided testimony at the termination hearing: Justine Ligenza, a caseworker assigned to Marv's case from September 2022 to January 2025; Madi Maly, a caseworker assigned to Marv's case in March 2025; and Kim Lauenroth, the DHHS supervisor overseeing Marv's case.

(i) Domestic Violence

The chief issue discussed by the DHHS workers at the termination hearing was Marv's alleged inability to address concerns of domestic violence in the family home. All three workers were part of a DHHS team specializing in cases involving domestic violence. Ligenza defined domestic violence as "a pattern of intentional coercive behaviors meant to position one party in a romantic relationship . . . in a position of power over the other." Lauenroth provided a similar definition, stating domestic violence consists of "a pattern of behaviors used by a person to gain power and control over another, generally in a relationship or a close relationship."

Both Ligenza and Lauenroth described the general effects that domestic violence can have on children. Ligenza indicated that domestic violence could have "a very significant impact" on a child's cognitive, social, and emotional development. According to Ligenza, children often

struggle to build healthy relationships with perpetrators of domestic violence. She testified that "angry yelling" alone can negatively impact an infant's brain development, even if the yelling occurs while the child is sleeping. Additionally, Lauenroth noted that domestic violence can adversely impact a child's academic achievement, lower a child's self esteem as they grow up, and lead to mental health conditions such as post-traumatic stress disorder.

Throughout her time on the case, Ligenza observed Marv exerting "power and control" over LaDasha, often in the presence of the children. Ligenza thought Marv's behavior was indicative of domestic violence. At the termination hearing, the juvenile court received multiple court reports authored by Ligenza. Each court report documented conduct believed by Ligenza to constitute domestic violence. Notable incidents occurring during her first year on the case include:

- In the months leading up to Christopher's birth in December 2022, Marv and LaDasha agreed to put him up for adoption. However, a week prior to the birth, Marv inexplicably rescinded his consent. According to Ligenza, Marv told LaDasha that he wanted her to "look Christopher in the eyes and tell him that she [was] giving up on him[.]"
- Marv reportedly isolated LaDasha and prevented her from leaving the family home. In an April 18, 2023, court report, Ligenza wrote, "[Marv] repeatedly indicat[ed] to Mrs. LaDasha M[.] that if she leaves the residence, it will be considered 'abandonment,' and she will lose access to the children[.]" Ligenza also documented that Marv falsely told LaDasha that she was required to live at the family home per a court order.
- Marv had access to LaDasha's text and email communications. Ligenza documented a May 2023 incident where Marv used LaDasha's phone to send nude photographs of her to prove that "she was cheating."
- Marv actively interfered with LaDasha's ability to participate in court-ordered services by failing to "pass[] along messages." He also limited LaDasha's access to family income.

Between July and October 2023, Ligenza noted a period of escalating domestic violence. During a July 27 meeting in the family home, Marv "repeatedly yell[ed]" at LaDasha and "aggressively" asked her if she was being abused, manipulated, or harmed. When Ligenza attempted to redirect Marv because the children were present, Marv "raise[d] his voice" at Bella, asking her, "'Am I abusing you? Are you afraid of me?'" In August, LaDasha contacted Ligenza on numerous occasions and requested assistance in leaving the family home; during one phone call, Ligenza could hear Marv yelling in the background. Ligenza also documented an incident occurring on August 15 where Marv became upset with LaDasha and threw a bottle at a television, breaking it. The children were in the home at that time. About a week later, LaDasha called Ligenza for assistance because Marv was "escalated" in the family home. Ligenza testified that Marv "ripped" the phone from LaDasha's hand, and law enforcement was contacted. In an incident on October 5, Marv was observed by DHHS representatives using profanity and "aggressively" grabbing one of the children's arms.

Due to concerns of ongoing domestic violence in the family home, the children were removed from Marv's physical custody in October 2023, but physical custody remained with LaDasha. She received permission to travel to Missouri to visit with their maternal grandparents, where they were eventually placed in December. It is about a 7-hour drive from Marv's home in Nebraska to the children's foster placement in Missouri. Ligenza noticed positive changes in the children's behavior and development after they left the family home. Bella and Joseph made "significant progress" in "potty training" over a short period of time, and Christopher became

"more engaged," "smiley," and "interactive with others in the home." Prior to the move, Christopher was "very withdrawn" and had a "glossy look to his eyes at most times."

Ligenza testified that throughout her time on the case, Marv would, "at times," identify behaviors that he needed to change. He specifically told her that his children would benefit if he stopped "yelling" in their presence. However, Ligenza believed Marv's introspection was inconsistent, and she noted that Marv frequently attempted to justify acts of domestic violence. According to Ligenza, Marv frequently denied ever perpetrating acts of domestic violence and instead claimed that he was a victim. When she left the case in January 2025, Ligenza had not seen substantial changes in Marv's behavior as it related to the issue of domestic violence.

Maly was assigned as Marv's caseworker in March 2025, and she continued to serve in that role at the time of the termination hearing. During her testimony, Maly indicated that she remained concerned about ongoing domestic violence in the family home. She was particularly alarmed by a July meeting where Marv told her that he was a victim of domestic violence and made comments critical of women. Maly believed these statements demonstrated that Marv had not taken responsibility for the conduct that led to the juvenile court's involvement.

(ii) Batterer's Intervention Program

At the termination hearing, the parties offered evidence regarding Marv's compliance with various court-ordered services. However, in its order terminating Marv's parental rights, the juvenile court largely focused on evidence related to Marv's participation in a batterer's intervention program (BIP). We recount the evidence relevant to that specific court order.

Marv was directed to attend and successfully complete BIP to address concerns of domestic violence in the family home. Ligenza testified that BIP is the "best service" to effectuate "behavioral change" and "accountability" in perpetrators of domestic violence. Marv initially signed up for a 30-week program in February 2023 and paid for it himself. Several monthly progress reports authored by this initial BIP provider were attached to the various court reports received by the juvenile court. According to these reports, between April and July, Marv completed 14 classes and had only 4 absences. During those months, Marv's "[c]ooperation," "[a]ttentiveness," and "[p]articipation" were marked as "[a]cceptable." However, in August, Marv was identified as "[n]eed[ing] [i]mprovement" in "[n]ot being argumentative" and "[n]ot being disruptive." The provider left the following comment in the August report:

> On August 27, 2023, the theme in class was Economic Partnership. Marv reported because he is the one that works it is his money and his wife has to ask him permission to spend money. Marv reported he thinks this is fair because his wife has "a free place to live, has free utilities, and has food to eat." The facilitator told Marv that it sounds like he treats his wife as a servant. Marv became more agitated and again stated she is a stay at home mom and is supposed to do all the household work and take care of the children and in return gets "access to free food, utilities, and has a home to live in." Marv was given his first verbal warning, if this behavior continues he will be extended to attend 36 weeks rather than 30 or be terminated.

Approximately a week after the above incident, Marv was terminated from BIP. A termination letter received by the court indicates that Marv failed to abide by various program rules. Prior to

his termination from BIP, Ligenza had contacted the provider and supplied "collateral information," which "may have" included emails and text messages sent by Marv. According to Marv's counsel, Marv felt like Ligenza intentionally "sabotaged" his BIP progress.

Marv enrolled with another BIP provider in September 2023. He successfully completed the 36-week program in September 2024. At the conclusion of this second BIP stint, Marv wrote a letter, reflecting on his time in the program. This letter was attached to a court report received by the juvenile court, and in it, Marv generally expressed remorse for his actions and some degree of self-reflection. He acknowledged that his "screaming and aggressiveness" had negatively impacted his children. However, in one section of the letter, Marv wrote that he "refuse[d] to pay for the consequences" of others' actions.

(iii) Communications With Caseworkers

According to Lauenroth, Marv "struggled with being appropriate" when "working with professionals." Marv would send text messages to workers "late at night," often between midnight and 5 a.m. LaDasha reported to Lauenroth that Marv sent the messages after he had "been up drinking."

Ligenza indicated that Marv directed "threatening or intimidating" language toward her "[o]n several occasions," often via text messages. The children's GAL offered several text messages sent by Marv between February and April 2023. In these messages, Marv told Ligenza to "piss off with [the] power trip," accused her of being "crap at [her] job," threatened to "show up and knock on [her] door," and claimed to be a victim of domestic violence, among other things. Ligenza was particularly disturbed by an October 2024 text message which read:

> I'm going to show up EARLY AS HELL and play all videos in public and sit next to your prices [sic] of shit attorneys. I don't care. I've [sic] your people solidified as Concrete. I don't care if I drowned in Concrete. I'm dead soon anyway. But you woman. You brought this on and you will help pay this. My life for you. That's all I have. You pay too.

The court reports offered at the termination hearing had numerous other text messages attached to them which included threatening and aggressive language.

(iv) Visitations

After the children moved to Missouri in October 2023, Marv had supervised virtual and in-person visits with them. In-person visits in Missouri were scheduled for "[e]very other month," and virtual visits occurred approximately "three to four times per week."

Ligenza testified that she supervised "four or five" in-person visits between Marv and the children while assigned to the case. Marv generally had positive interactions with the children, and there were times when the children expressed a desire to go home with their father. According to Ligenza, virtual visits "[g]enerally" went well.

Lauenroth observed an in-person visit between Marv and the children in Missouri around Thanksgiving 2024. She testified that the children "obviously miss[ed] their dad" and fought for Marv's attention. On cross-examination by Marv's counsel, Lauenroth was asked what a family "miss[es] out" on when they are restricted to virtual visits in comparison to in-person visits. She responded, "Everything."

Maly testified that she supervised "five" visits between Marv and the children. She described a June 2025 visit when Marv struggled to keep the children "regulated." A parenting evaluation was conducted during that visit. Maly testified that Marv was very engaged during the evaluation, actively participating in activities with the children. However, when the evaluation concluded, Marv began to be "a little bit less interactive" and failed to redirect the children consistently.

Maly also noted that after a virtual visit on October 7, 2025, a visitation worker reported that Marv made statements to the children about returning to the family home. This concerned Maly because there was no plan for the children to return to Marv's physical care, and she thought false promises could be "very emotionally harmful and hurtful" to the children. During cross-examination, however, Marv's counsel offered a note prepared by the worker after that visit. Maly agreed that the note made no reference to Marv making false promises to the children. The worker wrote, "No risk factor observed."

(v) Best Interests Opinion

Lauenroth believed that the children needed "permanency" because they had "languished" in foster care for "quite some time." She noted that the children had "made big improvements" in foster care and needed "stability" to continue developing in a healthy manner. Lauenroth opined that it was in the children's best interests to terminate Marv's parental rights due to his failure to address concerns of domestic violence and create a safe home environment.

(b) Child-Parent Psychotherapy Assessments

Sarah Kirkwood, a licensed mental health practitioner and drug and alcohol counselor, conducted child-parent psychotherapy (CPP) assessments on Liberty, Bella, and Joseph between April and June 2023. Kirkwood described CPP as an "evidence-based treatment" focused on "healing any sort of trauma or separation" between a child and caregiver. A CPP evaluation consists of three steps: an initial diagnostic interview with the child, an interview with the child's caregiver, and a structured observation of the child and caregiver called a "Crowell assessment." Copies of the children's CPP assessments were received as evidence at the termination hearing. Kirkwood diagnosed each child with unspecified trauma and stressor-related disorders. She also observed that the children had "insecure avoidant attachment[s]" with Marv, meaning the children did not "have trust in [Marv] to provide them comfort or meet any of their needs."

Despite these attachment issues, Kirkwood did not recommend CPP due to concerns of ongoing domestic violence in the family home. She suspected that Marv was actively preventing LaDasha from participating in the children's CPP assessments. Kirkwood was unable to make individual contact with LaDasha, and Marv unilaterally canceled many of LaDasha's appointments. Kirkwood also received reports from DHHS workers that Marv was coercing LaDasha. According to Kirkwood, exposure to domestic violence can cause the type of insecure avoidant attachments she observed in the children. Kirkwood testified that domestic violence in the home can create "prolonged toxic stress" in a child that "really impacts their ability to feel safe."

Kirkwood stated that she was able to meet with LaDasha individually on a single occasion. During this one-on-one session, LaDasha reported that Marv would "frequently put her down,"

"yell at her," "intimidate her," and utter racial slurs. However, LaDasha did not report any physical abuse, nor did Kirkwood observe any evidence of physical abuse on the children.

(c) Maternal Grandmother's Testimony

Shantella B. confirmed she was the children's maternal "step-grandmother"; she had been married to LaDasha's father for 27 years. The children's GAL inquired about Shantella's insights into the children's physical and emotional status. The children had lived with Shantella and her husband in Missouri since October 23, 2023.

Shantella testified that Liberty has Phelan-McDermid syndrome and autism. Liberty is nonverbal and "doesn't talk." Liberty was in the second grade and doing "pretty good" in school. She had a "one-on-one para" and was adapting well to the classroom. Liberty attends two speech pathology sessions per week (one at school and the other at an outpatient facility) and one physical therapy appointment per week. She also visits a specialist in St. Louis, Missouri, once a month to work on obtaining a "augmentative device" to aid in communication. On cross-examination by Marv's counsel, Shantella agreed that Liberty received adequate medical care in Nebraska prior to residing in Missouri.

According to Shantella, Bella had "good days" and "bad days." Shantella noticed that Bella particularly struggled on days where "she's missing her parents." Shantella stated, "[Bella] understands more than the other kids, so she miss[es] [her parents] more . . . than the other kids." Bella was the "only one that talk[ed] about going back home." Bella also exhibited problematic behaviors at school after in-person visits with Marv. Bella said to Shantella that Marv "kept telling her that she was coming home and that she didn't have to listen" to her grandparents. However, Shantella admitted that she did not know for certain whether Marv made those statements to Bella.

Shantella described Joseph as "emotional." At the time of Shantella's testimony, Joseph had recently been enrolled in therapy to address "emotional outbreaks." She said that Christopher was "pretty good"; "he's basically just a normal two-year-old." She noted that Christopher had "some delays" at first but was benefitting from speech and physical therapy.

During virtual visits with Marv, Shantella would hear the children say that they love him. Marv would also encourage the children to listen to and obey their grandparents.

(d) Marv's Evidence

Sabina Fehric-Palic, a family support and visitation worker, testified in support of Marv. Fehric-Palic began supervising virtual visits between Marv and the children sometime in March 2024. As of the time of her testimony, she had supervised around 200 visits, each lasting about an hour. According to Fehric-Palic, Marv attended "almost all" of his scheduled virtual visits with the children; there were only a "few" he had to cancel due to sickness. Fehric-Palic indicated that Marv was actively engaged during visits and appropriately disciplined the children when needed. He encouraged the children to listen to and behave for their grandparents. Fehric-Palic believed that Marv had made "a lot of progress" with his children.

Marv also testified, primarily responding to the accusations of domestic violence. He readily admitted that he had "acted inappropriately" toward LaDasha in the past by "yell[ing]" at her and using "not very choice words." Marv acknowledged that his actions may have had an

adverse impact on his children. Marv indicated that he completed BIP and benefited from the program "quite a bit."

However, during his testimony, Marv maintained that he was the victim of domestic violence by LaDasha. To support his testimony, Marv offered a screenshot of the Lancaster County Department of Corrections' "Current Inmates" list. The image shows that LaDasha was "[b]ook[ed]" for third degree domestic assault on March 16, 2022. According to Marv, the events leading to LaDasha's arrest occurred over a 24-hour period. He testified that LaDasha was "out of control," "extremely mad," and "mentally unstable." After coming home from work one night, he laid down to sleep. Around an hour later, LaDasha threw a wet rag at Marv's face and began screaming at him. Marv "ran" out of the house and contacted law enforcement. Officers were dispatched to the family home around 3 or 4 a.m., and they "calmed" LaDasha down. Marv subsequently returned to the home and went back to bed. At approximately 6 a.m., LaDasha started yelling at Marv again and began to "beat" him. As Marv ran away, LaDasha threw her cell phone at Marv, and he "block[ed]" it with his right arm. Marv indicated that his right arm was "out of commission for about a month and a half," and he suffered "an extremely deep bone bruise." The juvenile court received two photographs depicting injuries to Marv's body. The first photograph was taken sometime after the March 2022 incident and shows bruising on one of Marv's extremities. The second picture was taken "two or three months" prior to LaDasha's arrest and shows a large bruise on Marv's abdomen. Marv explained that at the time the State's original petition was filed in July 2022, he had never been charged with any crimes against LaDasha.

Marv denied ever making threatening remarks to his caseworkers. While he believed there was "a lot of illegal stuff going on," Marv "never intended to put fear" into his caseworkers. Marv admitted to sending messages to DHHS personnel late at night during his break at his overnight job. However, he maintained that such messages were rare.

Marv believed that he had a loving relationship with his children.

3. Motion for Visitation Pending Appeal

On December 12, 2025, Marv filed a motion requesting visitation with the children pending appeal. He alleged that continuing visitation during an appeal would be in the children's best interests. The motion did not include a hearing date.

4. Juvenile Court's Decision

In an order entered on January 2, 2026, the juvenile court terminated Marv's parental rights to all four of his children and denied his motion for visitation pending appeal. The court found that statutory grounds existed pursuant to § 43-292(2), (6), and (7), and that termination of Marv's parental rights was in the children's best interests. As for Marv's motion requesting visitation pending appeal, the court noted that Marv did not request a hearing. However, it nonetheless considered "the evidence adduced during the trial on termination of parental rights" when ruling on the motion. The court concluded that there was no evidence presented that continued contact with Marv was in the children's best interests. The court did allow for "one professionally supervised 'goodbye' visit[.]"

Marv appeals.

III. ASSIGNMENTS OF ERROR

Marv assigns that the juvenile court erred in (1) finding that statutory grounds exist to terminate his parental rights under § 43-292(2), (6), and (7); (2) finding that termination of his parental rights was in the children's best interests; and (3) denying his motion for visitation pending appeal.

IV. STANDARD OF REVIEW

An appellate court reviews juvenile cases de novo on the record and reaches its conclusions independently of the findings made by the juvenile court below. *In re Interest of Mateo L. et al.*, 309 Neb. 565, 961 N.W.2d 516 (2021). However, when the evidence is in conflict, an appellate court may consider and give weight to the fact that the juvenile court observed the witnesses and accepted one version of the facts over another. *Id.*

V. ANALYSIS

In order to terminate an individual's parental rights, the moving party must prove by clear and convincing evidence that one of the statutory grounds enumerated in § 43-292 exists and that termination is in the children's best interests. See *In re Interest of Leyton C. & Landyn C.*, 307 Neb. 529, 949 N.W.2d 773 (2020). Clear and convincing evidence means that amount of evidence which produces in the trier of fact a firm belief or conviction about the existence of a fact to be proved. *In re Interest of Michael B. et al.*, 258 Neb. 545, 604 N.W.2d 405 (2000).

1. Statutory Grounds for Termination

The juvenile court concluded that statutory grounds for termination existed pursuant to § 43-292(2), (6), and (7). On appeal, Marv argues that there is insufficient evidence to support any of these statutory grounds.

Section 43-292(7) allows for termination when "[t]he juvenile has been in an out-of-home placement for fifteen or more months of the most recent twenty-two months." The existence of the statutory basis alleged under § 43-292(7) should be determined as of the date the petition or motion to terminate is filed. *In re Interest of Jessalina M.*, 315 Neb. 535, 997 N.W.2d 778 (2023). By the plain and ordinary meaning of the language in § 43-292(7), there are no exceptions to the condition of 15 out of 22 months' out-of-home placement. *In re Interest of Mateo L. et al., supra*. Section 43-292(7) operates mechanically and, unlike the other subsections of the statute, does not require the State to adduce evidence of any specific fault on the part of a parent. *In re Interest of Mateo L. et al., supra*. In other words, if the 15-out-of-22 months' period is met, § 43-292(7) is satisfied. See *In re Interest of Mateo L. et al., supra*.

Liberty, Bella, and Joseph were removed from Marv's physical custody on October 23, 2023. Christopher was removed a day later on October 24. LaDasha retained physical custody of the children until December 20, at which time the court entered an order placing the children with their maternal grandparents in Missouri. Marv conceded during his testimony that the children never returned to his physical care after their removals. By the time the motion to terminate Marv's parental rights was filed on June 4, 2025, all four children had been in an out-of-home placement for over 17 months. Thus, the 15-out-of-22 months' period was satisfied.

The children's GAL and the State have clearly and convincingly shown that § 43-292(7) exists as a statutory basis for terminating Marv's parental rights to the children. And since any one of the bases for termination codified in § 43-292 can serve as the basis for termination, we need not consider the sufficiency of the evidence concerning any other statutory basis for termination. *In re Interest of Mateo L. et al., supra*.

2. Best Interests

Under § 43-292, in addition to proving a statutory ground, the State must show that termination is in the best interests of the child. *In re Interest of Noah C.*, 306 Neb. 359, 945 N.W.2d 143 (2020). A child's best interests are presumed to be served by having a relationship with his or her parent. *In re Interest of Leyton C. & Landyn C., supra*. This presumption is overcome only when the State has proved that the parent is unfit. *Id.* Although the term "unfitness" is not expressly stated in § 43-292, the Nebraska Supreme Court has said that it derives from the fault and neglect subsections of that statute and from an assessment of the child's best interests. *In re Interest of Mateo L. et al., supra*. In the context of the constitutionally protected relationship between a parent and a child, parental unfitness means a personal deficiency or incapacity which has prevented, or will probably prevent, performance of a reasonable parental obligation in child rearing and which has caused, or probably will result in, detriment to a child's well-being. *In re Interest of Leyton C. & Landyn C., supra*. The best interests analysis and the parental fitness analysis are separate inquiries, but each examines essentially the same underlying facts as the other. *Id.* We have previously set forth the evidence presented at the termination hearing, and we will not recount it again here.

In his brief, Marv claims that the juvenile court "forgot that the focus of these proceedings is on the children." Brief for appellant at 42. He argues that the court gave undue weight to "the hostile relationship between [him] and his caseworkers instead of the loving relationship" he had with his children. *Id.* Marv contends, "The best interests of these children are not served by terminating their loving relationship with their father." *Id.*

While there is evidence in the record showing that Marv and the children are bonded and love each other, upon our de novo review, we agree with the juvenile court that the children's best interests are served by terminating Marv's parental rights. In its termination order, the juvenile court found that Marv engaged in an "ongoing pattern of manipulative, controlling, threatening, and intimidating behavior" toward LaDasha and case professionals. We agree with this assessment of the evidence. Several witnesses at the termination hearing discussed the adverse impact that domestic violence can have on children. Ligenza testified that domestic violence can negatively affect a child's physical, cognitive, and social development. Kirkwood similarly stated that domestic violence can lead to "prolonged toxic stress" in a child, hindering their ability to feel safe. Marv continued to downplay incidents of domestic violence throughout the case, including the trauma that his children had suffered because of domestic violence, and he refused to take accountability for his actions, even after completing BIP in September 2024. He instead claimed to be a victim of domestic violence. Despite several years of court-ordered services and DHHS involvement, Marv has not addressed concerns of ongoing domestic violence in the family home and has failed to put himself in a situation where he can safely parent his children.

At the time of the termination hearing, Marv's children had been in an out-of-home placement for over 22 months. DHHS believed permanency was in the children's best interests. We agree. "Children cannot, and should not, be suspended in foster care or be made to await uncertain parental maturity." *In re Interest of Walter W.*, 274 Neb. 859, 872, 744 N.W.2d 55, 65 (2008). And when a parent is unable or unwilling to rehabilitate himself or herself within a reasonable period of time, the child's best interests require termination of parental rights. *In re Interest of Leyton C. & Landyn C., supra*. Upon our de novo review, we find that the GAL proved that Marv was unfit, meaning that he has a personal deficiency or incapacity which has prevented, or will prevent, performance of a reasonable parental obligation in child rearing and which has caused, or probably will result in, detriment to the child's well-being. See *id.* We further find that there is clear and convincing evidence that it is in the children's best interests to terminate Marv's parental rights.

3. Motion for Visitation Pending Appeal

Marv lastly argues that the juvenile court erred in denying his motion for visitation pending appeal.

According to Neb. Rev. Stat. § 43-293 (Reissue 2016), "[a]n order terminating the parent-juvenile relationship shall divest the parent and juvenile of all legal rights, privileges, duties, and obligations with respect to each other[.]" This court has previously indicated that once a parent's parental rights are terminated, he or she has no standing to assert entitlement to continued visitation with his or her child. See *In re Interest of Stacey D. & Shannon D.*, 12 Neb. App. 707, 684 N.W.2d 594 (2004). However, a juvenile court retains jurisdiction to award continued contact between a child and a parent whose parental rights have been terminated, when such contact is in the child's best interests. See *id.*

Marv filed his motion for visitation pending appeal after the conclusion of the termination hearing but before the juvenile court entered the order terminating his parental rights. In its termination order, the court denied Marv's motion, observing that Marv "did not request a separate hearing" on his motion. The court therefore looked to evidence adduced at the termination hearing to rule on the motion. The court found no evidence demonstrating that continued contact with Marv would be in the children's best interests. It instead ordered the children to have "one professionally supervised 'goodbye' visit" with Marv.

On appeal, Marv contends that the juvenile court erroneously denied his motion on the ground that he failed to request a separate evidentiary hearing on the matter. He writes that he is "unaware of any caselaw, statute, or court rule[]" that mandates the scheduling of a separate hearing for this type of motion. Brief for appellant at 44. Although not raised in any of the parties' briefs, we note that a local rule provides that a party "shall obtain a date for hearing" "at the time" that any motion is filed. Rules of Sep. Juv. Ct. of Lancaster Cty. II(B) (rev. 2023).

Regardless, it is clear from our review of the record that Marv did not request continued visitation with his children after the resolution of this appeal. In his motion, Marv specifically sought "to preserve his right to request visitation *pending appeal*." (Emphasis supplied.) Inasmuch as this appeal is now over, any issue related to the juvenile court's denial of the motion for visitation pending appeal is moot. See *Flinn v. Strode*, 320 Neb. 813, 30 N.W.3d 661 (2026) (moot case is one that seeks to determine question that no longer rests upon existing facts or rights). See,

also, *In re Interest of Jaiden L.*, No. A-13-295, 2013 WL 6857594 (Neb. App. Dec. 31, 2013) (selected for posting to court website) (motion for continued visitation moot where request was limited to time period when appeal of termination of parental rights was pending).

Marv concedes in his brief that "the issue of visitation pending appeal is now moot[.]" Brief for appellant at 44. However, invoking the public interest exception to the mootness doctrine, he asks us to clarify whether a juvenile court can deny a motion for visitation pending appeal on the sole basis that the moving party failed to request a separate hearing on the matter. An appellate court will generally not address a moot issue. However, Nebraska recognizes a public interest exception to the mootness doctrine, and in determining whether it applies in a given case, an appellate court is required to consider (1) the public or private nature of the question presented, (2) the desirability of an authoritative adjudication for the guidance of public officials, and (3) the likelihood of recurrence of the same or a similar problem. *Flinn v. Strode, supra*.

Contrary to Marv's assertion, the juvenile court did not deny his motion solely for failing to request a separate hearing. The court expressly noted that it considered the evidence adduced at the termination hearing and ultimately concluded that continued contact with Marv was not in the children's best interests. Accordingly, under these facts, we find it unnecessary to apply the public interest exception to the mootness doctrine to opine on the proper procedure for requesting visitation after parental rights have been terminated.

VI. CONCLUSION

For the foregoing reasons, we affirm the juvenile court's January 2, 2026, order terminating Marv's parental rights to his four children.

AFFIRMED.