IN THE NEBRASKA COURT OF APPEALS

MEMORANDUM OPINION AND JUDGMENT ON APPEAL
(Memorandum Web Opinion)

IN RE INTEREST OF KARYME S. ET AL.

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IN RE INTEREST OF KARYME S. ET AL., CHILDREN UNDER 18 YEARS OF AGE.

STATE OF NEBRASKA, APPELLEE,

V.

FABIOLA R., APPELLANT.

Filed November 3, 2026. No. A-26-046.

Appeal from the Juvenile Court of Douglas County: MARY M.Z. STEVENS, Judge. Affirmed.

Justin D. Eichmann, of Houghton, Bradford, Whitted, P.C., L.L.O., for appellant.

Hailey Russell, Deputy Douglas County Attorney, for appellee.

BISHOP, WELCH, and FREEMAN, Judges.

WELCH, Judge.

I. INTRODUCTION

Fabiola R. appeals from the order of the Douglas County Separate Juvenile Court terminating her parental rights to her five minor children. Fabiola assigns as error, restated, that the juvenile court erred in terminating her parental rights pursuant to Neb. Rev. Stat. § 43-292(2) and (6) (Reissue 2016) and finding that termination was in the minor children's best interests. For the reasons set forth herein, we affirm.

II. STATEMENT OF FACTS

1. BACKGROUND

Fabiola is the biological mother of Karyme S., born in 2008; Daniel G., born in 2012; Guillermo G., born in 2014; Sebastian G., born in 2016; and Kamila G., born in 2020. Jesus G. is the biological father of the four younger children; he is not Karyme's biological father.

After evidence was discovered that Jesus had sexually assaulted Karyme, the State filed an adjudication petition on February 21, 2023, alleging that Karyme lacked proper parental care by reason of the fault or habits of Fabiola as Fabiola failed to provide proper parental care, support, supervision, and/or protection to Karyme; failed to provide Karyme with safe, stable, and/or appropriate housing; and due to those concerns, Karyme was at risk of harm.

The same day, the State filed an ex parte motion for immediate custody of Karyme. The affidavit in support of removal stated that on September 15, 2022, an officer was assigned to investigate the allegations that Jesus had sexually assaulted Karyme. The affidavit noted that Karyme had a recorded video of one of the incidents; that Jesus confessed to multiple sexual crimes against Karyme; and that Jesus was booked into the Douglas County jail on September 15. The affidavit further set forth that on November 21, Fabiola brought Karyme to the Douglas County Attorney's Office to provide a letter reportedly written by Karyme recanting her allegations and stating that Jesus was innocent. Karyme informed the officer that Fabiola did not believe her allegations against Jesus and that Fabiola asked her to write the letter recanting her allegations. As a result of facts obtained during the officer's investigation, Karyme was removed from Fabiola's care on February 17, 2023, and has remained in out-of-home placement during the pendency of this case.

The record reflects that Jesus was eventually arrested, was convicted of attempted first degree sexual assault of a child and was sentenced to 35 to 40 years' imprisonment.

On March 3, 2023, the State filed an amended juvenile petition alleging that Fabiola's four youngest children lacked proper parental care by reason of the faults or habits of Fabiola as Fabiola was currently incarcerated; she failed to provide proper parental care, support, supervision, and/or protection to the minor children; she failed to provide them with safe, stable, and/or appropriate housing; and that, due to those conditions, the children were at risk for harm. On that same date, the State sought, and the court granted, an ex parte motion for immediate custody of Fabiola's four youngest children. The four youngest children have remained in out-of-home placement during the pendency of this case.

2. ADJUDICATION AND DISPOSITION

In April 2023, the juvenile court adjudicated the minor children pursuant to Neb. Rev. Stat. § 43-247(3)(a) (Reissue 2016) after Fabiola admitted that she failed to provide proper parental care, support, supervision, and/or protection to the minor children, which placed the minor children at risk for harm. At that time, the court ordered Fabiola to have reasonable rights of supervised parenting time with the four youngest children and agency-supervised parenting time with Karyme, in coordination with Karyme's treatment provider; to complete a psychological evaluation including a parenting risk assessment and follow the recommendations; to participate in educational programming and treatment for parents of children who have suffered sexual abuse;

to obtain and maintain a legal source of income sufficient to sustain the health, safety and well-being of her children and provide proof of income and employment to the case manager on a monthly basis; to obtain and maintain safe and stable housing and provide proof to the case manager; and to work with the Department of Health and Human Services (DHHS) to develop a case plan to eliminate the conditions that led to court involvement.

In late July 2023, Fabiola was charged with tampering with a witness or informant and child abuse, related to the letter she had Karyme provide to the Douglas County Attorney's Office. While the case was pending, Fabiola was released on bond. As a condition of Fabiola's bond, she was ordered to refrain from any contact with Karyme.

Following a juvenile review and permanency planning hearing in November 2023, the juvenile court found that despite the no contact conditions contained in her bond and prior juvenile court orders, Fabiola continued to contact Karyme. The court also found that the results of Fabiola's psychological evaluation were of "questionable validity due to high scores on the Lie and Response scales and an average score on the Inconsistency scale." The juvenile court's dispositional order prohibited Fabiola from having contact with Karyme "under any circumstances" and ordered Fabiola to comply with her bond conditions. The court further ordered Fabiola to continue to participate in supervised visitation with her four youngest children; to complete services and parenting classes as previously ordered and demonstrate proficiency in skills taught; to complete additional parenting classes with a focus on developing parenting skills to guide and effectively redirect the children's behavior and eliminate concerning behaviors; to participate in therapy as recommended; and to follow the recommendations of her psychologist following her psychological evaluation.

Following an April 2024 dispositional hearing, the juvenile court found that Fabiola "***continues to violate the Court's orders regarding contact with Karyme . . . said contact including information about [Fabiola's new boyfriend] and asking [Karyme] for money***" and that Fabiola "continues to be unable or unwilling to understand and take responsibility for her role as a parent during visits with the children." (Emphasis in original.) The court ordered Fabiola to have visitation with her four younger children supervised by a parenting coach; have no contact with Karyme until a therapist could be consulted on appropriate reintroduction and family therapy; work with a family support worker on one-on-one parenting classes to further address appropriate communication, structure, and redirection for her children; and participate in individual therapy.

In September 2024, following a hearing, the juvenile court found that "sustained material progress has not been achieved by [Fabiola] during this reporting period," that Fabiola continued to violate court orders related to contact with Karyme and the other children, and that Fabiola "[was] untruthful with Karyme and [made] efforts to alienate her from her siblings." The court continued its previous order prohibiting contact between Fabiola and Karyme and the order for supervised visitation with the other four children; ordered Fabiola to work with a family support worker one-on-one in parenting classes to further address appropriate communication and redirection of her children; participate in individual therapy; comply with probation orders; and sign releases for service providers as requested by DHHS.

Following a February 2025 review and permanency planning hearing, the juvenile court found that it "has received no evidence that [Fabiola] has taken responsibility for her actions, which are part of the facts upon which adjudication is based. This lack of accountability must be

addressed by [Fabiola]." In addition to continuing its earlier orders regarding visitation, no contact with Karyme, and working with a family support worker on one-on-one parenting classes, the court ordered Fabiola to "[p]articipate in individual therapy until successfully discharged *and address, among other things, acknowledging and taking responsibility for her actions that were part of the basis for adjudication in this case*"; to obtain and maintain safe, stable housing and provide proof to the case manager; to not discuss the case with the children during her parenting time due to the emotional distress it caused the children; to complete a Circle of Serenity parenting class; and to comply with probation orders. (Emphasis in original.)

> The juvenile court's June 2025 review and permanency planning order found:
>
> the children have been in out-of-home care for almost 28 months. [Fabiola] has not yet placed herself in a position to parent the children, continues to violate the order of the Court regarding parent-child contact and contact with the grandmother [who previously had the children removed from her custody because she allowed Fabiola to have contact with the children outside of supervised visits], and continues to make efforts to alienate Karyme from her siblings. The conditions that led to court involvement must be eliminated before the Court can begin to consider whether reunification could be in the best interests of the children[.] [Fabiola] has made no material progress toward reunification.

The juvenile court continued its previous orders regarding parenting classes, stable housing, legal source of income, and no-contact with Karyme but provided that "[Fabiola] may participate in an agency-supervised video visitation with Karyme on Karyme's birthday." The court ordered that supervised visitation with the other children was to occur once per week and "[t]here are to be no phones, iPads, or other electronics available to [Fabiola] or the children during the parenting time." The court further ordered Fabiola to participate in individual therapy with a different therapist "to eliminate the conditions upon which adjudication is based and comply with the recommendations of the Sexual Abuse Treatment Team" and ordered Fabiola to participate in relinquishment counseling.

The final permanency planning hearing was held in November 2025. Following that hearing, the juvenile court ordered Fabiola to continue supervised visits with the four youngest children; to continue no contact with Karyme; to continue working with family support workers on one-on-one parenting classes to further address appropriate communication and redirection of Fabiola's children; to retake Circle of Security in person to ensure [Fabiola] is able to learn from the class and utilize the skills during visitation; and to continue to work with her new therapist on recognizing and taking responsibility for the reasons her children were removed from her care and have remained in out-of-home care.

3. Motion to Terminate Parental Rights

On July 15, 2025, the State filed a motion to terminate Fabiola's parental rights pursuant to § 43-292(2) (substantial and continuous neglect), (6) (failure to correct conditions leading to adjudication), and (7) (out-of-home placement for 15 or more months of most recent 22 months) (Reissue 2016). Specifically, regarding subsection (6), the State alleged that Fabiola failed to

> • participate in supervised visitation with Sebastian, Guillermo, Daniel, and Kamila with a parenting coach as arranged by DHHS;

• work with a family support worker in one-on-one parenting classes to further address appropriate communication, structure, and redirection for the minor children;

• obtain and maintain safe and stable housing and provide proof thereof to DHHS;

• refrain from discussing the juvenile court proceedings with the minor children during her parenting time with them;

• complete the "Circle of Security" parenting class; and

• make any measurable or sustained progress towards reunification with the minor children.

The State further alleged that terminating Fabiola's parental rights was in the minor children's best interests.

4. Termination Hearing

The termination trial was held over 2 days in December 2025. Testimony was adduced from Jennifer Timmerman, the DHHS caseworker for the family since August 2024; Megan Heinke and Jessica Martinez, the children's individual therapists; and Amy Simons, Fabiola's individual therapist.

The evidence established that services offered or provided to the family included ongoing case management; monthly contacts and family team meetings; day reporting; family support; parenting classes; preparation for adult living services; intensive family preservation; psychological and chemical dependency evaluations; parenting classes; placements, including relative placement, out-of-home placement and support, shelter placement, and alternative school placement; supervised visitation and sibling visitation; supports including family support, in-home support, and kinship support; referrals for sibling therapy and therapy for Fabiola and the children; and a referral to the Nebraska Children's Home Society teen parent program.

(a) Timmerman's Testimony

Timmerman testified that she was assigned as the caseworker for Fabiola's family in August 2024. At that time, the court had prohibited Fabiola from having any contact with Karyme and ordered Fabiola to participate in supervised visitation with her other four children, to complete the Circle of Security parenting class, to obtain safe and stable housing, to participate in individual therapy, to comply with her probation obligations, and to successfully complete probation. Timmerman testified that although Fabiola's communication with prior caseworkers had been inconsistent, Fabiola's contact with her was "pretty consistent."

Timmerman generally expressed concerns regarding Fabiola's 2023 diagnosis of borderline intellectual functioning and the results of a psychiatric exam in which Fabiola scored poorly on a child abuse test. In an attempt to alleviate her concerns, Timmerman met with Fabiola and provided Fabiola with access to a family support worker and a parenting coach. Notwithstanding these efforts, Timmerman expressed concerns about Fabiola's failure to take accountability for the reasons DHHS became involved in the case, including the letter that Fabiola instructed Karyme to write to the county attorney.

Timmerman provided more specific testimony governing Fabiola's compliance with visitation, individual therapy, family therapy, parenting classes, and housing, and the children's best interests, which we summarize in more detail below.

(i) Visitation

During the pendency of this case, Fabiola did not have any visits with Karyme, based on the court's no contact order, until it could be properly coordinated with Karyme's treatment provider. Because of Fabiola's lack of progress during the pendency of this case, that provider never recommended that supervised visits begin.

Regarding the four younger children, Fabiola initially had supervised visitation three times per week, but due to concerns, visits were reduced to twice per week and ultimately reduced to once per week. Initially, concerns included that Fabiola was arriving late to her supervised visits, she did not provide a meal for the children, and she had inappropriate conversations with the children about "the men . . . in her life." Timmerman expressed that she worked with Fabiola on those issues, but no changes occurred.

Additionally, Timmerman expressed various supervisors' concerns regarding the lack of interaction between Fabiola and the children due, in large measure, to the parties' collective use of electronics to pass the time during the majority of the visits. During visits, Fabiola answered calls from her mother and then allowed the children to speak to their grandmother. This contact violated a court order that prohibited the children from speaking to their grandmother. During one visit, Fabiola brought a new boyfriend to the visit, and during another visit, Fabiola instructed the children not to talk to Karyme. Because of ongoing concerns with Kamila's behavior during visits, a parenting coach was enlisted to help Fabiola during visits.

(ii) Individual Therapy

Although Fabiola participated in court-ordered individual therapy throughout the case, after reviewing progress reports from Fabiola's first therapist, Timmerman became concerned about Fabiola's failure to "[talk] about and [make] progress in what brought the case into care." Despite Timmerman's contacting Fabiola's therapist regarding those concerns, no changes to Fabiola's treatment occurred. In June 2025, the court ordered Fabiola to switch therapists because "legal parties in [DHHS] did not think that the goals needing to be worked on were being worked on appropriately in that progress was not being made."

Even after Fabiola began therapy with a new therapist, Timmerman still had concerns regarding Fabiola's compliance because the new therapist asked Fabiola to complete some forms and write letters to the children in August 2025, but Fabiola failed to complete those forms until right before the December termination hearing. And, even after being in therapy for 2 years, Fabiola only "started opening up about what brought the case into care" 2 days before the termination hearing and "ha[d] yet to take accountability for what brought the children into care and to admit her part in it."

(iii) Family Therapy

During the case, family therapy was not recommended with Karyme because Fabiola refused to acknowledge, or take accountability for, the safety concerns that led to the children's

removal. Instead, Fabiola blamed Karyme for the children's removal and attempted to alienate the other children from Karyme. Further, Fabiola was unable to participate in family therapy with her four younger children because the children's therapists did not recommend family therapy, due to Fabiola's failure to take accountability for, and acknowledge, the safety concerns that led to the children's removal. Timmerman noted that the children could not be returned to Fabiola's care until after family therapy was completed.

(iv) Parenting Classes

Fabiola was ordered to take the Circle of Security parenting class, which focuses on attachment with children and helping parents understand how their actions affect their children. Although Fabiola completed the required Circle of Security parenting class, she could not answer her therapist's questions related to the class and Fabiola admitted that she completed the virtual class "while running errands." This admission concerned Timmerman because "the class was to help [Fabiola] to be a better parent, and it did not seem to me that she took the class seriously." About four weeks prior to the termination hearing, the court ordered Fabiola to retake the Circle of Security class in person. Fabiola had not started the in-person class at the time of the termination hearing. Additionally, Fabiola did not complete the court-ordered one-on-one parenting class.

(v) Safe and Stable Housing

Although Fabiola was ordered by the court to secure safe and stable housing, throughout the majority of the case, Fabiola lacked safe and stable housing, which concerned Timmerman because the minor children "need[ed] to be stable in a home and know where they are going to reside." It was not until Fabiola leased a townhome in September or October 2025 that Timmerman was able to complete a walk-through of the home and determine that the home was suitable for children; however, the home lacked enough bedrooms for Karyme, who had given birth to a child of her own, to reside in that home.

(vi) Best Interests

Timmerman testified that throughout the case, Fabiola failed to make any measurable or sustained progress "[i]n taking accountability for why the children came into care and working through that to get her children back." Additionally, Fabiola had not been able to apply skills that she had been taught and had not created a safe environment for her children to return to. Fabiola was unable to have visits with Karyme throughout the case and her visits with her four younger children never progressed beyond supervised visits. Timmerman also expressed concern for Fabiola's fitness as a parent relating to the younger children's safety and well-being.

Timmerman opined that termination of Fabiola's parental rights was in the minor children's best interests due to the lack of communication between Fabiola and Karyme and Fabiola's inability to take accountability for the reasons that the children came into care in 2023. Timmerman explained that Fabiola has not shown that she had gained any protective capacity for the children, which causes concerned "[b]ecause I don't want what happened to Karyme to happen to the younger four [children] and nobody believe them."

(b) Therapists' Testimony

(i) Heinke

Heinke testified that she has been providing therapy to Daniel, Guillermo, Sebastian, and Kamila since August 2024. During the case, Heinke had 45-minute weekly sessions with Daniel, Guillermo, and Sebastian, and had 30 and 45 minute weekly therapy sessions with Kamila, depending on her attention span. Heinke expressed concerns that Fabiola was not taking accountability and there was risk that the cycle of abuse would continue if the children were returned to Fabiola's care.

a. Daniel

Daniel presented with concerning behaviors, including being "very quick to anger," depression, and anxiety. During Daniel's intake evaluation, Daniel was diagnosed with adjustment disorder with mixed disturbances of emotion and conduct. Heinke had weekly therapy session with Daniel to address goals related to frustration and anger, including teaching calming strategies when Daniel was feeling frustrated and angry and self-awareness techniques to identify his triggers in order to avoid an outburst. Heinke testified that she and Daniel were also working through a trauma workbook so that Daniel could learn "the psycho education of trauma, coping skills to . . . deal with the trauma reminders. Being able to process his trauma narrative. So, his traumatic experience. And I'm also really working with him on working through the different dynamics of the relationship with the siblings right now." Heinke also testified to working with Daniel on rebuilding the relationship between Daniel and Karyme and Daniel's relationship with his younger siblings.

Heinke believed that Daniel was showing progress, including a reduction in his angry outbursts, being able to identify what triggered his anger, and being able "to talk about it and process it in therapy." Heinke attributed Daniel's progress to the stability in his life. She opined that Daniel needs structure and consistency to thrive and that he has stability currently in his placement. During Heinke's work with Daniel, he had not participated in family therapy with Fabiola because Fabiola had declined to take accountability for her prior conduct. Heinke expressed concerns about Fabiola's ability to provide stability and consistency for Daniel, based on Fabiola's "lack of accountability that has been taken for the reasoning on why the children were removed in the first place."

b. Guillermo

Guillermo presented with significant emotional regulation behaviors and an inability to cope with sad feelings. Following Guillermo's intake evaluation, he was diagnosed with adjustment disorder with mixed disturbances of conduct and emotions. Guillermo's treatment plan focused on being able to identify triggers, while learning to properly cope with his anxiety and depression. Heinke testified that she was working with Guillermo by utilizing a trauma workbook through which she could apply cognitive behavioral therapy. She also testified she worked with Guillermo on building relationships with his siblings and setting goals adapted to address concerns expressed by him.

Heinke testified that Guillermo made progress with his therapeutic goals, including being able to actively identify his triggers and to identify and use coping strategies. Heinke attributed Guillermo's progress to the stability currently present in his life. Guillermo had not participated in family therapy with Fabiola. Heinke expressed concerns regarding Fabiola's ability to provide stability to Guillermo, based on Fabiola's lack of accountability for the reasons that the children were placed in foster care. Heinke further opined that it is in Guillermo's best interests if he continues to have stability in his life.

c. Sebastian

Sebastian presented with emotional anxiety, depression, sadness, and difficulty processing his removal from Fabiola's care. As a result of his initial evaluation, Sebastian was diagnosed with adjustment disorder with mixed disturbances of emotion and conduct. Sebastian's treatment plan focused on adjustment-related therapy, such as how to identify his triggers for anxiety and depression and effectively communicate using "I feel" statements in order to identify the emotion that was being triggered. Heinke testified that she worked with Sebastian to develop different coping strategies for Sebastian's anxiety and depression and worked on building his relationship with his siblings.

Heinke testified that Sebastian had made progress with his therapeutic goals, including being able to identify coping skills, experienced a reduction in his symptoms of anxiety and depression, and developed the ability to talk about his worries and concerns during therapy. Heinke testified that Sebastian's progress was due to the stability created through the utilization of consistent caregivers, consistent case professionals, and a consistent school and teachers. Heinke testified that she would be concerned if Sebastian lost all of his supports and stability and expressed that Fabiola was unable to provide that stability and consistency to him. Heinke opined that it was in Sebastian's best interests to maintain the stability and consistency that had been developed for him.

d. Kamila

Kamila presented with behaviors including emotional dysregulation and a lack of understanding on how to properly control her emotions. As a result of her condition, Kamila presented with frequent outbursts, including hitting, screaming, and kicking. Kamila was diagnosed with adjustment disorder unspecified. Kamila's treatment plan included learning how to identify her feelings, how to regulate her emotions, and how to identify her triggers as to what made her mad, angry, sad, happy, or nervous. Heinke also worked on educating Kamila to understand the difference between good touch and bad touch.

According to Heinke, Kamila had shown progress in therapy, including learning how to actively identify her feelings and presenting with a slight reduction in her outbursts. Heinke attributed Kamila's progress to the stability provided through consistent caregiving and expressed that she would be concerned for Kamila's well-being if that stability was removed. Heinke further expressed concerns about Fabiola's ability to provide stability and consistent caregiving to Kamila, based on Fabiola's lack of accountability, and Fabiola's ability to keep her children safe. Heinke further opined that it is in Kamila's best interests to have stability and consistent caregiving.

Heinke said that she communicated with Fabiola's therapist and that she was concerned with Fabiola's therapeutic progress. According to Heinke, the children are in a stable place therapeutically and would be ready for family therapy with Fabiola, were it not for Fabiola's own lack of progress.

(ii) Martinez' Testimony

Martinez, a therapist who is specifically trained to work with children who have suffered sexual abuse, began therapy with 17-year-old Karyme in August 2024. Prior to beginning therapy with Karyme, Martinez received information that Karyme had been sexually abused and that Fabiola wanted Karyme to recant her allegations of sexual abuse, which ultimately led to Karyme's removal from Fabiola's care. Karyme displayed concerning behaviors, including truancy and engaging in fights. She was placed on probation and had been moved around to different foster homes. Martinez explained that the behaviors exhibited by Karyme were common for children who have suffered sexual abuse because trauma impacts the brain, impacts the child's ability to make good choices, impacts the child's perception and view of other people, and often leads to the child engaging in high risk and dangerous behaviors.

After Martinez' initial evaluation with Karyme, she diagnosed Karyme with post-traumatic stress disorder (PTSD), major depressive disorder, and moderate to severe generalized anxiety disorder. Martinez met with Karyme weekly utilizing trauma focused cognitive behavioral therapy and accelerated resolution therapy, which Martinez explained are both trauma-informed and evidence-based modalities designed to treat trauma. Karyme's treatment plan was designed to reduce Karyme's PTSD symptoms, reduce depression and anxiety, and to improve Karyme's overall communication with her support system and coping skills.

Martinez testified that Karyme had made a lot of progress towards her treatment goals. Martinez noted that Karyme no longer met the criteria for clinical PTSD but was in the subclinical PTSD stage, which meant that Karyme still had symptoms of PTSD but did not meet the full criteria. Martinez opined that Karyme's major depressive disorder and generalized anxiety disorder were reduced from moderately severe to mild. Additionally, Martinez stated that Karyme improved her communication skills through the use of resources and social supports and improved her coping skills. Karyme's truancy significantly improved as Martinez explained that Karyme learned to enjoy school and was now motivated to graduate and attend college. Karyme also successfully completed probation and was in a very stable home placement. Martinez stated that they were still working through Karyme's identified traumas and anxiety caused by the physical and emotional abuse she experienced while growing up with Fabiola, and that Karyme was learning to process her emotions and concerns regarding her relationships with her siblings.

Martinez testified that Karyme had fluctuated on whether she wanted contact with Fabiola, ranging from not wanting any contact or information about Fabiola to being open to family therapy with Fabiola. Family therapy between Karyme and Fabiola was not recommended due to Fabiola's unwillingness to take accountability for her involvement with the children's removal and Fabiola's desire to blame others for the children's removal, and family therapy would place Karyme in a vulnerable position and would not position Karyme for success.

Martinez expressed that Karyme has made significant progress with her therapeutic goals and treatment plan, such as

> she's made the choice to do the things that she needs to do . . . for her to be healthier, for her to process and move forward. So, she's done an amazing job of that and she's been very motivated. The other big pieces contributing to that success is . . . her placement. It's been very stable. It's safe. It's predictable. It's structured. It's consistent. So having all of that stability there is good for any child, especially for Karyme. She also has a healthy caregiver that's able to validate her, able to be there, supportive to her, able to listen to her. Her caregiver does not take her behaviors personally. So, when there [were] . . . things that were still happening that she was still working through, her foster mom was always there for her, always loving. Trauma informed therapy is also very beneficial to help stability and just having strong, healthy attachments, which she has. And so, all of that has really helped with her stability and success.

Martinez further testified that Karyme needs all of the aforementioned provisions to thrive and that she would be concerned for Karyme's well-being if Karyme lost the stability and caregivers that she currently has. Martinez explained, "I think for right now, Karyme has learned so much from her foster mom how to be a good mom, what a mom looks like, the dynamic and the relationship, the boundaries there. How to love and nurture. And I think she's still learning."

Martinez testified that Fabiola has not been able to emotionally provide for Karyme and that Karyme does not trust Fabiola as a caregiver, which is important because

> [k]ids need to have a reliable, consistent, stable caregiver. Not emotionally driven. Not reactive. To be able to come talk to. To tell if there's things going on. And . . . if you don't trust your caregiver, it's hard then [to] talk about things that are difficult or come up.

Martinez further testified that she had concerns about Fabiola's ability to provide the stability and support that Karyme needed, Fabiola's inability to take accountability, her lack of awareness, and her inability to provide for the emotional needs of the children. Martinez opined that it was in Karyme's best interests to remain in her current home which is stable and consistent and where she has a caregiver that she can trust.

(iii) Fabiola's Individual Therapist

Although Fabiola was engaged in individual therapy throughout this case, due to a lack of progress in her therapeutic goals, in June 2025, she was ordered to switch therapists. Fabiola began seeing Simons in July. Following Fabiola's initial diagnostic interview, Simons diagnosed Fabiola with generalized anxiety disorder. Simons created a treatment plan that included, among other things, Fabiola taking accountability for the reasons the children were removed from her home and taking accountability for instructing Karyme to write a letter recanting her statements alleging abuse by Jesus. Simons also planned on incorporating what Fabiola was taught at the Circle of Security parenting class but she was unable to do so because "when we discussed it, [Fabiola] was unable to share any of the concept[s] the class was based on [or] any of the details." Simons explained that the Circle of Security class "would have helped understanding how the past actions led to the struggle with Karyme, and stop some of that from happening in the future."

Simons had weekly therapy sessions with Fabiola. During their first session, Simons asked Fabiola to write letters apologizing to her children and accepting responsibility for her role in the

events leading to the children's removal. Simons explained that writing those letters "starts the healing process with the children as well as taking accountability with the children" in an age-appropriate manner. Simmons testified that although they discussed the letters in every session except one, Fabiola did not provide any letters until the Tuesday prior to the termination hearing. And instead of writing individual letters to the children, Fabiola wrote one letter because "she didn't want to rewrite it four times." However, Simons explained that it was important to write a letter to each child individually and to make each letter age-appropriate and address each child's individual needs. Simons testified that the contents of the letter ultimately provided by Fabiola was not appropriate for the children.

According to Simons, during sessions, Fabiola struggled to grasp an understanding of accountability, was defensive, was living in denial, and failed to take accountability. Simons testified that Fabiola's defensiveness included blaming case workers and case professionals, and Fabiola consistently denied the allegations that led to the children's removal, including instructing Karyme to write the letter recanting the sexual abuse allegations. During sessions, when asked why her children were removed, Fabiola "feigned ignorance." Simons explained that Fabiola's failure to take accountability created a risk that the cycle of sexual and physical abuse could continue. Simons stated that she could not pursue family therapy with Fabiola due to Fabiola's inability or unwillingness to work through the reasons her children were removed or to accept accountability. It was not until the session 1 week prior to the termination trial when she began making progress on accepting responsibility. Simons expressed concerns regarding Fabiola's "protective capacity" and her ability to provide safety and stability for her children.

(c) Foster Parents' Testimony

During trial, two of the children's foster parents testified: Teraniesha H., Karyme's foster mother, and Rosalia T., the foster mother for the other four children.

(i) Teraniesha's Testimony

Teraniesha testified that 17-year-old Karyme and Karyme's 1-year-old baby have resided in her home since February 2025. She described Karyme as a "very sweet kid" who is "respectful." Teraniesha testified that Karyme attends therapy once per week and that Teraniesha attends Karyme's parent-teacher conferences with Karyme's teachers, who have expressed to her the positive changes in Karyme, which included better grades and better focus.

Teraniesha stated that Karyme is "doing pretty well. She has a good head on her shoulders now, a couple of hiccups she does have, but for the most part, she's pretty open. [She] really wants to just be with family. . . . She's . . . looking towards her future now." Teraniesha expressed that Karyme has improved, explaining that, in the beginning, Karyme "worried a lot. She had a lot on her shoulders. And now . . . she knows what's important. . . . she got a lot more focus once we kind of broke down what's important, how we should behave, what we should be doing." Teraniesha stated that Fabiola did not attend Karyme's doctor's appointments or parent-teacher conferences. Nor has Fabiola reached out to inquire about Karyme and has not provided any gifts or financial support to Karyme.

(ii) Rosalia's Testimony

Rosalia testified that 13-year-old Daniel, 11-year-old Guillermo, 9-year-old Sebastian and 5-year-old Kamila are her nephews and niece. Daniel and Guillermo have resided in her home since November 2024, and Sebastian and Kamila have resided in her home since August 2024. The foster mother described Daniel as a "happy child." She described Guillermo as "a very kind boy. He's respectful. He's very thankful." She described Sebastian as "very sentimental" and she explained that Kamila is being evaluated for AD/HD due to some hyperactivity and behavioral issues. Rosalia stated that each of the children attends therapy. She described that Fabiola currently attended supervised visits with the children once per week. And Rosalia established that since the children have been in her care, she had not received any gifts, letters, or financial support from Fabiola for the minor children, no phone calls to the minor children, and Fabiola had never reached out to ask about the children's well-being, nor had she attended the children's medical appointments or parent-teacher conferences.

5. COURT ORDER

In January 2026, the juvenile court entered an order terminating Fabiola's parental rights to the minor children pursuant to § 43-292(2), (6), and (7) and finding that termination was in the minor children's best interests. Specifically, the juvenile court found that the State had proved the allegations contained in the petition for termination of parental rights by clear and convincing evidence, except the allegations that Fabiola had failed to participate in supervised visitation and failed to complete the "Circle of Security" parenting class where Fabiola's compliance was "minimally sufficient" to meet the terms of the court's orders. Fabiola has timely appealed the termination of her parental rights.

III. ASSIGNMENTS OF ERROR

Fabiola's assignments of error, consolidated and restated, are that the juvenile court abused its discretion in (1) terminating her parental rights pursuant to § 43-292(2) and (6) and (2) finding that termination was in the minor children's best interests.

IV. STANDARD OF REVIEW

An appellate court reviews juvenile cases de novo on the record and reaches its conclusions independently of the juvenile court's findings. *In re Interest of Bosileo D. et al.*, 321 Neb. 490, 35 N.W.3d 434 (2026).

V. ANALYSIS

To terminate parental rights, it is the State's burden to show by clear and convincing evidence both that one of the statutory bases enumerated in § 43-292 exists and that termination is in the child's best interests. *In re Interest of Cameron L. and David L.*, 32 Neb. App. 578, 3 N.W.3d 376 (2024). In Nebraska, the grounds for terminating parental rights are codified in § 43-292. That statute contains 11 separate subsections, any one of which can serve as a basis for termination when coupled with evidence that termination is in the best interests of the child. *In the Interest of Mateo L. et al.*, 309 Neb. 565, 961 N.W.2d 516 (2021).

1. Statutory Grounds for Termination of Parental Rights

Fabiola first assigns as error that the juvenile court erred in terminating her parental rights pursuant to § 43-292(2) and (6). She does not allege as error the juvenile court's termination of her parental rights pursuant to § 43-292(7).

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." *In re Interest of Denzel D.*, 314 Neb. 631, 992 N.W.2d 471 (2023). 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 the Interest of Mateo L. et al., supra.* In other words, if the 15-out-of-22 formula is met, § 43-292(7) is met. *Id.*

In this case, Karyme was removed from Fabiola's care on February 18, 2023, and the other four children were removed on March 3, 2023. The children remained in out-of-home care during the pendency of the case. At the time the State filed the motion to terminate Fabiola's parental rights on July 15, 2025, the children had been in out-of-home care for over 28 months for Karyme and 27 months for the other four children. Because the children had been in out-of-home care for at least 15 months of the most recent 22 months, and because any one of the enumerated statutory grounds can serve as a basis for termination, the juvenile court did not err in finding a statutory basis existed to support termination of Fabiola's parental rights. Therefore, we need not consider whether a statutory basis existed under any other grounds. *See In the Interest of Mateo L. et al., supra*. This assignment of error fails.

2. Best Interests

We next turn to Fabiola's claim that termination of her parental rights was not in the minor children's best interests. She argues that the evidence was insufficient to prove that termination of her parental rights was in the minor children's best interests.

In addition to proving a statutory ground, the State must show that termination of parental rights is in the best interests of the children. See, § 43-292; *In re Interest of Cameron L. & David L., supra*. A parent's right to raise his or her child is constitutionally protected; so before a court may terminate parental rights, the State must show that the parent is unfit. *Id.* There is a rebuttable presumption that the best interests of a child are served by having a relationship with his or her parent. *Id.* This presumption is overcome only when the State has proved that the parent is unfit. *Id.* 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 caused, or probably will result in, detriment to the child's well-being. *Id.*

The best interests analysis and the parental fitness analysis are fact-intensive inquiries. *Id.* And while both are separate inquiries, each examines essentially the same underlying facts as the other. *Id.* In proceedings to terminate parental rights, the law does not require perfection of a parent; instead, courts should look for the parent's continued improvement in parenting skills and a beneficial relationship between parent and child. *Id.* In cases where termination of parental rights is based on § 43-292(7), appellate courts must be particularly diligent in their de novo review of whether termination of parental rights is in fact in the child's best interests. *In re Interest of Cameron L. & David L.*, 32 Neb. App. 578, 3 N.W.3d 376 (2024).

Fabiola's children were removed following Karyme's disclosure of Jesus sexually assaulting her and Fabiola's subsequent attempts to cover up for him. The juvenile court subsequently adjudicated the minor children following Fabiola's admission that she failed to provide proper parental support for her children, which placed the children at risk of harm. Following that adjudication, DHHS provided a litany of services designed to rehabilitate Fabiola with the goal of reuniting her with her children. And although Fabiola participated in many of those services, the record clearly and convincingly demonstrates that Fabiola failed to make even minimal progress in the areas in which she was initially deemed unfit and which led to the children's removal in the first place.

We will not again recount all the evidence which we set forth in the statement of facts. Suffice it to say that each of the therapists charged with the rehabilitation of Fabiola and the children reached the same conclusion as to Fabiola's barrier to progress. That is, although Fabiola participated in services designed to rehabilitate her, she did not progress over a more than 2-year period to even reaching a goal of joint family counseling because of her inability or unwillingness to take accountability for her actions in covering up for Jesus following Karyme's disclosure of his ongoing sexual assault of her. Fabiola chose to conduct herself in this manner despite Jesus' admission to the sexual assaults and his eventual conviction, all of which led to Fabiola's own incarceration.

As a result of Fabiola's initial conduct and posturing throughout these proceedings, she was ordered not to have contact with Karyme, and only supervised visitation with the other minor children. But rather than using this time productively with a view toward reunification, Fabiola utilized this time to blame Karyme for the children's removal and actively attempted to alienate the other minor children from Karyme, while failing to adhere to attempts by caseworkers to improve Fabiola in areas of deficiency observed by those caseworkers. As a result, Fabiola's supervised visitation never progressed to unsupervised visits and led to the number of visits per week being decreased from three to two, and eventually to only one visit per week.

Meanwhile, although Fabiola failed to progress, the minor children, who were provided with stability through foster care parents and therapists, did progress during the same time period. After more than two years, the therapists and foster parents noted vast improvements in the children's behavior and diagnosed conditions as a result of that stability. All such individuals expressed concerns associated with removing that newfound stability and acknowledged Fabiola's lack of progress including her refusal to accept accountability in order to move in a direction which could eventually result in being reunited with her children.

More specifically, despite the numerous attempts by multiple professionals to rehabilitate her, Fabiola remained defensive throughout the pendency of the proceedings, and, utilizing the language of one such professional, Fabiola "feigned ignorance" relating to the reasons for the children's removal and blamed the professionals involved in her case. And despite Fabiola's participation in classes such as the Circle of Security, Fabiola was unable to discuss or apply anything she had learned during the Circle of Security parenting course that she claimed she took online while "running errands."

Timmerman and Simons both testified to having concerns regarding Fabiola's capacity to protect her children and her ability to provide safety and stability for them. And although there was some indication that Fabiola may have begun to accept some responsibility for her conduct

about 1 week prior to the commencement of the termination hearing, that minor progress came at a point more than 2 years after the children were removed from her care. Where a parent is unable or unwilling to rehabilitate himself or herself within a reasonable time, the best interests of the child require termination of the parental rights. *In re Interest of Cameron L. & David L.*, 32 Neb. App. 578, 3 N.W.3d 376 (2024). Further, children cannot, and should not, be suspended in foster care or be made to await uncertain parental maturity. *Id*.

Based upon our de novo review of the record, we find the juvenile court did not err in finding that Fabiola was unfit to parent her children and that termination of Fabiola's parental rights was in the minor children's best interests.

VI. CONCLUSION

Having conducted a de novo review of the record, we affirm the juvenile court's order terminating Fabiola's parental rights.

AFFIRMED.