

IN THE NEBRASKA COURT OF APPEALS

**MEMORANDUM OPINION AND JUDGMENT ON APPEAL
(Memorandum Web Opinion)**

IN RE INTEREST OF SAVANNAH K. ET AL.

NOTICE: THIS OPINION IS NOT DESIGNATED FOR PERMANENT PUBLICATION
AND MAY NOT BE CITED EXCEPT AS PROVIDED BY NEB. CT. R. APP. P. § 2-102(E).

IN RE INTEREST OF SAVANNAH K. ET AL., CHILDREN UNDER 18 YEARS OF AGE.

STATE OF NEBRASKA, APPELLEE,

V.

ALFRED J., APPELLANT.

Filed October 6, 2026. No. A-26-048.

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

Alfred J., pro se.

Danielle M. Kerr, Deputy Lancaster County Attorney, for appellee.

RIEDMANN, Chief Judge, and PIRTLE and PICCOLO, Judges.

PICCOLO, Judge.

INTRODUCTION

Alfred J., self-represented, appeals an order from the separate juvenile court of Lancaster County terminating his parental rights to his three children. For the following reasons, we affirm.

STATEMENT OF FACTS

We have a limited record on appeal. Alfred initially requested a bill of exceptions for dates on which no hearings occurred. Alfred did not follow this court's rules in filing an amended praecipe for a bill of exceptions, and he did not seek leave to file the amended request out of time. See Neb. Ct. R. App. P. § 2-105(B)(2)(a) and (f) (rev. 2023). Therefore, no bill of exceptions is available for our review. The transcript only includes the juvenile court's order following a review hearing in June 2025, the State's second amended motion for termination of parental rights filed

in July 2025, and the court's order terminating Alfred's parental rights entered on December 23, 2025. The termination order includes a recitation of the procedural history of this case and the evidence offered at the termination hearing. Accordingly, our recitation of facts relies only on the background stated in the transcript. We summarize the juvenile court's recitation of those facts as follows.

REMOVAL AND ADJUDICATION

Alfred is the father of Isaac J., Kamilo J., and Luna J. (the children). Anna G. is their mother. She is also the mother of other children not involved in this appeal. Anna's parental rights to her children with Alfred were terminated during these proceedings. Because she has not appealed the termination of her parental rights, we refer to her only as necessary to address Alfred's appeal and do not refer further to her other children.

A review of the termination order shows that the children were initially placed in legal custody of the Nebraska Department of Health and Human Services (the Department) sometime in 2023, with physical custody remaining in Alfred's home, subject to a safety plan. This safety plan included a requirement that Alfred not allow the children to have unsupervised contact with their mother due to her substance abuse issues. The children were removed from Alfred's care and placed outside of his home in December 2023 by an order for emergency placement. After several returns to and subsequent removals from Alfred's care in 2023 and 2024, they have remained continuously in out-of-home placement since January 27, 2025.

The juvenile court adjudicated the children as juveniles within the meaning of Neb. Rev. Stat. § 43-247(3)(a) (Cum. Supp. 2024) in a supplemental petition in May 2023, and in an amended second supplemental petition in June 2024. The court held various dispositional, review, and permanency planning hearings between the initial adjudication and when the State filed the operative motion to terminate Alfred's parental rights.

TERMINATION PROCEEDINGS

On July 11, 2025, the State filed the operative motion to terminate Alfred's parental rights. The motion alleged statutory grounds for termination under Neb. Rev. Stat. § 43-292(2), (6), and (7) (Cum. Supp. 2024). The motion also alleged termination was in the best interests of the minor children.

A termination hearing was held before the juvenile court on October 3, November 25, and December 2, 2025. We summarize the evidence noted in the court's termination order.

The evidence included repeated concerns about Alfred's physical abuse of the children. Initial allegations were found to be true, and the children were removed from the home in February 2024. A rehabilitative plan was implemented to correct these concerns. It included visitation between Alfred and the children, child parent psychotherapy, individual therapy for Alfred, intensive family reunification services in the home, family support, and "Circle of Security" parenting classes.

Alfred made some progress through counseling and parenting classes, and the Department personnel and counselors did not observe or document any incidents of physical abuse during the rest of 2024. Two of the children reunited with Alfred in December 2024. The third child rejoined the family in January 2025.

When the children returned to school after winter break in January 2025, their school received reports of physical abuse. All three children were removed again from Alfred's physical custody on January 27 and have remained placed outside Alfred's home.

The juvenile court heard evidence about the Department's multiple attempts to help Alfred provide proper parental care and protection for his children. A family counselor testified that for Alfred to provide permanency for his children, Alfred must complete many hours of counseling for the children to feel safe and stable in his care. The counselor told the juvenile court the children had been exposed to significant trauma in their father's care, including domestic violence, physical abuse, emotional abuse, and instability.

The counselor testified "permanency and stability . . . [are] what every kid needs to heal trauma, feel safe, develop emotionally, regulate emotions, and feel like 'they're not going to be ripped out of a home.'" She also stated the children's "need for permanency and stability is not being met at this time and that they struggle with not knowing what the future may hold for them." She stated Alfred will need a "lot of work" in a therapeutic setting for the children to feel safe again in his care.

A Department family services specialist concurred, stating Alfred's children needed "to have permanency as soon as possible" and "permanency with their father is not likely in the near future." He also said that "it is not in the children's best interest[s] to linger in foster care awaiting [Alfred's] progress."

JUVENILE COURT'S FINDINGS

The juvenile court entered an order terminating Alfred's parental rights to the children on December 23, 2025. Based on the court's analysis of the above noted evidence, the court found the State presented clear and convincing evidence to support termination of Alfred's parental rights under § 43-292(2), (6), and (7) and that termination of Alfred's parental rights was in the children's best interests.

ASSIGNMENTS OF ERROR

In his brief, Alfred asserts his frustration with the juvenile court's order terminating his parental rights, claims "ineffective counsel," and expresses frustration with the Department therapist assigned to his case. However, Alfred's brief does not comply with the Nebraska Court Rules of Appellate Practice. Among other briefing deficiencies, Alfred has not assigned error in compliance with Neb. Ct. R. App. P. § 2-109(D)(1)(e) (rev. 2025), which requires an appellant's brief to include under the appropriate heading "[a] separate, concise statement of each error a party contends was made by the trial court, together with the issues pertaining to the assignments of error." The rule specifies "[e]ach assignment of error shall be separately numbered and paragraphed." *Id.* The rule cautions "[c]onsideration of the case will be limited to errors assigned and discussed in the brief" but states "[t]he court may, at its option, notice a plain error not assigned." *Id.*

Parties who wish to secure appellate review must abide by the rules of the Nebraska Supreme Court, and those who fail to comply with the appellate briefing rules do so at their own peril. *Fischer v. Southeast Community College*, 321 Neb. 638, 36 N.W.3d 479 (2026). Depending on the particulars of each case, a party's failure to comply with the mandates of § 2-109(D)(1)(e)

may result in an appellate court waiving the error, proceeding on a plain error review only, or declining to conduct any review at all. Here, because we are without a bill of exceptions and any pleadings other than the operative termination motion, our review remains limited to examining and considering only that motion and the order terminating Alfred's parental rights.

STANDARD OF REVIEW

As noted above, Alfred did not follow this court's rules for requesting a bill of exceptions, so a bill of exception was not filed in this appeal. The responsibility for filing a bill of exceptions for appellate review rests with the appellant. *William P. v. Jamie P.*, 313 Neb. 378, 984 N.W.2d 285 (2023). When there is no bill of exceptions, an appellate court examines and considers only the pleadings in conjunction with the judgment reviewed. *Id.* In the absence of a record of the evidence considered by the court, it is presumed on appeal that the evidence supports the trial court's orders and judgment. *Id.*

ANALYSIS

In order to terminate an individual's parental rights, the State 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. *In re Interest of Leyton C. & Landyn C.*, 307 Neb. 529, 949 N.W.2d 773 (2020). Section 43-292 contains 11 separate subsections, any one of which can serve as a basis for terminating parental rights when coupled with evidence that termination is in the best interests of the child. *In re Interest of Mateo L. et al.*, 309 Neb. 565, 961 N.W.2d 516 (2021).

STATUTORY GROUNDS FOR TERMINATION

The juvenile court found clear and convincing evidence to terminate Alfred's parental rights under § 43-292(2), (6), and (7). Only one statutory ground is required for termination. We have reviewed the court's judgment with respect to § 43-292(7), which requires the State to show the children have remained in an out-of-home placement for 15 or more of the most recent 22 months. 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 Cameron L. & David L.*, 32 Neb. App. 578, 3 N.W.3d 376 (2024). In a case of termination of parental rights based on § 43-292(7), the protection afforded the rights of the parent comes in the best interests step of the analysis. *Id.*

According to the termination order, the children were initially removed from their parents' physical custody on December 4, 2023. They were returned to Alfred's care and again removed several times thereafter. The children have remained in out-of-home placement continuously since January 27, 2025. The termination order shows the children were placed outside of Alfred's care for 11 days in December 2023, nearly 10 months between February and December 2024, and more than 5 months in 2025 by the time the State filed the termination motion. Because we lack a record of the evidence adduced and considered by the juvenile court, we are required to presume that this evidence supports the court's termination under § 43-292(7).

BEST INTERESTS AND UNFITNESS

In addition to proving a statutory ground, the State must show that termination of parental rights is in the best interests of the children. *In re Interest of Cameron L. & David L., supra*. There is a rebuttable presumption that the best interests of a child are served by having a relationship with his or her parent. *Id.* Based on the idea that fit parents act in the best interests of their children, this presumption is overcome only when the State has proved that the parent is unfit. *Id.* The best interests and parental unfitness analyses in the context of a termination of parental rights case require separate, fact-intensive inquiries, but each examines essentially the same underlying facts. *In re Interest of Denzel D.*, 314 Neb. 631, 992 N.W.2d 471 (2023). The juvenile court's order terminating Alfred's parental rights generally reflects that Alfred's children have been exposed to domestic violence, physical abuse, emotional abuse, and instability while under Alfred's care. The court noted testimony from several witnesses about the children's need for stability and permanency and Alfred's lack of progress toward reunification.

Based on its review of the evidence presented at the termination hearing, the juvenile court determined that Alfred was unfit to parent his children and that it was in the children's best interests to terminate Alfred's parental rights. Lacking a record of the evidence adduced and considered by the juvenile court, we are required to presume that the evidence as recited in the termination order supports this finding.

CONCLUSION

For the reasons stated above, we affirm the juvenile court's order terminating Alfred's parental rights to his minor children.

AFFIRMED.