

OFFICE OF THE CHILD
ADVOCATE,

V.

Respondents Below,
Appellees/Cross-Appellants.

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File No. CK25-02-03
Petition No. 25-03966

Submitted: September 17, 2026
Decided: September 29, 2026

ORDER

(1) This appeal arises from the Family Court’s denial of a petition to terminate Mother’s parental rights over Child. The Family Court concluded that termination was not warranted after making findings concerning Mother’s history, her progress toward reunification, and Child’s best interests.

(2) On appeal, the Office of the Child Advocate (“OCA”) contends that the Family Court committed legal error in its analysis of the statutory grounds for termination, and that the court’s legal conclusions regarding Child’s best interests cannot be reconciled with its factual findings, which relied in part on evidence outside the record. Mother cross-appeals the Family Court’s determination that the Division of Family Services (“DFS”) made reasonable efforts toward reunification. While this appeal was pending, DFS filed a new petition in the Family Court based on recent factual developments, and that petition is scheduled to be heard in the coming days. For the reasons that follow, we REMAND this case to the Family Court for further analysis of Child’s best interests.

BACKGROUND

(3) On May 7, 2024, DFS obtained emergency custody of Child.¹ Father stipulated to dependency, and the Family Court found that Child was dependent as to Mother based on the prior involuntary termination of her parental rights (“TPR”) over another child and this Child’s substance exposure at birth.² DFS provided both parents with case plans and pursued reunification.³

¹ App. to OCA’s Opening Br. on Appeal at A7 (Family Court Docket); OCA’s Opening Br. on Appeal Ex. A at 2 [hereinafter “TPR Order at ___”].

² App. to OCA’s Opening Br. on Appeal at A27–28 (Dispositional Hearing Order (Aug. 19, 2024)).

³ App. to OCA’s Opening Br. on Appeal at A30–38 (Mother’s Case Plan), A39–41 (Judicial Review Hearing Order (Nov. 19, 2024)). Throughout the dependency proceedings, the Family Court found that DFS made reasonable efforts toward reunification. App. to OCA’s Opening Br. on Appeal at A19 (*Ex Parte* Custody Order (May 7, 2024)), A23 (Preliminary Protective Hearing

(4) On January 16, 2025, DFS moved to change the permanency goal to concurrent goals of reunification and TPR.⁴ Mother later began a trial reunification, which ended on April 21, 2025, when she was discharged from her sober-living residence following a positive drug screen for Adderall, a medication she was not prescribed.⁵

(5) Following Mother's setback, DFS filed a petition to terminate both parents' parental rights. As to Mother, DFS proceeded on two statutory grounds: (i) the prior involuntary TPR over another child, and (ii) failure to plan for this Child.⁶ As to Father, DFS asserted failure to plan.⁷ At the TPR proceeding, the Family Court took judicial notice of Mother's prior involuntary TPR over the other child under 13 *Del. C.* § 1103(a)(7) but also conducted a failure-to-plan analysis under Section 1103(a)(5).⁸

Order (May 20, 2024)), A25 (Adjudicatory Hearing Order (June 12, 2024)), A28 (Dispositional Hearing Order (Aug. 19, 2024)), A40 (Judicial Review Hearing Order (Nov. 19, 2024)), A43 (Permanency Hearing Order (Feb. 11, 2025)), A47 (Post-Permanency Hearing Order (April 7, 2025)), A51 (Post-Permanency Hearing Order (July 8, 2025)); TPR Order at 16–17.

⁴ App. to OCA's Opening Br. on Appeal at A45 (Order granting Motion to Change Permanency Plan (March 5, 2025)).

⁵ TPR Order at 3.

⁶ *Id.*; App. to OCA's Opening Br. on Appeal at A73–74 (Amended Petition for Termination of Parental Rights (June 12, 2025)).

⁷ App. to OCA's Opening Br. on Appeal at A73–74 (Amended Petition for Termination of Parental Rights (June 12, 2025)).

⁸ *See* TPR Order at 3–11.

(6) Under the two-part TPR analysis, the court first concluded that DFS had not established by clear and convincing evidence that Mother failed to adequately plan for Child under Section 1103(a)(5).⁹ Nevertheless, the court proceeded to the second step and made factual findings regarding the best-interests factors under 13 *Del. C.* § 722. The court did not expressly weigh those factors but concluded that “Mother has established a record indicating [that] she is fit to parent this Child.”¹⁰ Having denied the petition as to Mother, the court did not reach the merits of DFS’s petition to terminate Father’s parental rights.

(7) During the termination proceedings, Mother moved for a finding that DFS had not made reasonable efforts toward reunification because the agency had substantially limited her visitation time following the April 2025 setback. The court disagreed: it found that DFS’s reunification efforts had been reasonable during the custody proceedings.¹¹

(8) Both OCA and Mother appealed the trial court’s holding. OCA challenged the Family Court’s denial of the petition to terminate Mother’s parental rights, raising three principal issues. First, OCA contended that the Family Court erred by failing to adjudicate the statutory ground based on Mother’s prior

⁹ *Id.* at 12.

¹⁰ *Id.* at 16.

¹¹ *Id.* at 16–17.

involuntary termination of parental rights over another child under Section 1103(a)(7). Second, OCA argued that the Family Court improperly relied on its own independent research concerning substance-use treatment and recovery in evaluating Mother's commitment to recovery and fitness to parent. Third, OCA asserted that the Family Court's findings under Section 722's best-interests factors supported termination and were inconsistent with the court's ultimate denial of the petition. OCA therefore sought reversal and a remand for further proceedings.

(9) Mother filed a cross-appeal challenging the Family Court's determination that DFS made reasonable efforts toward reunification.¹² Mother contended that DFS improperly limited her visitation with Child in contravention of DFS's internal policy. She also maintained that the limitation on visitation violated her due process rights. Mother sought reversal of the Family Court's reasonable-efforts determination.

(10) While this appeal was pending, DFS filed a new TPR petition based on facts that developed after the Family Court issued its ruling. During oral argument, the parties advised us that a hearing on the new petition is scheduled for October 5, 2026.

(11) For the reasons that follow, we conclude that (i) DFS proved a statutory ground for termination as to Mother based on the prior TPR, (ii) the court's best-

¹² Father filed an answering brief in support of Mother's appeal.

interests analysis was incomplete, and (iii) the Family Court erred by relying on materials outside the record that were not properly subject to judicial notice. We further hold that the Family Court did not err in finding that DFS made reasonable efforts toward reunification. We therefore affirm in part, reverse in part, and remand for further proceedings consistent with this order.

ANALYSIS

(12) “When reviewing the decision of the Family Court to terminate parental rights, this Court conducts a ‘review of the facts and law, as well as the inferences and deductions made by the trial court.’”¹³ Legal conclusions are reviewed *de novo*.¹⁴ To the extent the court’s decision relies on factual findings, we review those findings to ensure that they are supported by the record and are not “clearly wrong.”¹⁵ “This Court will not disturb inferences and deductions that are supported by the record and the product of an orderly and logical deductive process.”¹⁶ “If the

¹³ *Brock v. Dep’t of Servs. for Child., Youth, & Their Fams.*, 272 A.3d 781, 787 (Del. 2022) (quoting *Powell v. Dep’t of Servs. for Child., Youth & Their Fams.*, 963 A.2d 724, 730 (Del. 2008)).

¹⁴ *George v. Dep’t of Servs. for Child., Youth & Their Fams.*, 150 A.3d 768, 2016 WL 6302525, at *4 (Del. Oct. 27, 2016) (TABLE).

¹⁵ *Powell*, 963 A.2d at 731.

¹⁶ *Id.*

Family Court has correctly applied the law, our review is limited to abuse of discretion.”¹⁷

(13) Delaware law requires a trial court to undertake a two-step inquiry before terminating parental rights.¹⁸ First, the court must determine by clear and convincing evidence that at least one statutory ground for termination exists under 13 *Del. C.* § 1103(a).¹⁹ Second, if a statutory ground for termination exists, the court then must determine, again by clear and convincing evidence, whether termination is in the child’s best interests under 13 *Del. C.* § 722.²⁰

(14) We therefore begin by addressing whether DFS proved a statutory ground for termination under 13 *Del. C.* § 1103(a). Although DFS asserted two grounds for termination as to Mother—her failure to plan under Section 1103(a)(5) and her prior involuntary termination of parental rights to another child under Section 1103(a)(7)—the court only needed to find one ground to satisfy the first step of the termination analysis.²¹

¹⁷ *Bower v. Dep’t of Servs. for Child., Youth & Their Fams.*, 142 A.3d 505, 2016 WL 3382353, at *4 (Del. June 9, 2016) (TABLE).

¹⁸ *Powell*, 963 A.2d at 731.

¹⁹ *Mitchell v. Thayer*, 312 A.3d 693, 695 (Del. 2024) (“When a court considers whether to sever such a bond through the termination of parental rights, the burden of proof is clear and convincing evidence that the statutory grounds for termination are met.”).

²⁰ *Powell*, 963 A.2d at 731 (“Both steps must be established by clear and convincing evidence.”).

²¹ 13 *Del. C.* § 1103(a) (“The procedure for termination of parental rights for the purpose of adoption or, if a suitable adoption plan cannot be effected, for the purpose of providing for the care of a child by another plan which may or may not contemplate the continued possibility of eventual

(15) The Family Court acknowledged that Mother’s parental rights to another child had been involuntarily terminated,²² but the court never expressly held that the prior termination satisfied Section 1103(a)(7). Instead, the court’s analysis focused on Mother’s failure to plan under Section 1103(a)(5). On appeal, however, the parties agree—and the record establishes—that Mother’s prior involuntary termination satisfies Section 1103(a)(7). Accordingly, for purposes of further proceedings in this matter with respect to Mother, the statutory ground under Section 1103(a)(7) has been established by clear and convincing evidence.

(16) We turn now to the second step of the TPR analysis: the best-interests factors. If DFS establishes a statutory ground for termination, the Family Court must separately determine whether termination is in the child’s best interests.²³ In making that determination, the court must consider all relevant factors, including the eight factors enumerated in 13 *Del. C.* § 722(a).²⁴ “It is well-established that the Family Court may assign different weights to the various best interests factors, and that in

adoption, may be initiated when it appears to be in the child’s best interest and *1 or more of the following grounds exist[.]*” (emphasis added)).

²² TPR Order at 3–4, 12.

²³ *Powell*, 963 A.2d at 731; 13 *Del. C.* § 1103(a); *see also id.* § 722.

²⁴ *Brock*, 272 A.3d at 790 (“Section 722(a) provides that in making a best interests determination, the Family Court shall ‘consider all relevant factors including’ the eight factors enumerated therein.”); *Mundy v. Devon*, 906 A.2d 750, 753 (Del. 2006) (quoting *Potter v. Branson*, 877 A.2d 52, 2005 WL 1403823, at *2 (Del. June 13, 2005) (TABLE)) (“[A] Family Court judge ‘has discretion to consider additional factors as long as it considers all of the statutory enumerated factors’ mandated in section 722.”).

some cases one factor may counterbalance or even outweigh the rest.”²⁵ But the court ultimately must weigh the relevant considerations and determine whether clear and convincing evidence establishes that termination is in the particular child’s best interests.²⁶ We review that balancing for an abuse of discretion.²⁷

(17) The Family Court’s decision faltered on the weighing step; the court did not clearly weigh the factors or expressly articulate a best-interests finding. Of the eight statutory factors, the Family Court found three factors—three, four, and eight—weighed in favor of termination;²⁸ four factors—two, five, six, and seven—were neutral;²⁹ and only one factor—Mother’s and Father’s wishes—weighed

²⁵ *Clark v. Div. of Family Servs.*, 975 A.2d 813, 822 (Del. 2009).

²⁶ *Brock*, 272 A.3d at 789–90; *Fisher v. Fisher*, 691 A.2d 619, 622–23 (Del. 1997) (explaining that the court must balance the statutory best-interests factors in light of the circumstances of each case, with the weight assigned to each factor varying according to the evidence, and must articulate its analysis sufficiently to permit meaningful appellate review of its ultimate custody determination).

²⁷ *Harper v. Harper*, 826 A.2d 293, 296 (Del. 2003); *see Fisher*, 691 A.2d at 622–23; *Batch v. Anderson*, 47 A.3d 971, 2012 WL 2282506, at *1–2 (Del. June 18, 2012) (TABLE).

²⁸ TPR Order at 13–16. Factor three—Child’s interactions and relationships—weighed in favor of the petition because, despite having a “loving bond” with Mother, Child had lived with the same foster family since May 2024, was bonded to that family, was “effectively part of the family,” and the foster family was an adoptive resource. Factor four—Child’s adjustment to community—weighed in favor of the petition because Child had adjusted to the placement resource home and had spent more time with the foster family than with Mother. Factor eight—the parties’ criminal histories—weighed in favor of the petition based on the parents’ criminal histories.

²⁹ TPR Order at 13–15. Factor two—Child’s wishes—was neutral because of Child’s young age. Factor five—the mental and physical health of those involved—was neutral. Factor six—the parents’ past and present compliance with their parental responsibilities—also was neutral, notwithstanding the Court’s finding that Mother’s prior record of honoring those obligations was “abysmal.” Factor seven—evidence of domestic violence—was also neutral.

against termination.³⁰ Yet the court did not thereafter weigh those findings or explain why the single factor weighing against termination, or any other consideration, outweighed the factors favoring termination.

(18) Instead, the court ended its best-interests analysis with a discussion of Mother's progress and present fitness:

Mother's current mental health and substance use treatment is a powerful and valuable experience. Mother has accepted the opportunity to learn about herself and her world from a perspective not reached by all addicts: sobriety. She has learned the hard way. She is committed to recovery. She has completed parenting skills training. She is housed and employed. She has resolved her criminal charges and complies with probation requirements. She increased her involvement with the child until DFS made her stop. But she is well prepared to help this Child avoid that same hard road. Mother was not fit to parent her second child, but Mother has established a record indicating she is fit to parent this Child.³¹

(19) Mother's fitness was a permissible consideration in determining Child's best interests, but it did not eliminate the Family Court's obligation to weigh all relevant considerations under Section 722 and adequately explain its conclusion regarding Child's best interests.³²

³⁰ TPR Order at 13.

³¹ *Id.* at 16.

³² The Family Court was permitted to consider Mother's present fitness as part of the best-interests inquiry. See 13 Del. C. § 722(a). In *Sampson v. Div. of Family Servs.*, we held that use of a prior involuntary termination as a statutory ground does not prevent a parent from demonstrating present fitness because the separate best-interests inquiry permits consideration of "a parent's fitness to rear the particular child whose custody is at issue." 868 A.2d 832, 835–36 (Del. 2005). *Brock* reaffirmed *Sampson* and explained that Section 722's factors are not "applied in a narrow,

(20) We have held that a trial court’s best-interests determination is “flexible.”³³ Under Section 722, a court “may assign different weights to the various best interests factors,”³⁴ but that flexibility requires the trial court to articulate the reasoning that led to its ultimate conclusion. Without a reasoned weighing of the factors, we cannot determine whether the denial or grant of such a petition resulted from “an orderly and logical deductive process”³⁵ or review what considerations the trial court believed outweighed findings to the contrary.

(21) Accordingly, the appropriate remedy is to remand this case for a new best-interests determination. On remand, the Family Court should consider on a proper evidentiary record³⁶ whether termination is in Child’s best interests. Given the impending hearing on the newly filed TPR petition, the Family Court should consider the existing factual record together with any additional admissible evidence submitted by the parties in connection with the new petition.³⁷ After considering

inflexible manner” and give the Family Court discretion to consider parental fitness. 272 A.3d at 788–90. But present fitness is a consideration within the best-interests inquiry; it cannot substitute for the inquiry itself.

³³ *Brock*, 272 A.3d at 790.

³⁴ *Clark*, 975 A.2d at 822.

³⁵ *Powell*, 963 A.2d at 731.

³⁶ As discussed below, that record should not include matters not properly subject to judicial notice.

³⁷ As explained herein, the prior involuntary termination establishes a statutory ground as to Mother under 13 *Del. C.* § 1103(a)(7) for purposes of further proceedings in this case. Therefore, as to Mother, only the best-interests analysis need be conducted under the new TPR petition. Before conducting a best-interests analysis as to Father on the new petition, however, the Family

that evidence, the Family Court should make new factual findings concerning the relevant Section 722 factors, explain the relative weight that it assigns to those factors and any other relevant considerations, and expressly determine whether clear and convincing evidence establishes that termination is in Child's best interests.

(22) Our decision to remand also requires us to resolve OCA's claim that the Family Court erred by relying on several sources that were not introduced into evidence and about which the parties had no notice.³⁸ It is well settled that the Family Court generally must resolve disputed factual matters on the evidence presented and any additional facts that may properly be the subject of judicial notice.³⁹ In *Tribbitt v. Tribbitt*, we explained that although "a judge may take judicial notice of a fact outside the record, that fact must not be subject to reasonable dispute and the parties must be given prior notice and an opportunity to challenge judicial notice of that fact."⁴⁰

(23) OCA argues that the court expanded the evidentiary record without following the rules regarding judicial notice. When it evaluated the significance of Mother's April 2025 use of Adderall, the court cited an FDA source concerning

Court first must determine whether clear and convincing evidence establishes an independent statutory ground for termination of Father's parental rights under 13 *Del. C.* § 1103.

³⁸ See TPR Order at 10–12.

³⁹ See *Tribbitt v. Tribbitt*, 963 A.2d 1128, 1131 (Del. 2008).

⁴⁰ *Id.*

Adderall, a publication from the Substance Abuse and Mental Health Services Administration addressing recovery, and a scholarly article distinguishing a “lapse” from a “relapse.”⁴¹ The Family Court then applied those materials to Mother’s conduct, concluding as a factual matter that she had experienced a “slip” rather than a relapse and that she remained in recovery in 2026.⁴²

(24) The additional materials considered by the Family Court were not properly subject to judicial notice. The Family Court did not notify the parties that it intended to rely on those sources before issuing its decision, leaving the parties without an opportunity to address either the propriety of judicial notice or the nature of the facts being noticed and their significance to the issues.⁴³ Neither party introduced those materials, no witnesses testified about them, and the parties had no opportunity to present evidence or argument concerning the difference between a “lapse” and a “relapse”—a distinction the Family Court viewed as important.⁴⁴

(25) Delaware Rule of Evidence 201 permits courts to take judicial notice of adjudicative facts that are not subject to reasonable dispute because they “[c]an

⁴¹ See TPR Order at 10–12.

⁴² *Id.* at 11–12.

⁴³ OCA’s Opening Br. on Appeal at 18. D.R.E. 201 permits judicial notice of an adjudicative fact only if the fact “is not subject to reasonable dispute” because it “is generally known within the trial court’s territorial jurisdiction” or “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” D.R.E. 201(b). Under D.R.E. 201(e), a party is entitled to be heard concerning “the propriety of taking judicial notice and the nature of the fact to be noticed.”

⁴⁴ OCA’s Opening Br. on Appeal at 18–19.

be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Here, the Family Court drew on sources outside the record to resolve a factual dispute: whether Mother remained in recovery or whether she had relapsed.⁴⁵ Definitions of recovery, lapse, and relapse may be more opinion than fact; they are subject to reasonable dispute; and it is not clear that the sources cited are beyond reasonable questioning. The court then applied its chosen definitions to reason that DFS’s use of the term “relapse” “obscure[d] the significance of the short time during which Mother separated from the treatment.”⁴⁶ We cannot conclude that this error was harmless because the materials the court considered informed its conclusion that Mother remained in recovery and its ultimate determination that she was “committed to recovery” and “fit to parent this Child.”⁴⁷ On remand, the court should confine its analysis to the evidence admitted into the record by the parties or materials that are properly subject to judicial notice.

(26) Finally, Mother challenges the trial court’s reasonable-efforts finding. The parties dispute whether we must reach this issue because 13 *Del. C.* § 1103(d) provides that “DSCYF is not required to perform reunification or related services” when the Family Court finds by clear and convincing evidence that the respondent’s

⁴⁵ See TPR Order at 11–12.

⁴⁶ *Id.* at 12.

⁴⁷ *Id.* at 16.

parental rights over another child have been involuntarily terminated.⁴⁸ Although the Family Court took judicial notice in February 2026 of Mother’s prior involuntary termination,⁴⁹ the record is unclear whether the Family Court made the clear-and-convincing finding contemplated by Section 1103(d). Moreover, for much of the proceedings DFS pursued concurrent goals of reunification and termination.⁵⁰ We need not resolve the effect of Section 1103(d), however, because Mother’s challenge to the Family Court’s reasonable-efforts determination fails on the merits.

(27) DFS’s obligation to provide reunification services arises under Title 29, Chapter 90. Section 9003 directs DFS to provide “a variety of facilities and services to children, youth, and their families,” including “preplacement, preventive services, and reunification services.”⁵¹ The statute does not prescribe a particular combination of reunification services for every case. Rather, the reasonableness of DFS’s efforts depends on the circumstances presented, including the conditions that led to Child’s

⁴⁸ 13 *Del. C.* § 1103(d); Blanchester’s Opening Br. on Cross-Appeal at 10 (“DFS failed to meet its obligation to provide ‘reasonable efforts’ to reunify Mother with H.B. when DFS refused to increase Mother’s visitation time beyond a mere two (2) hours per week”); OCA’s Answering Br. on Cross-Appeal at 11 (arguing that, because DSCYF also sought termination under 13 *Del. C.* § 1103(a)(7), “reunification services are not required under § 1103(a)(7)”).

⁴⁹ *See* TPR Order at 3, 8.

⁵⁰ *Id.* at 3–4, 7, 10, 17.

⁵¹ *See* 29 *Del. C.* § 9003(a)(3).

placement, the barriers to reunification that arise during the proceedings, and DFS's efforts to address those conditions.⁵²

(28) The fact-specific nature of the inquiry is borne out in the cases applying it. In *Tilden v. Hayward*, the Court of Chancery concluded that “neither the Child Welfare Act nor appropriate Delaware law mandates specific preventive or reunification services as necessary components of a meaningful case plan.”⁵³ The Court further explained that the governing statutes “fail to define what preventive and reunification services must be provided,”⁵⁴ and the services necessary to satisfy the State's reunification responsibilities are “necessarily driven by the particular facts and circumstances of a specific case.”⁵⁵ In *Division of Family Services v. Cheryl B.*, the Family Court similarly emphasized that the adequacy of reunification efforts depends on the services offered and the circumstances of the case, rather than whether DFS provided the precise assistance preferred by the parent.⁵⁶

⁵² See *Stewart v. Dep't of Servs. for Child., Youth & Their Fams.*, 991 A.2d 750, 759 (Del. 2010) (“[T]he reasonableness of the efforts by DFS to reunite the family must be determined from the particular facts of each case, including the capacities of the parents involved.”); *Brown v. Div. of Fam. Servs.*, 14 A.3d 524, 532 (Del. 2011) (“In reaching that determination, the Family Court considered several factors: (a) the dangers to the child and the family problems creating those dangers; (b) DFS's selection of relevant services; (c) the DFS case worker's diligence in arranging services for the family; (d) the appropriateness of reunification services made available and accessible to the family on a timely basis, and (e) the results of the intervention.”).

⁵³ 1990 WL 131162, at *6 (Del. Ch. Sept. 10, 1990).

⁵⁴ *Id.* at *10.

⁵⁵ *Id.*

⁵⁶ 750 A.2d 540, 548 (Del. Fam. 1998).

(29) Nonetheless, Mother contends that DFS’s decision to maintain a two-hour weekly visitation schedule after she returned to a sober living facility in May 2025 was inconsistent with DFS Policy 1005.⁵⁷ Policy 1005 provides that visitation plans should be developed jointly with the parents and that increased or reduced visitation “should be related to an assessment of safety and not linked to other measurements.”⁵⁸ Mother argues that, when questioned about why visitation was not expanded after May 2025, DFS’s witnesses could not identify a specific safety concern, thereby contravening DFS’s own policy.⁵⁹ That argument, however, focuses narrowly on DFS’s visitation decisions during a discrete portion of the proceeding rather than the entirety of the reunification efforts that DFS pursued.

(30) In evaluating whether DFS made reasonable efforts toward reunification, the Family Court properly considered the entire period during which Child was in DFS custody and the totality of DFS’s actions.⁶⁰ From Child’s entry into DFS custody through the TPR proceedings, DFS explored relative resources; developed a case plan addressing Mother’s substance use, mental and behavioral health, housing, employment, parenting, criminal and probation matters, and

⁵⁷ Blanchester’s Opening Br. on Cross-Appeal at 5, 11–12.

⁵⁸ App. to Blanchester’s Opening Br. on Cross-Appeal at A3 (*Del. Div. of Fam. Servs., Policy 1005, Visitation* § B.13, at 3 (Sept. 2, 2020)).

⁵⁹ Blanchester’s Opening Br. on Cross-Appeal at 11–13.

⁶⁰ See *Brown*, 14 A.3d at 536.

visitation; monitored Mother's progress; and communicated with treatment providers.⁶¹ DFS also adjusted visitation over time in response to Mother's progress.⁶² Following the unsuccessful trial placement in April 2025, DFS resumed supervised visitation while continuing to provide reunification services as Mother reengaged in treatment and sober living.⁶³ The visitation schedule also complied with the court's orders.⁶⁴ DFS's failure to articulate a safety reason for not increasing visitation during a particular period does not negate the overall reasonableness of its reunification efforts.⁶⁵

(31) On the complete record, the Family Court did not clearly err in finding that DFS made reasonable efforts toward reunification. Accordingly, we affirm the Family Court's reasonable-efforts holding.

⁶¹ See App. to OCA's Opening Br. on Appeal at A30–38 (Mother's Case Plan); OCA's Answering Br. on Cross-Appeal at 8 (“In addition to visits, DSCYF provided Mother with case planning assistance, which included bus passes to get to her appointments or to Child's, a referral for a Car for Moms program, assistance with substance abuse and mental health providers, assistance with a housing voucher application, a referral to parenting classes through Children and Families First, and a referral for family interventionist services that supervised visits and provided transportation for Child to and from visits.”).

⁶² See OCA's Answering Br. on Cross-Appeal at 7–8.

⁶³ *Id.* at 12–13.

⁶⁴ See App. to Shipperd's Answering Br. on Appeal & Cross-Appeal at B30–31, B33–34, B40–41 (Excerpts from Transcript of Termination of Parental Rights Hearing (Oct. 8, 2025)).

⁶⁵ *Brown*, 14 A.3d at 536 (explaining that one deficiency in DFS's efforts did not “negate[] the effect of the other efforts and services DFS provided.”).

NOW, THEREFORE, IT IS ORDERED that this matter is REMANDED for further proceedings consistent with this Order. Jurisdiction is not retained.

BY THE COURT:

/s/ Abigail M. LeGrow
Justice