

THE SUPREME COURT, STATE OF WYOMING

2026 WY 106

APRIL TERM, A.D. 2026

September 25, 2026

**IN THE MATTER OF THE
TERMINATION OF PARENTAL
RIGHTS TO: BAC II, BLTC and RJJC,
minor children,**

KATRENIA GENOVIA ANDERSON,

**Appellant
(Respondent),**

v.

**STATE OF WYOMING, ex rel.
DEPARTMENT OF FAMILY
SERVICES,**

**Appellee
(Petitioner).**

S-26-0071

*Appeal from the District Court of Fremont County
The Honorable Jason M. Conder, Judge*

Representing Appellant:

H. Michael Bennett of Bennett Law Group, P.C., Laramie, Wyoming.

Representing Appellee:

*Keith G. Kautz, Attorney General; Christina F. McCabe, Deputy Attorney General;
Wendy S. Ross, Senior Assistant Attorney General; Callie R. Papoulas, Senior
Assistant Attorney General.*

Guardian ad Litem:

*Joseph R. Belcher, Director, and Kim Skoutary Johnson of the Wyoming Office of
Guardian ad Litem.*

Before BOOMGAARDEN, C.J., and GRAY, FENN, JAROSH, and HILL, JJ.

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FENN, Justice.

[¶1] Katrenia Genovia Anderson (Mother) challenges the district court's decision to terminate her parental rights to her three children: BAC II, BLTC, and RJJC. The district court terminated Mother's parental rights under both Wyoming Statute §§ 14-2-309(a)(iii) and (a)(v) (2025). Mother argues the Department of Family Services' (DFS) actions were arbitrary and capricious because it failed to follow its own policies and procedures, thereby rendering the termination of her parental rights improper. We affirm.

ISSUE

[¶2] Mother raises one issue, which we restate as follows:

- I. Did the district court err when it terminated Mother's parental rights under Wyoming Statute §§ 14-2-309(a)(iii) and/or (a)(v)?

FACTS

[¶3] On August 10, 2023, deputies of the Fremont County Sheriff's Department were dispatched to the Shoshone Rose Casino after staff requested a welfare check on Mother and her two young children, BAC II and BLTC.¹ Upon arriving at the hotel, the deputy could smell methamphetamine smoke in the hotel room where Mother and the children had been staying. A member of the hotel's security staff informed the deputy that she had seen Mother and the children leave the hotel through a side door, and she saw Mother place a green case under a dumpster. When the deputy contacted Mother, she was still standing near the dumpster. When the deputy searched the green case, she found glass pipes consistent with methamphetamine use, and one of the pipes tested presumptively positive for methamphetamine. While searching the room Mother had been staying in, deputies found a metal lockbox containing used syringes and small plastic bags and pieces of foil with residue on them. Mother was arrested and charged with endangering children under Wyoming Statute § 6-4-405 (2023). The deputies took BAC II and BLTC into protective custody.

[¶4] When the children were taken into custody, one had a soiled diaper and fecal matter on the outside of his clothing. Both children appeared very malnourished. BLTC was globally delayed, and he was not showing any kind of expression or emotion that would be expected in a child his age.

Juvenile Court Neglect Proceedings

¹ Mother only had two children at this time. RJJC was born during the pendency of the juvenile case.

[¶5] On August 11, 2023, the State filed a neglect petition against Mother. Mother initially denied the allegations in the neglect petition. However, at the adjudicatory hearing, Mother entered a no contest plea to the allegations. Mother participated in the creation of a case plan, which she signed on December 27, 2023. Mother's goals included: completing an ASI and following any recommendations contained therein, remaining clean and sober, submitting to random urinalysis tests (UAs), obtaining stable housing, getting her driver's license and finding reliable transportation, obtaining stable employment, and participating in mental health counseling. The case plan also contained a visitation plan, which stated Mother would have in person visitation with the children three times a week at DFS's office in Riverton.

[¶6] Obtaining safe and appropriate housing was one of the main goals for Mother because she did not have stable housing when the case began. Due to a domestic dispute between Mother and the children's father, she had been staying with a friend. However, she had a disagreement with this friend and decided to stay at the Shoshone Rose Casino for a couple of days. DFS attempted to help Mother obtain housing by referring her to a program called Almost Home, but Mother did not take advantage of this program. By May 2024, Mother still had not secured suitable housing. She was living with the children's father in a trailer that lacked utilities and had safety and habitability concerns, including holes in the floor and areas where the drywall was missing. DFS offered to assist with paying for some of the repairs to the trailer, but Mother never gave DFS a quote for the cost of the repairs. Mother also repeatedly denied the caseworker's requests to come inspect the home to see if it was fit for the children.

[¶7] During this same period, Mother exercised inconsistent visitation with the children. From September 2023 to June 2024, Mother missed about 50 scheduled visits with the children. DFS transported the children to all these visits, but it did not always have the staff to provide transportation for Mother too. DFS did accommodate Mother's requests to move these visits to alternate locations when the suggested location was conducive to allowing supervised visitation.

[¶8] Mother became pregnant with RJC in the fall of 2023. Her pregnancy was considered high risk, and she was advised not to walk long distances, but she did not convey this restriction to her DFS caseworker. Mother did inform her DFS caseworker that visitation with her children was not a priority, and she did not want them to see her in her current condition. Although Mother's visits with the children went well when they occurred, the older child exhibited concerning behaviors following the visits, including angry outbursts.

[¶9] Mother's progress on all her case plan goals was hindered by her repeated incarceration. Mother was released on bond in her criminal endangering children case in September 2023, but she was arrested again in December 2023 after she failed to appear for a hearing. Mother was released from jail in March 2024. Mother pled guilty to the

endangering children charge, and in April 2024, she was sentenced to two to five years in prison, suspended in lieu of three years of supervised probation.

[¶10] By May 2024, Mother reported she completed her ASI, but she had not begun substance abuse treatment or counseling to address her mental health issues. Although Mother was required to submit UAs to both DFS and probation and parole, obtaining accurate results became increasingly difficult after her release from jail in April 2024. On some occasions, when Mother's DFS caseworker contacted Mother's probation officer to verify the accuracy of the UA results DFS had obtained, she would be informed the results were inconsistent with those acquired by the probation office. As a result of these discrepancies, the DFS caseworker became concerned Mother might be tampering with the results.

[¶11] On June 3, 2024, after receiving an anonymous call alleging Mother might be using drugs again, the DFS caseworker, Mother's probation officer, and law enforcement went to Mother's home to conduct a home check. They discovered drug paraphernalia in Mother's home, and she admitted to her probation officer that she had been using methamphetamine. Mother's probation officer was concerned for Mother's safety and the safety of the unborn baby due to Mother's methamphetamine use while pregnant. Mother was taken to the Fremont County Detention Center, but she went into labor and was transported to a hospital in Colorado. When RJJC was born on June 4, 2024, she had methamphetamine in her system and suffered symptoms of withdrawal. Law enforcement took protective custody of RJJC shortly after she was born.

[¶12] Due to Mother's continued substance use and noncompliance with the terms of her probation, Mother's probation officer filed a motion to have her probation revoked. Her probation was revoked in July 2024, and her original prison sentence was imposed. While Mother was incarcerated, she underwent a parental capacity evaluation, which concluded "her parental risk factors far outweighed her parental strengths."

[¶13] After Mother was incarcerated, DFS continued to make efforts to facilitate visitation between Mother and the children. Those efforts, however, were repeatedly complicated by Mother's transfers between prison facilities, which resulted in delays and missed opportunities for visitation. Mother remained at the Fremont County Detention Center until August 30, 2024. Because the Fremont County Detention Center did not permit visitation, no visits could occur while Mother was housed there. In September 2024, Mother was transferred to the Wyoming Women's Center in Lusk, Wyoming. Once the DFS caseworker learned of the transfer, she had to complete the process of being added to Mother's approved visitors list before visits with the children could be arranged. In mid-December 2024, Mother was transferred again, this time to Newcastle, Wyoming, to complete the intensive treatment unit (ITU) program. The transfer required additional time for DFS to identify Mother's prison caseworker and coordinate visitation through that caseworker. By December 2024, the juvenile court changed the permanency plan for the

children from reunification to adoption, noting the older two children had been in foster care for 15 out of the most recent 22 months, and Mother was now serving a two-to-five-year prison sentence.

[¶14] DFS stopped visitation between Mother and the older two children at the end of May 2025 based on the recommendation of the children’s counselor. Mother graduated from the ITU program, and she was released from incarceration in June 2025. Since the end of May 2025, Mother has had “sporadic” video visitation with RJJC. These visitations were originally scheduled once per week for 30 minutes, but they were changed to twice a week for 15 minutes at Mother’s request. Despite this accommodation, Mother only attended five video visits with RJJC between September 2025 and December 2025.

Termination of Parental Rights Proceedings

[¶15] In April 2025, DFS filed a petition to terminate Mother’s parental rights to BAC II and BLTC. In October 2025, DFS filed a petition to terminate Mother’s parental rights to RJJC. The two cases were consolidated. The district court held a three-day bench trial beginning on December 15, 2025.

[¶16] In addition to the facts set forth above, the following evidence was adduced at the trial. Mother was currently living with a new significant other, who had already threatened to kick her out of the home on at least one occasion. Mother admitted this was not a healthy relationship. Mother was currently participating in substance abuse counseling, but she still had treatment recommendations she needed to finish. Mother did not have a good support network. Mother recently started her own cleaning business, and she was earning approximately two thousand dollars a month. Mother was still on parole, and her expected release date is March 18, 2027. She could potentially go back to prison if she violates her parole. Mother attended the trial by video, rather than in person, due to transportation issues.

[¶17] Following the trial, the district court entered its order terminating Mother’s parental rights under Wyoming Statute §§ 14-2-309(a)(iii) and (a)(v). The district court found the State proved by clear and convincing evidence: Mother neglected all three children; DFS made reasonable efforts to reunify the family, but Mother failed to avail herself of those efforts; and placing the children back with Mother would jeopardize their health and safety. *See* Wyo. Stat. Ann. § 14-2-309(a)(iii). The district court also found the State proved by clear and convincing evidence: the older two children had been in foster care for over 28 months; RJJC had been in foster care for over 18 months; and Mother remained “unfit” because she was “unable to address the ongoing physical, mental and emotional needs of the children.” *See* Wyo. Stat. Ann. § 14-2-309(a)(v). The district court further found termination of Mother’s parental rights was in the best interests of the children. This appeal timely followed.

STANDARD OF REVIEW

[¶18] Our standard of review for termination of parental rights cases is well known:

Due to the tension between the fundamental liberty of familial association and the compelling state interest in protecting the welfare of children, application of statutes for termination of parental rights is a matter for strict scrutiny. As part of this strict scrutiny standard, a case for termination of parental rights must be established by clear and convincing evidence. Clear and convincing evidence is that kind of proof that would persuade a trier of fact that the truth of a contention is highly probable. Rigorous though this standard may be, we apply our traditional principles of evidentiary review when a party challenges the sufficiency of the evidence supporting termination. Thus, we examine the evidence in the light most favorable to the party prevailing below, assuming all favorable evidence to be true while discounting conflicting evidence presented by the unsuccessful party.

In re CCC, 2026 WY 79, ¶ 18, 592 P.3d 701, 706 (Wyo. 2026) (quoting *In re BAR*, 2026 WY 13, ¶ 23, 582 P.3d 922, 927 (Wyo. 2026)). Each statutory basis for termination of parental rights is separate and independent, and we may affirm a district court’s decision if we conclude the evidence is sufficient to support one of those grounds. *Id.* (quoting *In re MMD*, 2024 WY 35, ¶ 10, 545 P.3d 846, 849 (Wyo. 2024)).

[¶19] Here, DFS sought to terminate Mother’s parental rights under two separate statutory grounds: Wyoming Statute §§ 14-2-309(a)(iii) and (a)(v). The district court found sufficient evidence to terminate her parental rights under both grounds. Because each ground is independent, we may affirm the termination if the evidence is sufficient to support either statutory ground. *In re CCC*, ¶ 18, 592 P.3d at 706 (quoting *In re MMD*, ¶ 10, 545 P.3d at 849).

DISCUSSION

[¶20] Mother argues DFS’s failure to follow its own policies and procedures demonstrates its actions were arbitrary and capricious, and the district court improperly terminated her parental rights. Although Mother does not specifically state whether her argument is aimed at § 14-2-309(a)(iii) or § 14-2-309(a)(v), she argues DFS’s failure to provide regular visitation between her and the children while she was incarcerated, meet with her once a month during her incarceration, and provide greater assistance with transportation show DFS did not make reasonable efforts to reunify her with her children. “Whether the children have been in foster care for 15 of the most recent 22 months [under Wyoming

Statute § 14-2-309(a)(v)] is a simple mathematical question, unrelated to the reasonableness of DFS's efforts toward reunification.” *In re KCS*, 2019 WY 15, ¶ 12, 433 P.3d 892, 896 (Wyo. 2019) (citation modified). Thus, Mother's argument concerning DFS's reunification efforts pertains only to the termination of her parental rights under § 14-2-309(a)(iii), not § 14-2-309(a)(v).

[¶21] Mother relies on *MB v. Laramie County Department of Family Services*, 933 P.2d 1126 (Wyo. 1997), to assert DFS's failure to follow its own policies and procedures affected her fundamental right to parent the children.

In *MB*, we held the Department's failure to follow its policies and procedures was dispositive because the Department's shortcomings affected the mother's fundamental right to remain the legal parent of her child. *MB*, 933 P.2d at 1129–30. There, the Department created a case plan with no tasks for the mother to complete and never provided the mother a copy of that case plan. *Id.* at 1130. The Department also failed to review the case plan with the mother, to create a visitation plan, to record any directives given to the mother, and to inform the mother it would seek termination of her parental rights if she failed to comply with the case plan. *Id.*

In re CCC, 2026 WY 79, ¶ 21, 592 P.3d at 708.

[¶22] This case is materially different from *MB*. Although the record in this case demonstrates some shortcomings by DFS—including the caseworker's failure to meet with Mother monthly during her incarceration, DFS's inability to provide additional transportation due to staffing issues, and delays in establishing visitation once Mother was incarcerated—those shortcomings did not prevent Mother from understanding what was required of her to preserve her parental rights. Unlike *MB*, DFS created a case plan with clear goals for Mother to complete, and Mother participated in creating that plan. DFS also developed a visitation plan, and it made accommodations for visitation at Mother's request. The case plan also specifically advised Mother that DFS might file a petition to terminate her parental rights if the children were in foster care for 15 out of the most recent 22 months. Thus, DFS's alleged shortcomings did not rise to the level of those in *MB* or otherwise impermissibly interfere with Mother's fundamental right to remain the children's legal parent. *See MB*, 933 P.2d at 1129–30. Mother has not demonstrated DFS's alleged failures require reversal of the order terminating her parental rights. *See id.*

[¶23] In addition, Mother did not challenge the district court's termination of her parental rights under Wyoming Statute § 14-2-309(a)(v). Therefore, Mother has abandoned any sufficiency of the evidence challenge under that independent statutory ground. *In re CCC*, 2026 WY 79, ¶ 24, 592 P.3d at 708. Because Mother did not challenge the district court's

ruling on Wyoming Statute § 14-2-309(a)(v), we affirm the district court's termination of Mother's parental rights on that independent statutory ground. *Id.* at ¶ 25, 592 P.3d at 708.

CONCLUSION

[¶24] Because DFS's alleged shortcomings did not affect Mother's fundamental rights to parent the children and she abandoned any sufficiency of the evidence challenge under Wyoming Statute § 14-2-309(a)(v), we affirm the district court's termination of Mother's parental rights.