*Adoption of Xarissa*, [99 Mass. App. Ct. 610](http://masscases.com/cases/app/99/99massappct610.html) (May 24, 2021) (Ditkoff, J.)

Summary by Rebecca Amdemariam, CAFL Training Unit

In this appeal from a decree terminating parental rights, the Appeals Court in *Adoption of Xarissa* affirmed the finding of unfitness and clarifies what is sufficient planning under G.L. c. 210, § 3 plan requirements. As to the unfitness finding, the Court noted that a jury had convicted the mother of abusing the child, and the mother had untreated mental health issues and a longstanding pattern of domestic violence, both as a victim and perpetrator.

The mother in this case argued that the DCF’s proposed plan for adoption was deficient for the care of *Xarissa* who at the time of trial was placed in a group home due to her “significant mental health and behavioral needs that impact her daily functioning.” While the DCF adoption plan described her diagnoses and treatment, and resources that may be appropriate for her once she is able to step down to a lower level of care, it did not describe or identify the kind of home environment and adoptive family makeup at that stage. The Appeals Court concluded the trial judge was reasonable in finding that the presented plan was “specific enough in these circumstances” and that “[i]n these circumstances, attempting to define the adoption plan too precisely risked unnecessarily limiting the adoption options once the child stabilizes.” The Court clarifies that when a child’s needs maybe in flux the proposed plan need not be precisely stated.

Finally, the Appeals Court affirmed the trial judge’s decision to order only one post termination visit per year (less than even DCF had recommended) despite a clear bond between the mother and child, “[w]here the child's emotional state was precarious, and the mother's visits were inconsistent and, in some instances, inappropriate…”