

DISTRICT OF COLUMBIA COURT OF APPEALS

In re A.C.G.

894 A.2d 436 (D.C. 2006) · Decided March 16, 2006

SUMMARY

The District of Columbia Court of Appeals affirmed an order terminating a biological mother's parental rights and granting adoption of the child to her paternal great-aunt. The court held that clear and convincing evidence supported termination under the statutory best-interests factors, including the child's longstanding continuity of care with the great-aunt and the mother's failure to address safety concerns arising from sexual abuse. The court also held that the great-aunt's advanced age did not make the adoption contrary to the child's best interests because backup caretakers and financial arrangements had been established.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Nebeker, Senior Judge; Farrell; Nebeker; Schwelb
JURISDICTION	District of Columbia
DECIDED	March 16, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	The biological mother appealed from a trial court judgment terminating her parental rights and granting the paternal great-aunt's petition to adopt the child.
STANDARD OF REVIEW	Legal determinations are reviewed de novo; factual findings are reviewed for clear error. The best-interests determination in an adoption case is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published and precedential
PARTIES	E.D., biological mother of S.A.S. v. A.C.G., paternal great-aunt and prospective adoptive parent, A.C.G., District of Columbia, S.S., biological father

TOPICS

- adoption
- termination of parental rights
- guardianships
- guardianship procedure
- family law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether sufficient evidence supported termination of the biological mother's parental rights under D.C. Code § 16-2353(b).
2. Whether the trial court abused its discretion by finding that adoption by the child's elderly paternal great-aunt was in the child's best interests.
3. Whether guardianship, rather than adoption, was an adequate alternative or would leave the child in legal limbo.

HOLDINGS

1. The evidence was sufficient to support termination of the mother's parental rights under the statutory best-interests factors, including the child's need for continuity and permanence, the parties' physical and emotional circumstances, and the quality of the child's relationships.
2. The trial court did not abuse its discretion in granting the adoption despite A.C.G.'s advanced age because age alone was not a bar, and A.C.G. had provided nearly continuous care, established backup caretaking arrangements, and made financial plans for the child's future.
3. Rejecting guardianship in favor of adoption was not an abuse of discretion because guardianship would have left the child in legal limbo and would not have provided the same permanency and stability.

KEY QUOTATIONS

“We note, as did the trial judge, that A.C.G. was seventy-eight years old at the time he issued his order granting the adoption of six-year old S.A.S.” (at 443)

“Our “inquiry in assessing that interest is fact-specific and practical, not doctrinal...”” (at 443)

“Although S.A.S. was never placed in the foster care system, she has lived with her great-aunt under an informal custody arrangement since she was two months old.” (at 444)

“Therefore, we conclude that the grounds relied on and articulated by the trial judge are sufficient to disclose an exercise of discretion to reject that alternative and hold that the trial court did not abuse its discretion when it granted A.C.G.’s petition to adopt S.A.S.” (at 444)

FACTUAL BACKGROUND

S.A.S. lived with A.C.G., her paternal great-aunt, from approximately two months of age and received nearly all of her care and support from A.C.G. The child was adjudicated neglected after the mother failed to protect her from sexual abuse by a half-brother, and the child received treatment for posttraumatic stress disorder. The mother participated in supervised visitation but did not comply with important case-plan recommendations, including having the half-brother evaluated and cooperating with professionals involved in the child's treatment. A.C.G., then in her late seventies, had arranged backup caretakers and financial plans to promote the child's future stability.

PROCEDURAL HISTORY

After a Maryland custody order placed the child with her father, the father gave temporary guardianship to A.C.G. The District of Columbia government later filed a neglect petition, and the trial court found the child neglected because the mother failed to protect her from sexual abuse by a half-sibling. A.C.G. filed an adoption petition, and following a nine-day trial the trial court granted the adoption and terminated both biological parents' parental rights. The mother appealed, and the District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- In re J.D.W., 711 A.2d 826, 830 (D.C. 1998)
- In re K.A., 484 A.2d 992, 995 (D.C. 1984)
- In re L.W., 613 A.2d 350, 355 (D.C. 1992)
- Bazemore v. Davis, 394 A.2d 1377, 1383 (D.C. 1978)
- Lemay v. Lemay, 109 N.H. 217, 247 A.2d 189, 191 (1968)
- In re Jennifer A., 225 A.D.2d 204, 650 N.Y.S.2d 691, 693 (N.Y. App. Div. 1996)
- In re L.L., 653 A.2d 873, 888 (D.C. 1995)
- In re J.G., 831 A.2d 992, 1001 (D.C. 2003)
- In re S.S., 821 A.2d 353, 359-360 & n.14 (D.C. 2003)
- Prantum v. Department of Public Welfare, 214 Md. 100, 133 A.2d 408, 410, 412 (1957)
- In re Adoption of Kelley, 23 Or. App. 301, 541 P.2d 1304, 1305-06 (1975)
- Sonet v. Unknown Father of Joseph Daniel Hasty, 797 S.W.2d 1, 5 (Tenn. Ct. App. 1990)
- In re Adoption of Shields, 4 Wis. 2d 219, 89 N.W.2d 827, 832 (1958)

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