

SUPREME COURT OF THE STATE OF DELAWARE

Turner v. Department of Services for Children, Youth and Their Families

Turner · No. No. 155, 2022 · Decided November 17, 2022

SUMMARY

The Delaware Supreme Court affirmed the Family Court’s termination of Taryn Turner’s parental rights. The Court held that the Family Court’s findings that Turner failed to plan for the child’s needs, that an additional statutory condition was satisfied, and that termination was in the child’s best interests were supported by clear and convincing evidence. The Court also concluded that the appeal was wholly without merit and deemed counsel’s motion to withdraw moot.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr., Chief Justice; Valihura, Justice; Traynor, Justice
JURISDICTION	Delaware
DECIDED	November 17, 2022
DOCKET	No. 155, 2022
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Family Court order terminating the mother's parental rights; appellate counsel filed an opening brief and a motion to withdraw under Delaware Supreme Court Rule 26.1(c).
STANDARD OF REVIEW	The Supreme Court reviews legal rulings de novo, conducts limited review of factual findings to determine whether they are sufficiently supported by the record and are not clearly erroneous, reviews the application of law to facts for abuse of discretion when the trial court correctly applied the law, and does not substitute its judgment for the Family Court's credibility determinations.
PRECEDENTIAL VALUE	Published per curiam order affirming termination of parental rights; no separate precedential designation is stated in the opinion text.
PARTIES	Taryn Turner v. Department of Services for Children, Youth and Their Families (DSCYF)

TOPICS

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parental rights

family law procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Family Court properly terminated the mother's parental rights under 13 Del. C. § 1103(a)(5) based on failure to plan and an additional statutory condition.
2. Whether DSCYF made bona fide reasonable efforts to preserve and reunify the family.
3. Whether termination of the mother's parental rights was in the child's best interests under 13 Del. C. § 722.
4. Whether the Family Court's findings concerning the mother's domestic-violence history and credibility were clearly erroneous.

HOLDINGS

1. The Family Court properly terminated the mother's parental rights because DSCYF established by clear and convincing evidence that she failed to plan for the child's needs, an additional statutory condition was present, reasonable reunification efforts had been made, and termination was in the child's best interests.
2. The record supported the conclusion that DSCYF made bona fide reasonable efforts to reunify the mother and child.
3. The Supreme Court would not disturb the Family Court's credibility determination that the mother's denial of a domestic-violence history was not credible.

KEY QUOTATIONS

"We therefore conclude that the Mother's appeal is wholly without merit and devoid of any arguably appealable issue." (10)

FACTUAL BACKGROUND

DSCYF filed an emergency custody petition after the mother attempted suicide and was hospitalized, while she was unemployed and living in a motel. The mother stipulated that the child was dependent in her care based on unsuitable housing, and her reunification case plan required mental-health and substance-abuse treatment, domestic-violence programming, stable housing, parenting education, and other services. Over more than two years, she completed anger-management and parenting classes but did not complete the remaining significant components of the plan, including mental-health treatment, substance-abuse evaluation, domestic-violence programming, and stable housing, and she missed multiple visits. The Family Court found a statutory failure to plan, an additional statutory condition, reasonable reunification efforts, and that termination was in the child's best interests.

PROCEDURAL HISTORY

DSCYF obtained emergency custody of the child in October 2019 and pursued dependency-and-neglect proceedings and reunification efforts. After more than two years of incomplete case-plan compliance, the Family Court changed the permanency goal and, following a March 2022 hearing, terminated the mother's parental rights by order dated April 8, 2022. The mother appealed, and the Delaware Supreme Court reviewed the record under Rule 26.1(c), concluding that the appeal was wholly without merit and affirming.

DISPOSITION

affirmed

CASES CITED

- Wilson v. Div. of Family Servs., 988 A.2d 435, 439-40 (Del. 2010)
- Wife (J.F.V.) v. Husband (O.W.V., Jr.), 402 A.2d 1202, 1204 (Del. 1979)
- Shepherd v. Clemens, 752 A.2d 533, 536-37 (Del. 2000)
- In re Hanks, 553 A.2d 1171, 1179 (Del. 1989)
- Powell v. Dep't of Servs. for Children, Youth and Their Families, 963 A.2d 724, 731 (Del. 2008)

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