

UTAH SUPREME COURT

R.C.S. v. A.O.L.

291 P.3d 215 (Utah 2012) · Decided November 23, 2012

SUMMARY

The Utah Supreme Court held that applying the Utah Adoption Act to deem an unmarried father's paternity notice filed only when entered into the state registry violated due process when the delay was allegedly caused by state-agency negligence. The court reversed and remanded for a determination of when Vital Records received the notice, and it also held that the due process issue was adequately preserved for appeal.

CASE DETAILS

COURT	Utah Supreme Court
WRITING FOR THE COURT	Justice Durham; Associate Chief Justice Nehring; Justice Parrish; Chief Justice Durrant; Justice Lee
JURISDICTION	Utah
DECIDED	November 23, 2012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Ramsey Shaud appealed a district court determination that he had waived rights as a birth father under the Utah Adoption Act and a related order granting a motion in limine that excluded evidence of alleged negligence by Vital Records. The Utah Court of Appeals certified the appeal to the Utah Supreme Court.
STANDARD OF REVIEW	Questions of statutory interpretation and constitutional challenges to statutes are reviewed for correctness, without deference to the district court's legal conclusions.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Ramsey Shaud v. A.O.L., Act of Love Adoptions

TOPICS

- adoption
- parental rights
- due process
- statutory interpretation
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether applying the Utah Adoption Act's definition of when a notice of paternity proceedings is considered filed deprived Shaud of due process when Vital Records allegedly delayed entering his notice into the registry.
2. Whether Shaud adequately preserved his due process argument in the district court despite not expressly using the words "due process" until his motion to reconsider.

HOLDINGS

1. As applied to Shaud, the Adoption Act's requirement that a notice of paternity proceedings is considered filed only upon entry into the Vital Records registry violated due process because it created an uncertain filing deadline and allowed state-controlled delay to deprive him of the opportunity to develop a relationship with his child. His notice must be considered filed when Vital Records actually received it.
2. Shaud adequately preserved his due process challenge because the district-court briefing and cited authorities presented the constitutional fairness issue and gave the district court an opportunity to address and correct the alleged error; preservation did not depend on using the specific words "due process."

KEY QUOTATIONS

"We hold that the Act is constitutionally defective as applied to Mr. Shaud and deprived him of 'a meaningful chance to preserve his opportunity to develop a relationship with his child,'" (291 P.3d at 215)

"We conclude that the district court's interpretation of the Act's strict compliance standard poses an unacceptable risk of erroneous deprivation of unwed fathers' rights." (291 P.3d at 221)

"To provide Mr. Shaud 'a meaningful chance to preserve his opportunity to develop a relationship with his child,' In re Adoption of T.B., 2010 UT 42, ¶ 31, 232 P.3d 1026, it is unacceptable to apply the statute's 'considered filed' language to Mr. Shaud." (291 P.3d at 222)

"Whether a party has properly preserved an argument, however, cannot turn on the use of magic words or phrases." (291 P.3d at 225)

FACTUAL BACKGROUND

Ramsey Shaud, an unmarried biological father, was informed by the birth mother that he was the child's father and expressed his desire to participate in the pregnancy, attend the birth, and raise the child. Before the child's birth and before the mother's consent to adoption, Shaud filed a paternity petition and sent notice of paternity proceedings to Utah Vital Records by facsimile and mail. Although he asserted that Vital Records received the notice before the mother's consent, the agency did not enter it into the confidential registry until after the consent, and the adoption proceeded.

PROCEDURAL HISTORY

Shaud filed a petition to establish paternity and sent notice of commencement of paternity proceedings to Utah Vital Records before the birth mother's consent to adoption, but Vital Records did not enter the notice into its registry until afterward. The district court held that Shaud had not strictly complied with the Adoption Act, excluded evidence concerning Vital Records' alleged negligence, and terminated or relinquished his parental rights. The Utah Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must determine whether Vital Records received Shaud's notice of paternity proceedings before the birth mother's consent to the adoption.

CASES CITED

- T.M. v. B.B. (In re Adoption of T.B.), 2010 UT 42, 232 P.3d 1026
- State v. Parduhn, 2011 UT 57, 266 P.3d 765
- State v. Robinson, 2011 UT 30, 254 P.3d 183
- Sanchez v. L.D.S. Soc. Servs., 680 P.2d 753 (Utah 1984)
- Thurnwald v. A.E., 2007 UT 38, 163 P.3d 623
- Wells v. Children's Aid Soc'y of Utah, 681 P.2d 199 (Utah 1984)
- In re Adoption of Baby Boy Doe, 717 P.2d 686 (Utah 1986)
- In re I.K., 2009 UT 70, 220 P.3d 464
- O'Dea v. Olea, 2009 UT 46, 217 P.3d 704
- C.F. v. D.D. (In re Adoption of B.B.D.), 1999 UT 70, 984 P.2d 967
- In re K.B.E., 740 P.2d 292 (Utah Ct. App. 1987)
- Chen v. Stewart, 2004 UT 82, 100 P.3d 1177
- Worrall v. Ogden City Fire Dep't, 616 P.2d 598 (Utah 1980)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- McBride v. Utah State Bar, 2010 UT 60, 242 P.3d 769
- Hamdi v. Rumsfeld, 542 U.S. 507 (2004)
- Turner v. Rogers, 564 U.S. 431 (2011)
- Lehr v. Robertson, 463 U.S. 248 (1983)
- Stanley v. Illinois, 405 U.S. 645 (1972)
- Johnson v. State, 2011 UT 59, 267 P.3d 880
- Warne v. Warne, 2012 UT 13, 275 P.3d 238
- Weiser v. Union Pac. R.R. Co., 2010 UT 4, 247 P.3d 357
- Pardue v. State, 252 S.W.3d 690 (Tex. Ct. App. 2008)

- Addleman v. McKee, No. 04-70830, 2005 WL 5416768 (E.D. Mich. Mar. 22, 2005)
- Fry v. Pliler, 551 U.S. 112 (2007)
- Patterson v. Patterson, 2011 UT 68, 266 P.3d 828

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