

SUPREME COURT OF ALASKA

Mariah B. v. State of Alaska, Department of Health & Social Services, Office of Children's Services

No. 7573 (Alaska Dec. 10, 2021) · No. S-18026 · Decided December 10, 2021

SUMMARY

The Alaska Supreme Court reviewed a mother’s appeal from termination of her parental rights, focusing on the admission of hearsay testimony by an Office of Children’s Services supervisor. The court held that the mother preserved her evidentiary objection, but the superior court had not explained the basis or permitted purposes of the hearsay ruling or how the testimony supported its termination findings. The court remanded for further explanation and retained jurisdiction.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Winfree, Chief Justice; Maassen, Justice; Carney, Justice; Borghesan, Justice; Henderson, Justice
JURISDICTION	Alaska
DECIDED	December 10, 2021
DOCKET	S-18026
DISPOSITION	remanded
PROCEDURAL POSTURE	The mother appealed a superior court order terminating her parental rights after a termination trial, challenging the admission and use of hearsay testimony from an OCS supervisor.
STANDARD OF REVIEW	Evidentiary rulings concerning hearsay are reviewed for abuse of discretion; appellate review requires a record showing the factors considered by the superior court.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential
PARTIES	Mariah B. v. State of Alaska, Department of Health & Social Services, Office of Children's Services

TOPICS

- hearsay
- termination of parental rights
- preservation of error
- appellate procedure
- family law procedure

PRACTICE AREAS

evidence

family law

appellate procedure

termination of parental rights

QUESTIONS PRESENTED

1. Whether the mother preserved her hearsay objection to the OCS supervisor's testimony by making standing and continuing objections rather than objecting to every question.
2. Whether the appellate record was adequate to determine whether the superior court properly admitted and relied on the supervisor's hearsay testimony under CINA Rule 18(f) or another hearsay exception.

HOLDINGS

1. The mother preserved her objection to the OCS supervisor's hearsay testimony because the superior court definitively ruled that the testimony was admissible, assured her that she was not waiving the objection, and did not instruct her to renew the objection to each question.
2. The record was inadequate to determine whether the superior court properly admitted or relied on the supervisor's hearsay testimony, so the case had to be remanded for an explanation of the evidentiary rulings and their relationship to the termination findings.

KEY QUOTATIONS

“We therefore remand to the superior court for a full explanation of its evidentiary ruling, how the ruling relates to the hearsay testimony, and how the hearsay testimony relates to the court’s findings.” (at 2)

“Because the superior court did not explain its reasons for admitting the OCS supervisor’s hearsay testimony under Rule 18(f) (or otherwise) or how the hearsay testimony played a part in the court’s termination decision, we conclude that this case is “essentially unreviewable.”” (at 15)

FACTUAL BACKGROUND

OCS sought termination of the mother's parental rights based on alleged abandonment, neglect, and parental substance abuse. At trial, an OCS supervisor testified about the mother's case using her personal knowledge, report-of-contact notes created by other caseworkers, and undocumented conversations with caseworkers. The superior court admitted the supervisor's testimony but did not identify the purposes for which the hearsay was admitted, explain whether it satisfied CINA Rule 18(f), or describe how it affected the termination findings.

PROCEDURAL HISTORY

OCS petitioned to terminate the mother's parental rights based on abandonment, neglect, and parental substance abuse under AS 47.10.011. After a multi-day termination trial, the superior court terminated her parental rights and relied in part on testimony from an OCS supervisor. The mother appealed, and the Alaska Supreme Court remanded because the superior court did not explain the basis or purposes of its hearsay ruling or how the testimony supported its findings; the Supreme Court retained jurisdiction over the appeal.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The superior court must explain its evidentiary rulings, including the purposes for which the supervisor's hearsay testimony was admitted, the applicable legal basis for admission, the factors supporting trustworthiness and a fair opportunity to meet the evidence, and how the hearsay testimony relates to the findings underlying the termination order. The Alaska Supreme Court retained jurisdiction to consider the mother's appeal after the explanation is issued.

CASES CITED

- Jeff A.C., Jr. v. State, 117 P.3d 697, 709 (Alaska 2005) (Bryner, J., concurring)
- Wassillie v. State, 411 P.3d 595, 604 (Alaska 2018)
- State v. Huggins, 659 P.2d 613, 616 (Alaska App. 1982)
- Torres v. State, 519 P.2d 788, 794 n.17 (Alaska 1974)
- Matter of A.S.W., 834 P.2d 801, 802-03 & n.3 (Alaska 1992)
- Smith v. Weekley, 73 P.3d 1219, 1226-27 (Alaska 2003)
- Borchgrevink v. Borchgrevink, 941 P.2d 132, 139 (Alaska 1997)
- Dragseth v. Dragseth, 210 P.3d 1206, 1210-11 (Alaska 2009)
- Bird v. Starkey, 914 P.2d 1246, 1249-50 (Alaska 1996)
- Lone Wolf v. Lone Wolf, 741 P.2d 1187, 1190-91 (Alaska 1987)
- Diego K. v. State, Department of Health & Social Services, Office of Children's Services, 411 P.3d 622, 628 (Alaska 2018)
- In re Hospitalization of Rabi R., 468 P.3d 721, 732 (Alaska 2020)
- Pingree v. Cossette, 424 P.3d 371, 378 (Alaska 2018)