

SUPREME COURT OF ALASKA

R.G. v. State, Department of Health and Social Services, Division of Family and Youth Services

43 P.3d 145 (Alaska 2002) · No. S-10114 · Decided March 15, 2002

SUMMARY

The Alaska Supreme Court affirmed the termination of R.G.'s parental rights to her son. The court held that substantial evidence supported the finding that R.G.'s severe borderline personality disorder placed the child at substantial risk of physical harm or mental injury under AS 47.10.011(11), and that the state had made reasonable efforts to provide family support services.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Eastaugh, Justice; Fabe, Chief Justice; Matthews, Justice; Bryner, Justice; Carpeneti, Justice
JURISDICTION	Alaska
DECIDED	March 15, 2002
DOCKET	S-10114
DISPOSITION	affirmed
PROCEDURAL POSTURE	R.G. appealed the superior court's order terminating her parental rights to E.G. after the court found E.G. to be a child in need of aid under AS 47.10.011(11).
STANDARD OF REVIEW	Factual findings supporting a child-in-need-of-aid determination are reviewed for clear error; whether the findings satisfy the statutory requirements is reviewed de novo.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	R.G. v. State of Alaska, Department of Health and Social Services, Division of Family and Youth Services

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the superior court clearly erred in finding that R.G.'s personality disorder placed E.G. at substantial risk of physical harm or mental injury under AS 47.10.011(11).
2. Whether the superior court properly terminated R.G.'s parental rights under AS 47.10.088 despite R.G.'s claimed improvements in her physical condition, housing, and anger management.
3. Whether the superior court was required to base termination on R.G.'s physical ailments rather than her personality disorder.

HOLDINGS

1. The superior court properly terminated R.G.'s parental rights because substantial evidence supported its finding that her continuing severe personality disorder placed E.G. at substantial risk of physical harm or mental injury under AS 47.10.011(11), and the statutory requirements for termination were satisfied.
2. The superior court did not err by terminating parental rights based on R.G.'s personality disorder rather than her physical ailment.

KEY QUOTATIONS

“Because the record contains substantial evidence supporting the superior court's finding that R.G.'s personality disorder prevents her from protecting E.G. from substantial risk of harm, we AFFIRM the superior court's findings and termination order.” (150)

FACTUAL BACKGROUND

R.G. had physical ailments and a severe borderline personality disorder that impaired her ability to supervise and protect her five-year-old son, E.G. Despite services from DFYS and other agencies, E.G. repeatedly faced safety concerns, and R.G. exhibited angry and volatile conduct, including assaulting a social worker. A clinical psychologist concluded that R.G.'s personality disorder placed E.G. at substantial risk of physical harm or mental injury. The superior court terminated R.G.'s parental rights after finding that E.G. was a child in need of aid under AS 47.10.011(11).

PROCEDURAL HISTORY

DFYS obtained temporary custody of E.G. in 1997 and again in 1999. The superior court adjudicated E.G. a child in need of aid, and DFYS later petitioned to terminate R.G.'s parental rights. In March 2001, the superior court terminated R.G.'s parental rights based principally on evidence concerning her severe borderline personality disorder. The Alaska Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- A.H. v. State, 779 P.2d 1229, 1231 (Alaska 1989)
- R.J.M. v. State, Department of Health & Social Services, 973 P.2d 79, 84 (Alaska 1999)
- A.H. v. State, Department of Health and Social Services, 10 P.3d 1156, 1162 (Alaska 2000)

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