

SUPREME COURT OF RHODE ISLAND

In re Kristopher J.

115 A.3d 965 (R.I. 2015) · No. No. 2014-206-Appeal (P12-798-1) · Decided May 28, 2015

SUMMARY

The Rhode Island Supreme Court affirmed a Family Court decree terminating Christopher Jimenez’s parental rights to his son, Kristopher J., based on cruel or abusive conduct toward the child’s deceased sibling. The Court held that clear and convincing evidence supported findings that the respondent was the sole caregiver when the injuries occurred and that adverse inferences from his repeated invocation of the Fifth Amendment were permissible. The Court distinguished precedent involving injuries that were not readily apparent and access by other caregivers.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice Francis X. Flaherty; Chief Justice Suttell; Justice Goldberg; Justice Flaherty; Justice Robinson; Justice Indeglia
JURISDICTION	Rhode Island
DECIDED	May 28, 2015
DOCKET	No. 2014-206-Appeal (P12-798-1)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent-father appealed from a Family Court decree terminating his parental rights to his son after an eight-day termination trial.
STANDARD OF REVIEW	The Supreme Court examines the record for legally competent evidence supporting the Family Court's findings. The findings receive great weight and will not be disturbed unless clearly wrong or unless the trial justice misconceived or overlooked material evidence.
PRECEDENTIAL VALUE	published opinion
PARTIES	Christopher Jimenez, respondent-father v. Department of Children, Youth, and Families

TOPICS

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

PRACTICE AREAS

family law

termination of parental rights

child abuse

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether legally competent evidence supported the Family Court's finding, by clear and convincing evidence, that respondent was unfit because of conduct toward a child of a cruel or abusive nature under Rhode Island General Laws § 15-7-7(a)(2)(ii).
2. Whether the Family Court could terminate respondent's parental rights to Kristopher based on cruel or abusive conduct toward Christina, another child in the household, when respondent argued that the evidence did not establish that he caused Christina's injuries.

HOLDINGS

1. The Family Court's finding that respondent was unfit because of conduct toward a child of a cruel or abusive nature was supported by clear and convincing evidence.
2. Cruel or abusive conduct toward one child in a household can serve as a basis for terminating a parent's rights with respect to another child in that household.
3. After respondent was found unfit, termination of his parental rights was warranted because Kristopher's best interests outweighed all other considerations.

KEY QUOTATIONS

"Natural parents have a fundamental liberty interest in the 'care, custody, and management' of their children." (-8-)

"a parent has a right to due process before the Family Court and may forfeit his or her parental rights only when the State can show by clear and convincing evidence that the parent is unfit." (-8-)

"The trial justice's finding that the respondent caused Christina's injuries was certainly reasonable, based on the clear and convincing evidence that he was the sole caretaker at the time of the fatal injuries; therefore, a finding that he violated § 15-7-7(a)(2)(ii) was warranted, and the termination of the respondent's parental rights to his son, Kristopher, logically followed." (-10-)

FACTUAL BACKGROUND

Respondent Christopher Jimenez and Mayra Gonzalez were the parents of Christina and Kristopher. Christina suffered numerous fractures, a subdural hemorrhage, retinal bleeding, and other injuries over several weeks, remained unconscious after hospitalization, and died. Medical testimony indicated that the injuries were nonaccidental, occurred at different times, and should have been apparent to caregivers; respondent was found to be Christina's sole and primary caregiver during the period when the fatal injuries were inflicted. Kristopher was removed from the home, placed with a foster family, and was doing well there.

PROCEDURAL HISTORY

DCYF petitioned to terminate the parental rights of both parents to Kristopher J. on the ground that they had engaged in or allowed cruel or abusive conduct toward a child. The mother voluntarily consented to termination before trial, while the father proceeded to trial. The Family Court found by clear and convincing evidence that the father was unfit and terminated his parental rights on May 30, 2014. The Rhode Island Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Jazlyn P., 31 A.3d 1273 (R.I. 2011)
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- In re Steven D., 23 A.3d 1138, 1161 (R.I. 2011)
- In re Destiney L., 21 A.3d 279, 283 (R.I. 2011)
- In re Adner G., 925 A.2d 951, 954, 960-62 (R.I. 2007)
- In re Chester J., 754 A.2d 772, 773, 776-78 (R.I. 2000)
- In re Ryan S., 728 A.2d 454, 457 (R.I. 1999)
- In re Antonio G., 657 A.2d 1052, 1057 (R.I. 1995)
- In re Frances, 505 A.2d 1380, 1384-85 (R.I. 1986)