

MONTANA SUPREME COURT

Matter of C.M.B.

2025 MT 272 · No. DA 25-0146 · Decided November 25, 2025

SUMMARY

The Montana Supreme Court affirmed the termination of the mother’s parental rights to C.M.B., a youth in need of care. The court held that the mother lacked standing to assert ineffective-assistance claims on behalf of the child and concluded that the district court properly found the mother’s condition was unlikely to change within a reasonable time.

CASE DETAILS

COURT	Montana Supreme Court
WRITING FOR THE COURT	Justice Jim Rice; Justice Cory J. Swanson; Justice Laurie McKinnon; Justice Beth Baker; Justice Katherine M. Bidegaray
JURISDICTION	Montana Supreme Court
DECIDED	November 25, 2025
DOCKET	DA 25-0146
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the District Court's order terminating her parental rights to C.M.B. and granting permanent legal custody.
STANDARD OF REVIEW	Standing and other justiciability issues are reviewed de novo. Termination of parental rights is reviewed for abuse of discretion; factual findings in youth-in-need-of-care proceedings are reviewed for clear error, and conclusions of law are reviewed for correctness.
PRECEDENTIAL VALUE	published; precedential
PARTIES	T.C. (Mother) v. State of Montana, Department of Public Health and Human Services, Child and Family Services, C.M.B., a Youth in Need of Care, J.B. (Father)

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- due process
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Mother had standing to assert that C.M.B.'s counsel rendered ineffective assistance by failing to advocate for C.M.B.'s expressed wishes to maintain her relationship with Mother.
2. Whether the District Court abused its discretion by terminating Mother's parental rights without adequately considering C.M.B.'s mental condition and whether Mother's condition was unlikely to change within a reasonable time.

HOLDINGS

1. Mother lacked standing to assert C.M.B.'s statutory and constitutional rights to effective assistance of counsel because Mother did not identify a personal constitutional violation or other personal injury and generally may not assert another person's constitutional rights.
2. The District Court did not abuse its discretion in terminating Mother's parental rights because substantial credible evidence supported its finding that Mother's conduct or condition was unlikely to change within a reasonable time, and the court adequately considered C.M.B.'s mental and emotional condition and the statutory factors.

KEY QUOTATIONS

“Consequently, based upon these authorities, Mother has not shown a personal constitutional violation and a basis to assert C.M.B.’s statutory and constitutional rights to counsel.” (¶ 22)

“We conclude that the District Court’s determination that Mother’s conduct or condition was not likely to change in a reasonable time was based on substantial and credible evidence found within the record, which the court described as extensive, and that it gave appropriate consideration to all of the concerns required by law, including that the primary concern in making these determinations is the emotional, mental, and physical wellbeing of the child.” (¶ 27)

FACTUAL BACKGROUND

C.M.B. was removed from Mother's home in May 2023 after repeated reports concerning substance abuse, mental health issues, and domestic violence, including an incident in which police found Mother injured and three children in an unsanitary home. C.M.B. reported that Mother and her boyfriend often hit each other, and Mother subsequently struggled with substance abuse, criminal proceedings, housing instability, visitation, and compliance with her treatment plan. At the termination hearing, evidence showed that C.M.B. had PTSD and generalized anxiety disorder, while Mother had not demonstrated sustained sobriety, stability, or the ability to provide safe and adequate care within a reasonable time.

PROCEDURAL HISTORY

Child and Family Services removed C.M.B. from Mother's care and petitioned for emergency protective services, adjudication as a youth in need of care, and temporary legal custody. Mother stipulated to the petition, and the District Court adjudicated C.M.B. a youth in need of care. After extensions of temporary legal custody,

the Department petitioned to terminate Mother's and Father's parental rights under Montana Code Annotated § 41-3-609(1)(f). Following a termination hearing, the District Court terminated both parents' rights. Mother appealed, and the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re A.D.B., 2013 MT 167, 370 Mont. 422, 305 P.3d 739
- In re R.N., 2024 MT 115, 416 Mont. 462, 549 P.3d 452
- Barrett v. State, 2024 MT 86, 416 Mont. 226, 547 P.3d 630
- In re M.D.M., 2002 MT 305, 313 Mont. 51, 59 P.3d 1142
- Matter of C.P., 2001 MT 187, 306 Mont. 238, 32 P.3d 754
- In re A.R., 326 Mont. 7, 107 P.3d 457
- In re D.T.H., 2001 MT 138, 305 Mont. 502, 29 P.3d 1003
- In re D.A.H., 2005 MT 68, 326 Mont. 296, 109 P.3d 247
- Dick Anderson Constr., Inc. v. Monroe Constr. Co., L.L.C., 2009 MT 416, 353 Mont. 534, 221 P.3d 675
- Heffernan v. Missoula City Council, 2011 MT 91, 360 Mont. 207, 255 P.3d 80
- Greater Missoula Area Fed'n of Early Childhood Educators v. Child Start, Inc., 2009 MT 362, 353 Mont. 201, 219 P.3d 881
- Montana Env't Info. Ctr. v. Dep't of Env't Quality, 1999 MT 248, 296 Mont. 207, 988 P.2d 1236
- Gryczan v. State, 283 Mont. 433, 942 P.2d 112
- Jones v. Mont. Univ. Sys., 2007 MT 82, 337 Mont. 1, 155 P.3d 1247
- In re B.F., 2004 MT 61, 320 Mont. 261, 87 P.3d 427
- In re K.H., 2012 MT 175, 366 Mont. 18, 285 P.3d 474
- In re Marriage of Rolfe, 216 Mont. 39, 699 P.2d 79
- In re K.M., ¶ 29