

DISTRICT OF COLUMBIA COURT OF APPEALS

In re B.C.; C.P., Appellant

No. 19-FS-984 (D.C. Aug. 19, 2021) · No. 19-FS-984 · Decided August 19, 2021

SUMMARY

The District of Columbia Court of Appeals considers whether a parent has standing to challenge a neglect determination based on alleged mental incapacity when the child was also adjudicated neglected on an uncontested educational-neglect ground. The court holds that the parent has standing because the mental-incapacity determination may cause distinct reputational and custody-related harms. The opinion then addresses the sufficiency of the evidence supporting the mental-incapacity neglect determination, including the significance of expert testimony.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Easterly, Associate Judge; Thompson, Associate Judge; Okun, Associate Judge, Superior Court of the District of Columbia, sitting by designation
JURISDICTION	District of Columbia
DECIDED	August 19, 2021
DOCKET	19-FS-984
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	C.P. appealed the Superior Court associate judge's order affirming a magistrate judge's adjudication that B.C. was neglected under D.C. Code § 16-2301(9)(A)(iii) because C.P. was allegedly unable to discharge her parental responsibilities due to mental incapacity. C.P. challenged only the mental-incapacity neglect determination, not the separate educational-neglect determination under § 16-2301(9)(A)(ii).
STANDARD OF REVIEW	A neglect finding is reviewed for plain error or lack of evidentiary support, viewing the evidence in the light most favorable to the ruling; construction of the neglect statute is reviewed de novo. The court reviewed the associate judge's order while looking to the magistrate judge's underlying findings and conclusions.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	C.P. v. District of Columbia

TOPICS

family law procedure

appellate jurisdiction

expert testimony

standard of review

evidence

PRACTICE AREAS

family law

child welfare

appellate law

evidence

QUESTIONS PRESENTED

1. Whether C.P. had standing to challenge only the mental-incapacity neglect determination when she did not challenge the separate educational-neglect determination.
2. What constitutes mental incapacity under D.C. Code § 16-2301(9)(A)(iii), and whether the government proved that C.P. had such incapacity at the time of the alleged neglect.
3. Whether the government was required to present expert testimony to establish C.P.'s alleged mental incapacity on the record presented.
4. Whether the government proved a causal nexus between C.P.'s alleged mental incapacity and B.C.'s educational neglect.

HOLDINGS

1. A parent has standing to challenge a mental-incapacity neglect determination even when the parent does not challenge a separate neglect determination that independently supports the child's adjudication as neglected.
2. Mental incapacity encompasses psychiatric, psychological, or physiological conditions related to mental functioning that seriously impede a parent's ability to navigate daily life and care for the child; poor judgment or irrational decisionmaking alone is insufficient.
3. Mental incapacity may not be established by lay observations and stale medical records alone when the condition and its significance are beyond common knowledge; on this record, expert testimony was needed to evaluate the medical records and connect them to C.P.'s current mental functioning.
4. To establish neglect under D.C. Code § 16-2301(9)(A)(iii), the government must prove both mental incapacity and a causal nexus between that incapacity and the parent's inability to provide proper parental care.

KEY QUOTATIONS

“The exercise of poor judgment or irrational decisionmaking cannot be enough. Parents are human after all; they can and do make mistakes.” (25-26)

“This layperson testimony, like the mental health and medical records presented by the government, was not sufficient to prove C.P.’s mental incapacity at the time of the alleged neglect.” (33)

“For all these reasons, we conclude that there was insufficient evidence to support the associate judge’s affirmance of the magistrate judge’s determination of mental incapacity neglect pursuant to D.C. Code 16-2301(9)(A)(iii).” (37)

FACTUAL BACKGROUND

B.C., then eight years old, was enrolled in and removed from several schools in 2018 and attended school only a handful of days; his mother, C.P., later sought permission to homeschool him but did not obtain the required waiver. The government alleged that C.P.'s mental incapacity caused her to seek unnecessary medical care for B.C. and impaired her educational decisions, relying on older medical records and testimony from three CFSA employees rather than expert psychiatric testimony. B.C. had visible facial swelling that medical providers diagnosed as an abscessed or impacted tooth, and the record showed that C.P. sought treatment for that condition. The magistrate and associate judge found mental-incapacity neglect based largely on alleged paranoia, distrust, and poor educational decisions.

PROCEDURAL HISTORY

The District of Columbia filed neglect charges concerning B.C.'s education and C.P.'s alleged mental incapacity. After trial, the magistrate judge found educational neglect and mental-incapacity neglect based on C.P.'s educational decisionmaking, but rejected the theory that her mental incapacity caused unnecessary medical care. An associate judge affirmed both determinations. The Court of Appeals held that C.P. had standing to challenge the mental-incapacity determination and reversed that determination for insufficient evidence, remanding for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion. The reversal concerns the mental-incapacity neglect determination under D.C. Code § 16-2301(9)(A)(iii); the separate educational-neglect determination was not challenged.

CASES CITED

- D.C. Appleseed Ctr. for Law & Justice, Inc. v. District of Columbia Dep't of Ins., Sec., & Banking, 54 A.3d 1188, 1199 (D.C. 2012)
- Equal Rights Ctr. v. Props. Int'l, 110 A.3d 599, 603 (D.C. 2015)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)
- UMC Dev., LLC v. District of Columbia, 120 A.3d 37, 42 (D.C. 2015)
- In re E.R., 649 A.2d 10, 12-13 (D.C. 1994)
- In re G.H., 797 A.2d 679, 683, 686 (D.C. 2002)
- In re A.B., 999 A.2d 36, 44 n.25 (D.C. 2010)
- In re Z.C., 813 A.2d 199, 200 n.3, 202-03 (D.C. 2002)
- In re Ta.L., 149 A.3d 1060, 1077-78 (D.C. 2016) (en banc)
- In re Z.W., 214 A.3d 1023, 1036-37 (D.C. 2019)
- Thoubboron v. Ford Motor Co., 624 A.2d 1210 (D.C. 1993)

- In re M.L., 28 A.3d 520, 531 n.22 (D.C. 2011)
- In re E.H., 718 A.2d 162, 168-69 (D.C. 1998)
- In re Ta.C., 237 A.3d 114, 120 (D.C. 2020)
- In re S.L.G., 110 A.3d 1275, 1285 (D.C. 2015)
- In re N.P., 882 A.2d 241, 251 (D.C. 2005)
- In re P.B., 54 A.3d 660, 664-67 (D.C. 2012)
- Tippet v. Daly, 10 A.3d 1123, 1126-27 (D.C. 2010)
- In re B.L., 824 A.2d 954, 956 (D.C. 2003)
- In re Wyler, 46 A.3d 396, 401 (D.C. 2012)
- In re L.H., 925 A.2d 579, 582-83 (D.C. 2007)
- In re Amey, 40 A.3d 902, 914-15 (D.C. 2012)
- In re K.M., 75 A.3d 224, 231-35 (D.C. 2013)
- In re Am. V., 833 A.2d 493, 499 (D.C. 2003)

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