

SUPREME COURT OF THE STATE OF DELAWARE

Rowe v. Department of Services for Youth & Families/Division of Family Services

No. No. 123, 2021, Supreme Court of the State of Delaware (April 8, 2022)

SUMMARY

The Delaware Supreme Court affirmed the Family Court’s termination of Jade Rowe’s parental rights based on failure to adequately plan for her child’s needs and the child’s best interests. The Court concluded that the termination was supported by clear and convincing evidence and found no legal error or abuse of discretion.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr., Chief Justice; Karen L. Valihura, Justice; Montgomery-Reeves, Justice
JURISDICTION	Delaware
DECIDED	April 8, 2022
DOCKET	No. 123, 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Family Court decision terminating the mother's parental rights; appellate counsel filed an opening brief and motion to withdraw under Delaware Supreme Court Rule 26.1(c).
STANDARD OF REVIEW	The Supreme Court reviews the Family Court's factual and legal determinations, inferences, and deductions; legal rulings are reviewed de novo. Factual findings receive limited review to determine whether they are supported by the record and are not clearly wrong. Inferences and deductions supported by the record and resulting from an orderly and logical reasoning process will not be disturbed. If the Family Court correctly applied the law, the remaining review is for abuse of discretion.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; precedential status is not expressly stated in the opinion text.

PARTIES

Jade Rowe v. Department of Services for Youth & Families/Division of Family Services

TOPICS

termination of parental rights

parental rights

appellate procedure

standard of review

family law procedure

PRACTICE AREAS

family law

termination of parental rights

appellate procedure

QUESTIONS PRESENTED

1. Whether the Family Court properly terminated the mother's parental rights based on failure to plan adequately for the child's needs under 13 Del. C. § 1103(a)(5).
2. Whether clear and convincing evidence established that termination of parental rights was in the child's best interests.
3. Whether the Family Court erred in finding that DFS made reasonable efforts to reunify the family.
4. Whether the appeal was wholly without merit under the no-merit procedure of Delaware Supreme Court Rule 26.1(c).

HOLDINGS

1. Termination of parental rights requires proof by clear and convincing evidence of a statutory ground for termination; when the ground is failure to plan adequately under § 1103(a)(5) and the child is in DFS custody, at least one additional statutory factor under that subsection must also be proven.
2. Termination of parental rights may be ordered only when the court finds by clear and convincing evidence that termination is in the child's best interests after considering the statutory best-interest factors.
3. The Supreme Court will affirm a Family Court termination decision when its legal rulings are correct, its factual findings are supported by the record and are not clearly wrong, and its inferences and deductions reflect an orderly and logical reasoning process; otherwise, the court applies the applicable de novo or abuse-of-discretion review.

KEY QUOTATIONS

“The statutory procedure for terminating parental rights requires two separate inquiries. First, the Family Court must determine whether the evidence presented meets one of the statutory grounds for termination. Second, the Family Court must determine whether termination of parental rights is in the best interest of the child.” (10-11)

“There is ample evidence supporting the Family Court’s termination of the Mother’s parental rights based on failure to plan and that such termination is clearly in the best interest of the Child.” (11)

FACTUAL BACKGROUND

The child was born in December 2018 with agenesis of the corpus callosum and required long-term care. DFS obtained emergency custody after the mother, who had recently been released from prison and tested positive for cocaine shortly before the child's birth, was unavailable to sign for medical procedures and no suitable relative placement had been identified. Over the ensuing proceedings, the mother had unstable housing, substance-abuse and mental-health issues, positive drug screens, inconsistent visitation, and an incomplete case plan, while the child remained in foster care and was doing well. The Family Court found by clear and convincing evidence that the mother failed to plan adequately for the child's needs and that termination was in the child's best interests.

PROCEDURAL HISTORY

The Family Court granted DFS emergency custody of the child, later found the child dependent, and conducted adjudicatory, dispositional, permanency, and termination-of-parental-rights proceedings. On March 23, 2021, the Family Court terminated the mother's parental rights after finding failure to plan adequately under 13 Del. C. § 1103(a)(5), satisfaction of the child's best interests, and reasonable reunification efforts. The mother appealed, counsel filed a no-merit brief and motion to withdraw, and DFS and the attorney ad litem moved to affirm.

DISPOSITION

affirmed

CASES CITED

- Long v. Div. of Family Servs., 41 A.3d 367, 370 (Del. 2012)
- Powell v. Dep't of Servs. for Children, Youth & Their Families, 963 A.2d 724, 731 (Del. 2008)
- CASA v. Dep't of Servs. for Children, Youth & Their Families, 834 A.2d 63, 66 (Del. 2003)
- Shepherd v. Clemens, 752 A.2d 533, 536-37 (Del. 2000)