

SUPREME COURT OF RHODE ISLAND

In re Carlos F. et al.

849 A.2d 364 (R.I. 2004) · No. No. 2002-718-Appeal · Decided June 10, 2004

SUMMARY

The Rhode Island Supreme Court affirmed a Family Court judgment terminating a mother's parental rights to five children based on chronic substance abuse and parental unfitness. The court held that the mother failed to establish that the maternal grandmother was a suitable placement and that the children's best interests supported their remaining in stable pre-adoptive homes.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Per Curiam; Williams, C.J.; Flanders, J.; Goldberg, J.
JURISDICTION	Rhode Island
DECIDED	June 10, 2004
DOCKET	No. 2002-718-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from a Family Court judgment terminating her parental rights to five children.
STANDARD OF REVIEW	The Supreme Court reviewed the record to determine whether the Family Court's findings were supported by legally competent evidence. Findings were entitled to great weight and would not be disturbed unless the trial justice overlooked or misconceived material evidence or was clearly wrong.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Luzcelina Feliciano 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
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Family Court erred by terminating the mother's parental rights after finding her unfit because of chronic substance abuse.
2. Whether the Family Court was required to consider placement of the children with their maternal grandmother based on the state's policy of preserving family ties.
3. Whether the Family Court properly determined that the children's best interests were served by allowing them to remain in their stable, familiar, pre-adoptive placements.

HOLDINGS

1. The termination of parental rights was proper because the Family Court's finding that the mother was unfit due to chronic substance abuse was supported by the record, and the statutory requirements for termination were satisfied.
2. Once a parent has been adjudged unfit, the burden shifts to the parent to prove that the proposed relative is an appropriate person for placement.
3. The Family Court did not abuse its discretion by refusing to place the children with the maternal grandmother and determining that their best interests were served by remaining in their stable, familiar, pre-adoptive homes.

KEY QUOTATIONS

"[O]nce a parent has been adjudged unfit, [however,] the balance shifts so that the 'best interests of the child outweigh all other considerations.'" (366)

"Although we recognize the importance of maintaining familial ties, the overriding consideration is the best interest of the child, not the interests of the state nor the natural parent, and most especially not the interests of a family member." (367)

FACTUAL BACKGROUND

The mother was arrested on a heroin-possession charge while accompanied by two children, who entered DCYF custody. She subsequently failed to cooperate with DCYF, repeatedly failed to complete substance-abuse treatment, and missed scheduled visits; additional children were removed from her custody. The mother proposed placement with the maternal grandmother, but the purported Puerto Rican home study was unauthenticated and incomplete, and no evidence established the suitability of the grandmother's Rhode Island home or her ability to care for the children.

PROCEDURAL HISTORY

The Department of Children, Youth and Families filed termination petitions concerning five children. After several days of testimony, the Family Court terminated the mother's parental rights under G.L. 1956 §§ 15-7-7(a)(2)(iii) and 15-7-7(a)(3). The Supreme Court of Rhode Island summarily decided the appeal after concluding that the parties had not shown cause why the appeal should not be resolved without further proceedings.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record shall be remanded to the Family Court.

CASES CITED

- In re Brianna D., 798 A.2d 413, 414 (R.I. 2002)
- In re Marcella, 834 A.2d 717, 718 (R.I. 2003)
- In re Nicole B., 703 A.2d 612, 615 (R.I. 1997)
- In re Kristen B., 558 A.2d 200, 203 (R.I. 1989)
- In re Kristina L., 520 A.2d 574, 579 (R.I. 1987)

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