

# SUPREME COURT OF RHODE ISLAND

## In re Domenic B.

Supreme Court No. 2019-360-Appeal (N 18-5118) · No. 2019-360-Appeal (N 18-5118) · Decided October 27, 2021

### SUMMARY

The Rhode Island Supreme Court affirmed a Family Court decree terminating Taressa B.'s parental rights to her son, Domenic B. The Court held that clear and convincing evidence supported findings of parental unfitness based on her failure to comply with reunification case plans and her refusal to prevent contact between Domenic and a known sex offender. The Court also determined that termination was in Domenic's best interests, while criticizing the Department of Children, Youth and Families for failing to protect Taressa when she was a minor.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Rhode Island                                                                                                                                                                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Associate Justice Erin Lynch Prata; Chief Justice Suttell; Justice Goldberg; Justice Robinson; Justice Lynch Prata; Justice Long                                                                                                                                                                                                                                                                                    |
| JURISDICTION          | Rhode Island                                                                                                                                                                                                                                                                                                                                                                                                        |
| DECIDED               | October 27, 2021                                                                                                                                                                                                                                                                                                                                                                                                    |
| DOCKET                | 2019-360-Appeal (N 18-5118)                                                                                                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Respondent mother appealed pro se from a Family Court decree terminating her parental rights to her son.                                                                                                                                                                                                                                                                                                            |
| STANDARD OF REVIEW    | The Supreme Court reviews termination-of-parental-rights rulings by examining whether the Family Court justice's findings are supported by legally competent evidence. Family Court findings receive great weight and will not be disturbed unless clearly wrong or unless the trial justice overlooked or misconceived material evidence. Parental unfitness must be established by clear and convincing evidence. |
| PRECEDENTIAL VALUE    | Published Rhode Island Supreme Court opinion; precedential value is not otherwise specified in the source.                                                                                                                                                                                                                                                                                                          |
| PARTIES               | Taressa B., respondent mother 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 welfare

## QUESTIONS PRESENTED

1. Whether the Family Court properly found respondent unfit to parent based on her failure to comply with reunification case plans and her lack of protective capacity.
2. Whether DCYF made reasonable efforts to reunify respondent with Domenic.
3. Whether termination of respondent's parental rights was in Domenic's best interests.
4. Whether the Family Court erred in relying on DCYF's designation of Annotti as a safety risk and in removing Domenic without exigent circumstances.
5. Whether the Family Court inadequately considered the evidence by rendering its decision too quickly.

## HOLDINGS

1. The Family Court properly found respondent unfit to parent Domenic by clear and convincing evidence because she failed to fully engage in required services, refused counseling and alternate housing, continued living with a known sex offender, and lacked the ability to protect Domenic.
2. The Family Court's finding that DCYF made reasonable efforts to reunify respondent with Domenic was supported by the record.
3. Termination of respondent's parental rights was in Domenic's best interests.
4. The Supreme Court would not disturb the Family Court's factual findings because they were supported by legally competent evidence and were not clearly wrong.

## KEY QUOTATIONS

*“The record demonstrates that respondent rejected concerns from DCYF and other providers that she needed to engage in mental-health counseling and leave Annotti’s home.” (9)*

*“We are satisfied that the trial justice appropriately determined that the termination of respondent’s parental rights was in the best interest of Domenic in order to provide him with the opportunity to have “a safe and nurturing environment in which to live, learn and grow.”” (10)*

*“In our opinion, DCYF certainly did not zealously advocate on behalf of the respondent and provide her with a safe environment.” (11)*

## FACTUAL BACKGROUND

Domenic was born in July 2017 while respondent was seventeen. Respondent planned to live with her stepfather, Domenic Annotti, whom DCYF had identified as having a history of child sexual abuse, including a conviction for second-degree child molestation. Although DCYF warned respondent that Annotti could not have contact

with Domenic and that respondent needed to live elsewhere, respondent and Domenic were found living in Annotti's home, and Domenic was removed and placed in nonrelative foster care. Respondent consistently participated in supervised visitation but refused counseling and alternate housing and continued living with Annotti, despite reunification case plans and repeated warnings that those circumstances prevented reunification. By trial, Domenic had lived with his foster family for nearly two years and had bonded with them.

## PROCEDURAL HISTORY

Domenic was removed from respondent's care shortly after birth after DCYF determined that respondent was living with a person identified as having a history of child sexual abuse. DCYF developed reunification case plans requiring, among other things, counseling and safe alternate housing, but respondent did not comply with those requirements. After a Family Court trial, the court found respondent unfit by clear and convincing evidence, determined termination was in Domenic's best interests, and entered a decree terminating her parental rights on July 2, 2019. The Rhode Island Supreme Court affirmed.

## DISPOSITION

affirmed

## CASES CITED

- In re Elana W., 249 A.3d 287, 292 (R.I. 2021)
- In re Violet G., 212 A.3d 160, 166 (R.I. 2019)
- In re Manuel P., 252 A.3d 1211, 1218-19 (R.I. 2021)
- In re Rylee A., 233 A.3d 1040, 1049 (R.I. 2020)
- In re James H., 181 A.3d 19, 27 (R.I. 2018)
- In re Alexis L., 972 A.2d 159, 170 (R.I. 2009)