

SUPREME COURT OF NORTH DAKOTA

In the Interest of M.M.C., I.R.C., W.A.C., W.L.C., Children

2017 ND 166 · No. Nos. 20170208, 20170209, 20170210, 20170211, 20170217, 20170218, 20170219, 20170220 · Decided July 12, 2017

SUMMARY

The North Dakota Supreme Court affirmed orders terminating the parental rights of the father and mother of four children. The court concluded the juvenile court’s findings were not clearly erroneous and summarily affirmed based on multiple independent statutory grounds.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Per Curiam; Gerald W. VandeWalle, C.J.; Daniel J. Crothers; Carol Ronning Kapsner; Lisa Fair McEvers; Jerod E. Tufte
JURISDICTION	North Dakota
DECIDED	July 12, 2017
DOCKET	Nos. 20170208, 20170209, 20170210, 20170211, 20170217, 20170218, 20170219, 20170220
DISPOSITION	affirmed
PROCEDURAL POSTURE	Separate appeals from a district judge’s order affirming a referee’s findings of fact and order terminating the parents’ parental rights and adopting the referee’s order.
STANDARD OF REVIEW	The Supreme Court concluded the juvenile court’s findings were not clearly erroneous. The appeals were summarily affirmed under N.D.R.App.P. 35.1(a)(2).
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential
PARTIES	M.M., Mother, J.C., Father v. Marlene Sorum, L.S.W., Petitioner

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 clear and convincing evidence supported findings that deprivation was likely to continue and that the children would likely suffer harm absent termination of the parents' parental rights.
2. Whether reasonable efforts had been made to prevent the children's removal or continued placement outside the parental home and to reunify the family.
3. Whether the parents subjected the children to aggravated circumstances under N.D.C.C. § 27-20-02(3).
4. Whether the juvenile court's termination order should be summarily affirmed.

HOLDINGS

1. The juvenile court's findings supporting termination of the parents' parental rights were not clearly erroneous.
2. Summary affirmance was appropriate because the juvenile court's findings were not clearly erroneous and the case fell within the applicable summary-affirmance rule.

FACTUAL BACKGROUND

The children had been placed outside the parental home, and the juvenile court determined that termination of the mother's and father's parental rights was warranted. The court found, by clear and convincing evidence, that deprivation was likely to continue, the children would likely suffer harm absent termination, and reasonable efforts had been made to prevent removal or continued out-of-home placement and to reunify the family. The juvenile court also found aggravated circumstances under N.D.C.C. § 27-20-02(3).

PROCEDURAL HISTORY

The juvenile court referee entered findings of fact and an order terminating the parents' parental rights. A district judge affirmed the referee's findings and order and adopted the referee's order. The mother and father separately appealed to the Supreme Court of North Dakota, which summarily affirmed.

DISPOSITION

affirmed

OPINION

PER CURIAM.

Filed 7/12/17 by Clerk of Supreme Court IN THE SUPREME COURT STATE OF NORTH DAKOTA 2017 ND 166 In the Interest of M.M.C., I.R.C., W.A.C., W.L.C., Children Marlene Sorum, L.S.W., Petitioner and Appellee v. M.M.C., I.R.C., W.A.C., W.L.C., Children, J.C., Father, Lisa Borseth, Guardian ad Litem, Christopher Jones, Director of ND Department of Human Services, Respondents and M.M., Mother, Respondent and Appellant Nos. 20170208, 20170209, 20170210, 20170211 and In the Interest of M.M.C., I.R.C., W.A.C., W.L.C., Children Marlene Sorum, L.S.W., Petitioner and Appellee v. M.M.C., I.R.C., W.A.C., W.L.C., Children, M.M.,

Mother, Lisa Borseth, Guardian ad Litem, Christopher Jones, Director of ND Department of Human Services, Respondents and J.C., Father, Respondent and Appellant Nos. 20170217, 20170218, 20170219, 20170220 Appeal from the Juvenile Court of Cass County, East Central, Judicial District, the Honorable Steven E. McCullough, Judge.

AFFIRMED. Per Curiam. Anna K. Wischer, Assistant State's Attorney, Fargo, ND, for petitioner and appellee. Jay R. Greenwood (on brief), Fargo, ND, for respondent and appellant, M.M., mother. Patrick J. Sinner (argued) and Gene W. Doeling (on brief), Fargo, ND, for respondent and appellant, J.C., father. Interest of M.M.C., I.R.C., W.A.C., W.L.C. Nos. 20170208 20170209, 20170210, 20170211 and 20170217, 20170218, 20170219, 20170220 Per Curiam. [¶1] J.C., the father, and M.M., the mother, appeal separately from a district judge's order affirming the referee's findings of fact and order terminating their parental rights, and adopting the referee's order. [¶2] J.C. argues the juvenile court erred in determining clear and convincing evidence supports a finding that (1) deprivation was likely to continue, (2) the children would likely suffer harm absent a termination of parental rights, and (3) reasonable efforts were made to prevent the continued placement of the children outside of the parental home.

M.M. argues the juvenile court erred in finding clear and convincing evidence supports a finding that (1) deprivation was likely to continue, (2) the children would likely suffer harm absent a termination of parental rights, and (3) reasonable efforts were made to prevent removal of the children and to reunify the family once the children were removed. M.M. also argues the district court erred in finding the parents subjected the children to "aggravated circumstances" under N.D.C.C. § 27-20-02(3). [¶3] The juvenile court found termination of the parental rights in this case is supported on three separate and independent grounds, each of which is sufficient to terminate parental rights.

See N.D.C.C. § 27-20-44(1). We conclude the juvenile court's findings are not clearly erroneous and summarily affirm under N.D.R.App.P. 35.1(a)(2) and N.D.C.C. §§ 27-20-44(1)(c)(1) and (2). [¶4] Gerald W. VandeWalle, C.J. Daniel J. Crothers Carol Ronning Kapsner Lisa Fair McEvers Jerod E. Tufte