

SUPREME COURT OF MONTANA

In the Matter of S.C., M.J., C.C., and K.C.

2003 MT 93 · No. No. 02-684 · Decided April 22, 2003

SUMMARY

The Montana Supreme Court affirmed the termination of a mother's parental rights to four children adjudicated as youths in need of care. The court held that substantial credible evidence supported the district court's finding that the mother's condition rendering her unfit to parent was unlikely to change within a reasonable time under § 41-3-609(1)(f), MCA.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Chief Justice Karla M. Gray; Justice James C. Nelson; Justice Patricia Cotter; Justice Jim Regnier; Justice Jim Rice
JURISDICTION	Montana
DECIDED	April 22, 2003
DOCKET	No. 02-684
DISPOSITION	affirmed
PROCEDURAL POSTURE	The birth mother appealed the Eighth Judicial District Court's order terminating her parental rights to four children.
STANDARD OF REVIEW	The court reviews factual findings supporting termination of parental rights for clear error and conclusions of law for correctness. The party seeking termination must prove by clear and convincing evidence every statutorily required finding.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion
PARTIES	Birth mother of S.C., M.J., C.C., and K.C. v. Montana Department of Public Health and Human Services

TOPICS

- termination of parental rights
- parental rights
- family law
- standard of review
- appellate procedure

PRACTICE AREAS

- family law
- termination of parental rights
- appellate procedure

QUESTIONS PRESENTED

1. Whether the district court clearly erred in finding that the condition rendering the mother unfit to parent was unlikely to change within a reasonable time.

HOLDINGS

1. The district court did not clearly err in finding that the mother's unfitness was unlikely to change within a reasonable time, and termination of her parental rights was proper.
2. Because parental care and custody constitute a fundamental liberty interest, the party seeking termination must establish by clear and convincing evidence every statutorily required finding for termination.

KEY QUOTATIONS

“A parent's right to care and custody of her child is a fundamental liberty interest which must be protected by fundamentally fair procedures.” (¶ 18)

“Despite the undisputed evidence that the mother loves S.C., M.J., C.C. and K.C., the District Court's conclusion that the condition rendering her unfit to parent them are unlikely to change within a reasonable time is correct, based on this record.” (¶ 24)

FACTUAL BACKGROUND

The Department removed three children after observing severely unsanitary and dangerous living conditions, inadequate supervision, and recurring concerns about the children's hygiene, school attendance, and safety. The children were later removed again after two were found locked out of the home, and a fourth child was placed in foster care at birth. Although the mother completed the court-approved treatment plan, psychological and social-work evidence showed that her limited intellectual functioning, personality disorder, depression, and limited ability to apply learned parenting skills prevented her from safely parenting the children. The district court found that the condition rendering her unfit was unlikely to change within a reasonable time.

PROCEDURAL HISTORY

The Department of Public Health and Human Services removed three children from the mother's custody based on physical neglect, later placed a fourth child in foster care at birth, and obtained an order terminating the mother's parental rights. The mother appealed, challenging the finding that the condition rendering her unfit was unlikely to change within a reasonable time. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re C.R.O., 2002 MT 50, ¶ 10, 309 Mont. 48, 43 P.3d 913

