

DISTRICT OF COLUMBIA COURT OF APPEALS

In re A.I.; I.I.

211 A.3d 1116 (D.C. 2019) · No. 17-FS-1090 · Decided July 11, 2019

SUMMARY

The District of Columbia Court of Appeals reviewed an interlocutory appeal challenging a change in the permanency goal for a neglected child from reunification with the birth mother to adoption. The court held that the government proved by a preponderance of the evidence that it provided a reasonable reunification plan, made reasonable efforts to assist the mother, and that the mother failed to make adequate progress toward the plan’s requirements. The court affirmed the trial court’s decision.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Blackburne-Rigsby, Chief Judge; Easterly, Associate Judge; Washington, Senior Judge
JURISDICTION	District of Columbia
DECIDED	July 11, 2019
DOCKET	17-FS-1090
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from the Superior Court's affirmance of a magistrate judge's decision changing the permanency goal for A.I. from reunification with his mother, I.I., to adoption.
STANDARD OF REVIEW	The court reviews the decision to change a permanency goal for abuse of discretion, legal conclusions de novo, and factual findings for clear error. Although the appeal was from the associate judge's order, the appellate court reviewed the magistrate judge's underlying findings and conclusions.
PRECEDENTIAL VALUE	Published precedential opinion of the District of Columbia Court of Appeals.
PARTIES	I.I. v. District of Columbia

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the government provided I.I. with a reasonable plan for achieving reunification.
2. Whether CFSA made reasonable efforts to assist I.I. in addressing the barriers to reunification.
3. Whether I.I. failed to make adequate progress toward the reunification goals.
4. Whether the trial court abused its discretion by changing A.I.'s permanency goal from reunification to adoption.

HOLDINGS

1. A reunification plan is reasonable when it identifies the barriers to reunification, establishes specific goals addressing those barriers, and provides appropriate service referrals. A parent's refusal to participate in case planning or sign the plan does not invalidate the plan when the parent was given meaningful opportunities to participate and was informed of its requirements.
2. To satisfy the reasonable-efforts requirement, CFSA must identify the barriers to reunification, prepare a case plan recommending services tailored to the child and family, refer the parent to appropriate providers, and actively encourage, facilitate, and support the parent's access to and participation in those services. Reasonable efforts are assessed by examining the agency's efforts, not the parent's compliance.
3. A parent has not made adequate progress toward reunification when the parent fails to satisfy the principal treatment and visitation requirements of the reunification plan and remains unable to address the conditions that led to the child's removal.
4. When the government proves by a preponderance of the evidence that it provided a reasonable reunification plan, made reasonable efforts, and the parent failed to make adequate progress, a change from reunification to adoption is presumptively consistent with the child's best interests.

KEY QUOTATIONS

“Under the DC ASFA, “reasonable efforts” may vary from case to case. However, in each case, “reasonable efforts” requires the District to identify the barriers to reunification and prepare a case plan by recommending appropriate services designed to address the needs of each child and family.” (at 19-20)

“In order to satisfy “reasonable efforts” required under District of Columbia law, CFSA must refer the parent(s) to appropriate service providers who can assist them in ameliorating the barriers to reunification.” (at 19-20)

““Reasonable efforts” is determined by an examination of the agency’s efforts, not the parent’s compliance.” (at 20)

“Compelling I.I. to participate in treatment, or exerting control over I.I. greater than the encouragement and facilitation that CFSA offered, would have infringed upon I.I.’s constitutional rights.” (at 28-29)

FACTUAL BACKGROUND

I.I. was involuntarily committed in July 2015 because of symptoms and behavior arising from untreated mental illness, and her five-year-old son A.I. was placed in CFSA custody because no caregiver was available. After A.I. was adjudicated neglected, the court made reunification contingent on I.I.'s mental-health treatment and regular supervised visitation. I.I. attended only a few psychiatric appointments, declined or discontinued treatment and medication, denied having a mental illness, and attended visits inconsistently. The magistrate judge found that CFSA provided a reasonable reunification plan and reasonable assistance, but that I.I. failed to make adequate progress toward reunification.

PROCEDURAL HISTORY

A.I. was adjudicated neglected after I.I.'s untreated mental illness impaired her ability to care for him. The trial court initially established reunification as the permanency goal and ordered I.I. to obtain mental-health treatment and maintain visitation. After I.I. failed to participate consistently in treatment and visitation, the government sought a goal change to adoption. Following *In re Ta.L.*, the magistrate judge held a retroactive evidentiary hearing and again ordered the goal changed; an associate judge affirmed, and the District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- *In re Ta.L.*, 149 A.3d 1060 (D.C. 2016) (en banc)
- *In re K.C.*, 200 A.3d 1216 (D.C. 2019)
- *In re J.O.*, 176 A.3d 144 (D.C. 2018)
- *In re H.C.*, 187 A.3d 1254, 1264 (D.C. 2018)
- *In re J.M.*, 193 A.3d 773 (D.C. 2018)
- *In re P.D.J.K.*, 182 A.3d 1234, 1238 (D.C. 2018)
- *In re M.V.H.*, 143 A.3d 94, 102 (D.C. 2016)
- *In re K.C.*, 151 Cal. Rptr. 3d 161, 166 (Cal. Ct. App. 2012)
- *Tracy J. v. Superior Court*, 136 Cal. Rptr. 3d 505, 513 (Cal. Ct. App. 2012)
- *Jenkins v. United States*, 80 A.3d 978, 991 (D.C. 2013)
- *Washington v. Harper*, 494 U.S. 210, 228 (1990)
- *In re A.C.*, 573 A.2d 1235, 1247 (D.C. 1990)