

ALASKA SUPREME COURT

Charles S. v. Department of Health & Social Services, Office of Children's Services

442 P.3d 780 (Alaska 2019) · Decided June 14, 2019

SUMMARY

The Alaska Supreme Court reviewed the termination of Charles S.'s and Marian V.'s parental rights to three children in state custody. It held that the superior court clearly erred in finding Charles had failed to remedy the conduct that placed the children at substantial risk of harm, reversing the termination of his parental rights. Because that determination could affect the best-interests analysis concerning Marian, the court vacated the termination of her parental rights and remanded for further proceedings.

CASE DETAILS

COURT	Alaska Supreme Court
WRITING FOR THE COURT	Stowers, Justice; Bolger; Carney; Maassen; Stowers; Winfree
JURISDICTION	Alaska
DECIDED	June 14, 2019
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Parents appealed a superior court order terminating their parental rights to children in OCS custody. They challenged the findings that they failed to remedy the conduct placing the children at substantial risk of harm, that termination was in the children's best interests, and, as to Charles, that OCS made reasonable efforts to reunify the family.
STANDARD OF REVIEW	The court reviewed factual findings concerning failure to remedy conduct and the children's best interests for clear error. Findings are clearly erroneous when review of the entire record leaves the court with a definite and firm conviction that a mistake has been made; the court does not reweigh evidence or second-guess supported credibility determinations.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential
PARTIES	Charles S., Marian V. v. Department of Health & Social Services, Office of Children's Services

TOPICS

termination of parental rights

parental rights

family law procedure

child custody

family law

PRACTICE AREAS

family law

child welfare

termination of parental rights

QUESTIONS PRESENTED

1. Whether the superior court clearly erred by finding that Charles failed to remedy within a reasonable time the conduct that placed the children at substantial risk of harm.
2. Whether the superior court clearly erred by finding that Marian failed to remedy within a reasonable time the conduct that placed the children at substantial risk of harm.
3. Whether the superior court clearly erred by finding that termination of the parents' rights was in the children's best interests.
4. Whether OCS made reasonable efforts to reunify Charles with the children.

HOLDINGS

1. The superior court clearly erred in finding that Charles failed to remedy his substance-abuse conduct. Two years of sobriety, successful completion of treatment, lack of relapse, engagement in services, and other record evidence established that he remedied the conduct underlying the CINA adjudication.
2. The record did not contain clear and convincing evidence, nor sufficient factual findings, establishing that Charles failed to remedy neglect or domestic-violence-related conduct. The superior court's references to some supporting evidence did not satisfy the statutory clear-and-convincing-evidence requirement.
3. The superior court did not clearly err by finding that Marian failed to remedy within a reasonable time the conduct placing the children at substantial risk of harm.
4. The court did not decide that the superior court's best-interests finding was clearly erroneous, but vacated that finding as to Marian for reconsideration because Charles's parental rights were reversed and that change could materially affect the analysis.
5. The court declined to address Charles's challenge to the reasonable-efforts finding because reversal of the termination of his parental rights made resolution unnecessary.

KEY QUOTATIONS

“Although sobriety alone may not always be sufficient for a parent to demonstrate he has remedied his conduct, Charles was also actively engaged in therapy, parenting classes, and visitation with his children.” (789-790)

“But even if a neglect finding was intended, the court's termination order does not satisfy the requirements of the CINA statute - stating that there is “evidence presented to support findings” does not equate to finding neglect by clear and convincing evidence.” (791)

“Because we are reversing the termination of Charles's parental rights to Sierra and Chase, it may no longer be in the children's best interests to terminate their legal relationship with their mother, especially if Charles and Marian intend to maintain their relationship and co-parent their children.” (794)

FACTUAL BACKGROUND

OCS took custody of three children in January 2015 because of Charles's longstanding methamphetamine abuse and Marian's mental health difficulties. Charles later completed inpatient and outpatient substance-abuse treatment and remained sober for approximately two years before trial, while both parents engaged in therapy, parenting education, and other services after moving to Washington. OCS nevertheless continued to identify concerns about Marian's emotional regulation and the parents' ability to safely parent all of the children together. The parents prepared their Washington home and support network for reunification, but the children remained in OCS custody and the superior court terminated both parents' rights.

PROCEDURAL HISTORY

OCS removed the children from the parents' care in January 2015 and the parents stipulated in May 2015 that the children were in need of aid based on Charles's substance abuse and Marian's mental health issues. OCS petitioned to terminate parental rights in June 2016; after delay and a continuance, a seven-day termination trial occurred from February through April 2018. The superior court terminated both parents' rights in June 2018. The Alaska Supreme Court reversed the termination of Charles's rights, vacated the termination of Marian's rights, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The superior court must reconsider the best-interests finding concerning Marian in light of the reversal of Charles's termination. OCS must promptly re-engage with both parents and provide reunification efforts, including visitation. The superior court and OCS were directed to expedite further proceedings.

CASES CITED

- Sherman B. v. State, Department of Health & Social Services, Office of Children's Services, 290 P.3d 421, 427-28 (Alaska 2012)
- Barbara P. v. State, Department of Health & Social Services, Office of Children's Services, 234 P.3d 1245, 1253, 1260 (Alaska 2010)
- Maisy W. v. State ex rel. Department of Health & Social Services, Office of Children's Services, 175 P.3d 1263, 1267 & n.10 (Alaska 2008)
- Christina J. v. State, Department of Health & Social Services, Office of Children's Services, 254 P.3d 1095, 1104-05 (Alaska 2011)
- Martin N. v. State, Department of Health & Social Services, Division of Family & Youth Services, 79 P.3d 50, 53 (Alaska 2003)

- V.S.B. v. State, Department of Health & Social Services, Division of Family & Youth Services, 45 P.3d 1198, 1208 (Alaska 2002)
- Sherry R. v. State, Department of Health & Social Services, Division of Family & Youth Services, 74 P.3d 896, 898, 902-03 (Alaska 2003)
- Christopher C. v. State, Department of Health & Social Services, Office of Children's Services, 303 P.3d 465, 475-76 (Alaska 2013)
- Neal M. v. State, Department of Health & Social Services, Office of Children's Services, 214 P.3d 284, 292 (Alaska 2009)
- Burke P. v. State, Department of Health & Social Services, Office of Children's Services, 162 P.3d 1239, 1244 (Alaska 2007)
- Duke S. v. Department of Health & Social Services, Office of Children's Services, 433 P.3d 1127, 1134 (Alaska 2018)
- Hannah B. v. State, Department of Health & Social Services, Office of Children's Services, 289 P.3d 924, 930 (Alaska 2012)
- Thea G. v. State, Department of Health & Social Services, Office of Children's Services, 291 P.3d 957, 966 (Alaska 2013)
- Kent V. v. State, Department of Health & Social Services, Office of Children's Services, 233 P.3d 597, 603 (Alaska 2010)
- Craig v. McBride, 639 P.2d 303, 306 (Alaska 1982)