

COURT OF APPEALS OF GEORGIA

In the Interest of A. G.

293 Ga. App. 383 (2008) · Decided August 22, 2008

SUMMARY

The Georgia Court of Appeals affirmed the termination of a mother’s parental rights to two children. The court held that clear and convincing evidence supported findings of deprivation, continuing parental misconduct or inability, likely serious harm from continued deprivation, and that termination was in the children’s best interests. The evidence included the mother’s failure to comply with reunification services, provide stable housing and employment, or develop a parental bond, despite extensive assistance from DFACS.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Georgia                                                                                                                                                                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Ellington, Judge; Blackburn, Presiding Judge; Miller, Judge                                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | Georgia                                                                                                                                                                                                                                                                                                                                                                              |
| DECIDED               | August 22, 2008                                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | The mother appealed a juvenile court order terminating her parental rights to A. G. and K. G., arguing that the evidence was insufficient to support termination.                                                                                                                                                                                                                    |
| STANDARD OF REVIEW    | The appellate court views the evidence in the light most favorable to the juvenile court's disposition and asks whether any rational trier of fact could have found by clear and convincing evidence that the parent's rights should be terminated. The appellate court does not weigh the evidence or determine witness credibility and defers to the juvenile court's factfinding. |
| PRECEDENTIAL VALUE    | published opinion                                                                                                                                                                                                                                                                                                                                                                    |
| PARTIES               | Mother of A. G. and K. G. v. Brooks County Department of Family and Children Services                                                                                                                                                                                                                                                                                                |

TOPICS

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

## PRACTICE AREAS

family law

juvenile law

termination of parental rights

appellate procedure

## QUESTIONS PRESENTED

1. Whether clear and convincing evidence supported the finding that A. G. and K. G. were deprived at the time of the termination hearing.
2. Whether the mother's lack of proper parental care or control caused the children's deprivation.
3. Whether the cause of the deprivation was likely to continue.
4. Whether continued deprivation was likely to cause the children serious physical, mental, emotional, or moral harm.
5. Whether termination of the mother's parental rights was in the children's best interests.

## HOLDINGS

1. The evidence supported the juvenile court's finding that the children remained deprived at the time of the termination hearing.
2. Clear and convincing evidence supported the finding that the mother's lack of proper parental care or control caused the children's deprivation.
3. The evidence supported the finding that the cause of the children's deprivation was likely to continue.
4. Clear and convincing evidence supported the finding that continued deprivation was likely to cause the children serious physical, mental, emotional, or moral harm.
5. The juvenile court properly found that termination of the mother's parental rights was in the children's best interests.

## KEY QUOTATIONS

*“In reviewing a juvenile court’s decision to terminate parental rights, we view the evidence in the light most favorable to the juvenile court’s disposition and determine whether any rational trier of fact could have found by clear and convincing evidence that the natural parent’s rights to custody should be terminated.”* (293 Ga. App. at 383-384)

*“The decision as to a child’s future must rest on more than positive promises which are contrary to negative past fact.”* (293 Ga. App. at 387)

*“Thus, we conclude that the juvenile court did not err in finding that termination of the mother’s parental rights was in the children’s best interests.”* (293 Ga. App. at 388)

## FACTUAL BACKGROUND

The children were removed from their mother's custody because of deplorable and unsafe home conditions, family conflict, and the mother's failure to correct the problems despite extensive assistance from DFACS. Over approximately three and a half years, the mother failed to make significant progress on reunification requirements, including obtaining stable employment and housing, completing educational and parenting

programs, and developing a relationship with the children. The children rarely visited with her, lacked a parental bond with her, and were doing well and were bonded with their foster parents, who wanted to adopt them.

#### **PROCEDURAL HISTORY**

The Juvenile Court of Brooks County previously adjudicated A. G. and K. G. deprived and placed them in the temporary custody of the Department of Family and Children Services. After more than three years of services and reunification efforts, the juvenile court terminated the mother's parental rights on December 7, 2007. The mother appealed, and the Court of Appeals of Georgia affirmed.

#### **DISPOSITION**

affirmed

#### **CASES CITED**

- In the Interest of T. L., 279 Ga. App. 7, 10 (630 SE2d 154) (2006)
- In the Interest of C. J., 279 Ga. App. 213, 216-218 (1) (630 SE2d 836) (2006)
- In the Interest of R. C. M., 284 Ga. App. 791, 798 (III) (1) n. 6 (645 SE2d 363) (2007)
- In the Interest of A. K., 272 Ga. App. 429, 438 (1) (d) (612 SE2d 581) (2005)