

SUPREME COURT OF SOUTH DAKOTA

In the Matter of M.V., Alleged Abused/Neglected Child

2011 S.D. 81 · No. #25665 · Decided December 7, 2011

SUMMARY

The South Dakota Supreme Court affirmed an adjudication that M.V. was an abused or neglected child under SDCL 26-8A-2(1) and (3). The court held that separate findings regarding the mother’s culpability were not required because the adjudication concerns the child’s status, not an individual parent’s culpability. The court also held that the evidence supported the finding of abuse or neglect and that no additional finding under SDCL 26-8A-2(5) was necessary.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Justice Zinter; Chief Justice Gilbertson; Justice Konenkamp; Justice Wilbur; Justice Severson
JURISDICTION	South Dakota
DECIDED	December 7, 2011
DOCKET	#25665
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed rulings in a South Dakota abuse and neglect proceeding, including the adjudication that the child was abused or neglected and the circuit court's refusal to make separate culpability findings concerning Mother and Father.
STANDARD OF REVIEW	Whether a child has been abused or neglected is reviewed for clear error. The Supreme Court gives due regard to the circuit court's opportunity to assess witness credibility and will not disturb the findings absent a definite and firm conviction that a mistake has been made.
PRECEDENTIAL VALUE	Published South Dakota Supreme Court opinion; precedential.
PARTIES	Mother Y.Z. v. State of South Dakota

TOPICS

- parental rights
- family law procedure
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

child welfare

abuse and neglect

juvenile law

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the circuit court was required to make separate findings regarding Mother's and Father's culpability.
2. Whether the circuit court clearly erred in finding that the child was abused or neglected.
3. Whether the circuit court was required to make an alternative finding under SDCL 26-8A-2(5).

HOLDINGS

1. Separate findings regarding Mother's relative culpability were not required because an abuse or neglect adjudication determines the status or condition of the child, not the culpability of a particular parent, guardian, or custodian.
2. The circuit court did not clearly err in finding that the child was abused or neglected.
3. The circuit court was not required to make an additional finding under SDCL 26-8A-2(5) because proof of any one statutory subsection is sufficient to sustain an adjudication of abuse or neglect.

KEY QUOTATIONS

“An “[a]djudication of a child as an abused or neglected child is an adjudication of the status or condition of the child who is the subject of the proceedings and is not necessarily an adjudication against or in favor of any particular parent, guardian, or custodian of the child.”” (¶ 12)

“We have previously held that proof of any one of the subsections of the abuse and neglect statute standing alone is sufficient to sustain adjudication of abuse or neglect.” (¶ 18)

FACTUAL BACKGROUND

M.V., a one-month-old infant, developed extensive bruising, subdural and subarachnoid hemorrhaging, cerebral swelling, and respiratory failure while in Father's care. Multiple physicians diagnosed the injuries as consistent with non-accidental trauma, including abusive head trauma and forceful handling. The State took custody and initiated abuse and neglect proceedings; the child was later placed with Mother for trial reunification and returned to her under protective supervision.

PROCEDURAL HISTORY

The State filed an abuse and neglect petition after the infant child suffered severe injuries diagnosed as non-accidental trauma. The circuit court adjudicated the child abused or neglected under SDCL 26-8A-2(1) and (3), but not subsection (5), later dismissed the action as to Mother after a period of supervised reunification, and ultimately dismissed it as to Father as well. Mother appealed, and the South Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- DeHaven v. Hall, 2008 S.D. 57, ¶ 38, 753 N.W.2d 429, 441
- Fin-Ag, Inc. v. Pipestone Livestock Auction Mkt., Inc., 2008 S.D. 48, ¶ 21 n.13, 754 N.W.2d 29, 40 n.13
- Davies v. Toms, 75 S.D. 273, 281, 63 N.W.2d 406, 410 (1954)
- People ex rel. D.A.J., 2008 S.D. 92, ¶ 13, 757 N.W.2d 70, 74
- In re S.L., 419 N.W.2d 689, 693 (S.D. 1988)

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