

SUPREME COURT OF UTAH

L.G. v. State

2015 UT 41 (2015) · No. 20130863 · Decided March 27, 2015

SUMMARY

The Utah Supreme Court held that a juvenile court must order reasonable reunification services for an incarcerated parent only when reunification with that parent is consistent with the child’s primary permanency goal. Because the permanency goal initially involved reunification with the father and was later changed to adoption, the juvenile court was not required to provide reunification services to the mother or make a separate detriment finding. The court reversed the Utah Court of Appeals and remanded for consideration of the mother’s remaining argument concerning alleged abuse by the foster parents.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Parrish; Chief Justice Durrant; Associate Chief Justice Lee; Justice Durham; Judge Paul G. Maughan, sitting by designation
JURISDICTION	Utah
DECIDED	March 27, 2015
DOCKET	20130863
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Guardian ad Litem petitioned for certiorari review of the Utah Court of Appeals' decision reversing the juvenile court's denial of reunification services to L.G. and the termination of her parental rights.
STANDARD OF REVIEW	On certiorari, the Utah Supreme Court reviews the court of appeals' decision for correctness. Questions of statutory construction are also reviewed for correctness.
PRECEDENTIAL VALUE	Published, precedential opinion of the Utah Supreme Court
PARTIES	State of Utah, in the interest of A.T. and J.B.J., persons under eighteen years of age, through the Guardian ad Litem v. L.G., State of Utah

TOPICS

termination of parental rights

parental rights

family law procedure

statutory interpretation

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether L.G.'s argument that the juvenile court failed to provide reasonable reunification services was preserved despite her failure to request services at the dispositional hearing.
2. Whether Utah Code section 78A-6-312(24) requires a juvenile court to consider reunification services and make a detriment determination for an incarcerated parent when the primary permanency goal does not contemplate reunification with that parent.

HOLDINGS

1. L.G.'s claim was timely and preserved because she presented it to the juvenile court at the termination hearing, and the dispositional hearing was not a final or appealable order.
2. A juvenile court must order reasonable reunification services for an incarcerated parent only when reunification with that parent is consistent with the primary permanency goal established by the court. If the primary permanency goal does not contemplate reunification with that parent, the requirements of Utah Code section 78A-6-312(24), including the detriment analysis, do not apply.

KEY QUOTATIONS

“A juvenile court must order reasonable services for an incarcerated parent only when reunification is consistent with the primary permanency goal established by the court.” (¶ 15)

“Utah Code section 78A-6-312 directs juvenile courts to order reasonable reunification services for an incarcerated parent when the services are consistent with the primary permanency goal set by the court.” (¶ 22)

FACTUAL BACKGROUND

L.G., the biological mother of A.T. and J.B.J., was incarcerated after a drug conviction and sentence of one to fifteen years. She arranged for J.B., the custodial father and stepfather to one child, to care for the children, but he was later arrested on drug-related charges and the children were placed in foster care. The juvenile court initially established reunification with Father as the primary permanency goal, later changed the goal to adoption after Father failed to comply with his case plan, and terminated both parents' parental rights. L.G. had not requested reunification services or inclusion in the initial reunification permanency goal before the termination hearing.

PROCEDURAL HISTORY

The juvenile court adjudicated the children neglected, established reunification with Father as the primary permanency goal, later changed the goal to adoption after Father's incarceration and failure to comply with his case plan, and terminated both parents' parental rights. The Utah Court of Appeals reversed as to L.G., concluding that the juvenile court was required to determine on the record whether reunification services would be detrimental to the children. The Utah Supreme Court granted certiorari, reversed the court of appeals, and remanded for consideration of L.G.'s separate argument concerning alleged abuse by the foster parents.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Utah Court of Appeals and remand for that court to consider L.G.'s additional argument concerning allegations of child abuse by the children's foster parents.

CASES CITED

- Harold Selman, Inc. v. Box Elder County, 2011 UT 18, ¶ 15, 251 P.3d 804
- Anderson v. United Parcel Service, 2004 UT 57, ¶ 7, 96 P.3d 903
- Patterson v. Patterson, 2011 UT 68, ¶ 12, 266 P.3d 828
- J.M.W. v. T.I.Z. (In re Adoption of Baby E.Z.), 2011 UT 38, ¶ 25, 266 P.3d 702
- A.O. v. State (State ex rel. K.F.), 2009 UT 4, ¶ 37, 201 P.3d 985
- C.M.F. v. State (State ex rel. A.F.), 2007 UT 69, ¶¶ 6, 8, 167 P.3d 1070
- State v. Watkins, 2013 UT 28, ¶ 18, 309 P.3d 209
- Marion Energy, Inc. v. KFJ Ranch Partnership, 2011 UT 50, ¶ 14, 267 P.3d 863
- State v. Barrett, 2005 UT 88, ¶ 29, 127 P.3d 682
- L.G. v. State (State ex rel. A.T.), 2013 UT App 184, ¶¶ 14-16, 307 P.3d 672