

SUPREME COURT OF RHODE ISLAND

In re Donnell R-H, Jr.

No. 2021-16-Appeal (P 18-3640) · No. 2021-16-Appeal (P 18-3640); No. 21-6 · Decided June 15, 2022

SUMMARY

The Rhode Island Supreme Court affirmed a Family Court decree terminating the respondent mother's parental rights to her son under G.L. 1956 § 15-7-7(a)(3). The Court held that clear and convincing evidence supported findings that the child had been in DCYF custody for more than twelve months, reunification was not substantially probable within a reasonable time, and termination was in the child's best interests. The Court did not reach the separate substance-use ground because the § 15-7-7(a)(3) ground independently supported termination.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Melissa A. Long; Chief Justice Suttell; Justice Goldberg; Justice Robinson; Justice Lynch Prata; Justice Long
JURISDICTION	Rhode Island
DECIDED	June 15, 2022
DOCKET	2021-16-Appeal (P 18-3640); No. 21-6
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent mother appealed a Family Court decree terminating her parental rights to her son under R.I. Gen. Laws § 15-7-7(a)(3) and related statutory grounds. The Supreme Court summarily decided the appeal after directing the parties to show cause why the issues should not be summarily decided.
STANDARD OF REVIEW	The Supreme Court reviews termination-of-parental-rights findings to determine whether they are supported by legal and competent evidence. The findings receive great weight and will not be disturbed unless clearly wrong or the trial justice overlooked or misconceived material evidence; the findings must be supported by clear and convincing evidence.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Rondelle H., respondent mother v. Department of Children, Youth, and Families

TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

standard of review

PRACTICE AREAS

family law

termination of parental rights

child welfare

QUESTIONS PRESENTED

1. Whether the Family Court clearly erred in finding the respondent mother unfit under R.I. Gen. Laws § 15-7-7(a)(3) because Donnell had been in DCYF custody for at least twelve months, services had been offered or received, and there was no substantial probability of safe reunification within a reasonable period.
2. Whether the Family Court clearly erred in finding that termination of the mother's parental rights was in Donnell's best interests.
3. Whether the Supreme Court needed to reach the alternative chronic-substance-abuse ground under R.I. Gen. Laws § 15-7-7(a)(2)(iii) after affirming termination under subsection (a)(3).

HOLDINGS

1. The Family Court properly found the respondent mother unfit under R.I. Gen. Laws § 15-7-7(a)(3), because Donnell had been in DCYF custody and care for at least twelve months, the mother had been offered or received services, and there was not a substantial probability that Donnell could safely return to her care within a reasonable period considering his age and need for permanency.
2. The Family Court properly found that termination of the respondent mother's parental rights was in Donnell's best interests.
3. Because the Supreme Court affirmed the finding of unfitness under § 15-7-7(a)(3), it did not need to address whether the mother's chronic substance-use disorder independently supported termination under § 15-7-7(a)(2)(iii).

KEY QUOTATIONS

“These findings are entitled to great weight, and this Court will not disturb them unless they are clearly wrong or the trial justice overlooked or misconceived material evidence.” (9)

“The respondent’s love for Donnell is abundantly clear, even from the pages of a “cold” record.” (13)

“Donnell is “entitled to permanency; [he] should not have to wait for an indeterminate period of time” for respondent to reunify with him.” (14)

FACTUAL BACKGROUND

Donnell was born in April 2016 and tested positive for THC at birth. After DCYF became involved, the mother continued to struggle with substance-use disorder and mental-health issues, including repeated positive marijuana screens, a disputed cocaine-positive screen, inconsistent treatment attendance, and inadequate

progress under multiple case plans. Donnell was removed from his parents' care in June 2016 and had spent all but two months of his life in foster care by the time of the Supreme Court's decision. His current foster family, with whom he had bonded and who wished to adopt him, provided a safe and stable preadoptive home.

PROCEDURAL HISTORY

DCYF filed a petition to terminate the parental rights of Donnell's parents in June 2018. Following a multi-day trial, the Family Court found by clear and convincing evidence that the mother was unfit, that Donnell had been in DCYF custody for at least twelve months, that reunification was not substantially probable within a reasonable period, and that termination was in Donnell's best interests. The decree entered October 26, 2020, and the mother timely appealed; the Supreme Court affirmed and remanded the record to Family Court.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record was remanded to the Family Court following affirmance of the termination decree.

CASES CITED

- In re Gelvin B., 251 A.3d 503, 508-09, 511 (R.I. 2021)
- In re Violet G., 212 A.3d 160, 166-67 (R.I. 2019)
- In re Destiny D., 922 A.2d 168, 172 (R.I. 2007)
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- In re Pricillion R., 971 A.2d 599, 604 (R.I. 2009)
- In re Victoria L., 950 A.2d 1168, 1174 (R.I. 2008)
- In re Elana W., 249 A.3d 287, 293 (R.I. 2021)
- In re Brooklyn M., 933 A.2d 1113, 1122 (R.I. 2007)
- In re Davyon G., 10 A.3d 448, 455 (R.I. 2010)
- In re William, Susan, and Joseph, 448 A.2d 1250, 1251 (R.I. 1982)
- In re Alexis L., 972 A.2d 159, 170 (R.I. 2009)
- In re Eric K., 756 A.2d 769, 772 (R.I. 2000)
- In re Shawn M., 898 A.2d 102, 108 (R.I. 2006)