

SUPREME COURT OF WYOMING

In the Matter of the Termination of Parental Rights to HLL and KGS, Minor Children: CLB v. State of Wyoming, Department of Family Services

2016 WY 43 (Wyo. 2016) · No. S-15-0211 · Decided April 12, 2016

SUMMARY

The Wyoming Supreme Court affirmed the termination of a mother's parental rights to two minor children under Wyo. Stat. Ann. §§ 14-2-309(a)(iv) and (v). The Court held that the district court had subject matter jurisdiction, that the Wyoming Rules of Civil Procedure apply to termination proceedings, and that the district court properly denied the mother's motion to set aside default. The Court also concluded that the Department presented clear and convincing evidence supporting termination.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Davis, Justice; Burke, C.J.; Hill, J.; Davis, J.; Fox, J.; Kautz, J.
JURISDICTION	Wyoming
DECIDED	April 12, 2016
DOCKET	S-15-0211
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed a district court order terminating her parental rights to two minor children after the clerk entered her default for failing to timely answer or otherwise defend. The district court denied her motion to set aside the entry of default, conducted a termination hearing at which the Department presented evidence, and entered the termination order.
STANDARD OF REVIEW	Subject matter jurisdiction and interpretation of statutes and procedural rules are reviewed de novo. The denial of a motion to set aside an entry of default is reviewed for abuse of discretion. Sufficiency of the evidence supporting termination is reviewed under traditional evidentiary principles, viewing the evidence in the light most favorable to the prevailing party and requiring clear and convincing evidence because parental rights are fundamental.

PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential
PARTIES	CLB v. State of Wyoming, Department of Family Services

TOPICS

termination of parental rights parental rights family law procedure default subject matter jurisdiction

PRACTICE AREAS

family law termination of parental rights civil procedure appellate procedure constitutional law

QUESTIONS PRESENTED

1. Whether the district court had subject matter jurisdiction over the termination proceeding.
2. Whether Wyoming Rule of Civil Procedure 55 applies in parental-rights termination proceedings.
3. Whether the district court abused its discretion by denying Mother's motion to set aside the entry of default.
4. Whether clear and convincing evidence supported termination of Mother's parental rights under Wyo. Stat. Ann. § 14-2-309(a)(iv) and (v).

HOLDINGS

1. The district court had subject matter jurisdiction over the termination proceeding because the Department's petition stated a case within the general class of proceedings over which the district court has authority and the Department was authorized to file the petition.
2. The Wyoming Rules of Civil Procedure, including Rule 55 governing default, apply to parental-rights termination proceedings.
3. A clerk may enter default under W.R.C.P. 55(a), but a district court may not enter a default judgment terminating parental rights without holding the required hearing and receiving clear and convincing evidence establishing a statutory ground for termination.
4. The district court did not abuse its discretion by denying Mother's motion to set aside the entry of default because she failed to establish good cause.
5. Clear and convincing evidence established that Mother was incarcerated due to a felony conviction and was unfit to have custody and control of HLL and KGS, supporting termination under § 14-2-309(a)(iv).

KEY QUOTATIONS

“However, a default judgment that terminates the rights of the parent cannot be entered by the district court without (1) holding the required hearing and (2) the Department presenting clear and convincing evidence of the grounds to terminate the parental rights, all in accordance with §§ 14-2-308 et seq.” (¶ 29)

“Accordingly, there was more than sufficient evidence for the district court to terminate Mother’s parental rights pursuant to Wyo. Stat. Ann. § 14-2-309(a)(iv).” (¶ 45)

FACTUAL BACKGROUND

Mother had a history of child abuse, substance abuse, criminal violence, and prior loss of parental rights involving other children. In 2008, she physically abused HLL and KGS, concealed them in a basement, and they were taken into protective custody; they were later reunified with her. In January 2013, Mother violently assaulted a girlfriend with a baseball bat while the children were present, directed them to help conceal the evidence, and was then incarcerated after the children were found without adequate adult supervision or food. The children remained in the Department's custody, and the Department later petitioned to terminate Mother's parental rights.

PROCEDURAL HISTORY

The Wyoming Department of Family Services filed a petition to terminate Mother's parental rights under Wyo. Stat. Ann. § 14-2-309(a)(iv) and (v). Mother was personally served but failed to respond, and the clerk entered default. The district court denied Mother's motion to set aside the default, appointed counsel for the termination hearing, found by clear and convincing evidence that both statutory grounds supported termination, and entered judgment. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Harmon v. Star Valley Medical Center, 2014 WY 90, ¶ 14, 331 P.3d 1174, 1178 (Wyo. 2014)
- State v. Kusel, 29 Wyo. 287, 295-96, 213 P. 367, 368-69 (Wyo. 1923)
- Brown v. City of Casper, 2011 WY 35, ¶ 13, 248 P.3d 1136, 1140 (Wyo. 2011)
- In re LB, 2014 WY 10, ¶ 12, 316 P.3d 1184, 1187 (Wyo. 2014)
- MB v. Laramie County Department of Family Services, 933 P.2d 1126, 1127 (Wyo. 1997)
- In re ARW, 2015 WY 25, 343 P.3d 407 (Wyo. 2015)
- In re General Adjudication of All Rights to Use Water in Big Horn River System, 2015 WY 104, ¶ 16, 355 P.3d 1222, 1226 (Wyo. 2015)
- Matter of Adoption of JLP, 774 P.2d 624, 628 (Wyo. 1989)
- Matter of GP, 679 P.2d 976, 985 (Wyo. 1984)
- KC v. State, 2015 WY 73, ¶ 27, 351 P.3d 236, 244 (Wyo. 2015)
- In re ZMETS, 2012 WY 68, 276 P.3d 392 (Wyo. 2012)
- Blair v. Supreme Court of State of Wyoming, 671 F.2d 389, 391 (10th Cir. 1982)
- Fluor Daniel (NPOS), Inc. v. Seward, 956 P.2d 1131, 1134 (Wyo. 1998)
- Multiple Resort Ownership Plan, Inc. v. Design-Build-Manage, Inc., 2002 WY 67, ¶ 10, 45 P.3d 647, 651 (Wyo. 2002)
- RDG Oil & Gas, LLC v. Jayne Morton Living Trust, 2014 WY 102, 331 P.3d 1199 (Wyo. 2014)
- In re KMJ, 2010 WY 142, ¶ 15, 242 P.3d 968, 971 (Wyo. 2010)

- Walker v. Walker, 2013 WY 132, ¶ 26, 311 P.2d 170, 176 (Wyo. 2013)
- Roberts v. Locke, 2013 WY 73, ¶ 27, 304 P.3d 116, 122 (Wyo. 2013)
- Golden v. Guion, 2013 WY 45, ¶¶ 4-5, 299 P.3d 95, 96-97 (Wyo. 2013)
- Chancler v. Meredith, 2004 WY 27, ¶ 5, 86 P.3d 841, 842 (Wyo. 2004)
- Stadtfeld v. Stadtfeld, 920 P.2d 662, 664 (Wyo. 1996)

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