

SUPREME COURT OF NORTH DAKOTA

S.L.W. v. C.M.T.

2026 ND 21 (N.D. 2026) · No. No. 20250390 · Decided February 5, 2026

SUMMARY

The North Dakota Supreme Court affirmed the district court’s denial of a petition to terminate a birthfather’s parental rights and permit a stepparent adoption. The Court held that the petitioners failed to prove the statutory grounds for termination by clear and convincing evidence and summarily affirmed under North Dakota Rule of Appellate Procedure 35.1(a)(2).

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Lisa Fair McEvers, C.J.; Daniel J. Crothers; Jerod E. Tufte; Jon J. Jensen; Douglas A. Bahr
JURISDICTION	Supreme Court of North Dakota
DECIDED	February 5, 2026
DOCKET	No. 20250390
DISPOSITION	affirmed
PROCEDURAL POSTURE	S.L.W. and J.M.P. appealed from a district court order denying their petition to terminate C.M.T.'s parental rights and allow J.M.P. to adopt M.L.T. The North Dakota Supreme Court summarily affirmed.
STANDARD OF REVIEW	Whether statutory grounds for termination are established is a question of fact, and the district court's findings are reviewed for clear error. The party seeking termination bears the burden of proving all statutory elements by clear and convincing evidence. Even when statutory grounds are established, termination remains discretionary.
PRECEDENTIAL VALUE	Published and precedential North Dakota Supreme Court opinion
PARTIES	S.L.W., birthmother, J.M.P. v. C.M.T., birthfather, North Dakota Department of Health and Human Services

TOPICS

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

PRACTICE AREAS

family law

adoption

termination of parental rights

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the petitioners proved by clear and convincing evidence the statutory grounds for terminating C.M.T.'s parental rights in connection with the requested adoption.
2. Whether the district court's findings that the statutory grounds for termination were not established were clearly erroneous.

HOLDINGS

1. The petitioners failed to prove the statutory grounds for termination by clear and convincing evidence.
2. The district court's findings that the petitioners failed to prove the statutory grounds for termination were not clearly erroneous.
3. Termination of parental rights remains discretionary even when statutory grounds are established.

KEY QUOTATIONS

“Clear and convincing evidence is evidence that leads to a firm belief or conviction the allegations are true.” (¶3)

FACTUAL BACKGROUND

S.L.W. and J.M.P. sought to terminate C.M.T.'s parental rights and have J.M.P. adopt M.L.T. They contended the statutory grounds for termination had been established. The district court found they had not proved the statutory grounds by clear and convincing evidence, and the Supreme Court held those findings were supported by the evidence and were not clearly erroneous.

PROCEDURAL HISTORY

The District Court of Stark County, Southwest Judicial District, denied the petition seeking termination of the birthfather's parental rights and adoption by J.M.P. The petitioners appealed, arguing the district court erred in finding they had failed to prove statutory grounds for termination. The Supreme Court summarily affirmed under N.D.R.App.P. 35.1(a)(2).

DISPOSITION

affirmed

CASES CITED

- Int. of B.F., 2025 ND 127, ¶ 30, 23 N.W.3d 718
- Int. of B.F., 2025 ND 127, ¶¶11-12, 23 N.W.3d 718
- In re A.P., 2024 ND 43, ¶ 12, 4 N.W.3d 232

- Int. of J.C., 2024 ND 9, ¶ 22, 2 N.W.3d 228

OPINION

BAHR, DOUGLAS ALAN, J.

IN THE SUPREME COURT STATE OF NORTH DAKOTA 2026 ND 21 S.L.W., birthmother, and J.M.P., Petitioners and Appellants v. C.M.T., birthfather, Respondent and Appellee and North Dakota Department of Health and Human Services Respondent No. 20250390 Appeal from the District Court of Stark County, Southwest Judicial District, the Honorable Rhonda R. Ehliis, Judge. AFFIRMED.

Per Curiam. Quinn A. Harmon, Bismarck, ND, for petitioners and appellants. Mark C. Sherer, Dickinson, ND, for respondent and appellee. Adoption of M.L.P. No. 20250390 Per Curiam. [¶1] S.L.W. and J.M.P. appeal from an order denying their petition to terminate C.M.T.’s parental rights and to allow J.M.P. to adopt M.L.T. They argue the district court erred in concluding they failed to prove the statutory grounds for termination. [¶2] Although parents have a fundamental constitutional right to raise their children, that right is not absolute or unconditional.

Int. of B.F., 2025 ND 127, ¶ 30, 23 N.W.3d 718. A parent’s rights, including the right to withhold consent to an adoption, may be terminated only in circumstances provided by law. Under N.D.C.C. § 14-15-19(3), a parent-child relationship may be terminated in connection with an adoption upon proof of abandonment; proof that, due to misconduct, faults, habits, neglect, or incapacity, the child is without proper parental care and is suffering or likely to suffer serious harm; or proof that a noncustodial parent is unreasonably withholding consent to adoption contrary to the child’s best interests. [¶3] The party seeking termination of parental rights bears the burden of proving all statutory elements by clear and convincing evidence.

Int. of B.F., 2025 ND 127, ¶ 11. “Clear and convincing evidence is evidence that leads to a firm belief or conviction the allegations are true.” Id. (quoting In re A.P., 2024 ND 43, ¶ 12, 4 N.W.3d 232). Whether the statutory grounds for termination are met is a question of fact, and a district court’s findings will not be reversed unless clearly erroneous. Id. ¶ 12.

Even when statutory grounds are established, termination of parental rights remains discretionary. Int. of J.C., 2024 ND 9, ¶ 22, 2 N.W.3d 228. 1 [¶4] The district court found S.L.W. and J.M.P. failed to prove the statutory grounds for termination by clear and convincing evidence.

The court’s findings are supported by clear and convincing evidence and are not clearly erroneous. We summarily affirm under N.D.R.App.P. 35.1(a)(2). [¶5] Lisa Fair McEvers, C.J. Daniel J. Crothers Jerod E. Tufte Jon J. Jensen Douglas A. Bahr 2