

SUPREME COURT OF RHODE ISLAND

In re James H. et al.

181 A.3d 19 (R.I. 2018) · No. 2016-295-Appeal; 00-1831-5; 00-1831-6; 00-1831-7 · Decided April 9, 2018

SUMMARY

The Rhode Island Supreme Court affirmed the Family Court’s decree terminating Crystal M.’s parental rights to her three children. The court held that the trial justice properly admitted a psychological evaluation report and testimony concerning a prior arrest, and that legally competent evidence supported findings of parental unfitness based on Crystal’s failure to cooperate with reunification services and maintain contact with the children.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	William P. Robinson, Associate Justice; Frank Williams Suttell, Chief Justice; Maureen McKenna Goldberg, Justice; Patricia A. Flaherty, Justice; William P. Robinson, Justice; Francis X. Indeglia, Justice
JURISDICTION	Rhode Island
DECIDED	April 9, 2018
DOCKET	2016-295-Appeal; 00-1831-5; 00-1831-6; 00-1831-7
DISPOSITION	affirmed
PROCEDURAL POSTURE	Crystal M. appealed a Family Court decree terminating her parental rights to three children.
STANDARD OF REVIEW	The Supreme Court examines the record for legally competent evidence supporting the trial justice's findings. Findings receive great weight and will not be disturbed unless clearly wrong or unless the trial justice overlooked or misconceived material evidence. In reviewing termination of parental rights, the Court examines parental unfitness, the state's reasonable reunification efforts, and the children's best interests.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion
PARTIES	Crystal M. v. Department of Children, Youth and Families, Court Appointed Special Advocate

TOPICS

termination of parental rights

parental rights

expert testimony

evidence

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PRACTICE AREAS

family law

termination of parental rights

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QUESTIONS PRESENTED

1. Whether the Family Court erred by admitting Dr. Steven Hirsch's psychological and neuropsychological evaluation report under Rhode Island Rule of Evidence 706.
2. Whether the Family Court erred by admitting Crystal's testimony about a prior arrest without evidence that the arrest resulted in a conviction under Rhode Island Rule of Evidence 609.
3. Whether the Family Court overlooked or misconceived material evidence concerning Crystal's compliance with DCYF case plans and recommendations when finding her unfit and terminating her parental rights.

HOLDINGS

1. The Family Court did not err in admitting Dr. Hirsch's report because Rule 706(a) does not provide that only the court may appoint an expert, and Rule 706(d) expressly preserves the parties' ability to call experts of their own selection.
2. The admission of Crystal's testimony about her prior arrest did not violate Rule 609 because the testimony was elicited to refresh her recollection about prior DCYF involvement, not to attack her credibility through evidence of a conviction.
3. The Family Court did not overlook or misconceive material evidence in finding Crystal unfit to parent her children, and the evidence supported termination of her parental rights by clear and convincing evidence.

KEY QUOTATIONS

“Natural parents have a fundamental liberty interest in the care, custody, and management of their child that does not evaporate if they are not model parents or have lost temporary custody of their child.” (181 A.3d at 27)

“the termination of parental rights is a “drastic and irreversible” measure” (181 A.3d at 27)

FACTUAL BACKGROUND

DCYF became involved with Crystal M.'s children after the twins tested positive for cocaine at birth and James was removed based on allegations of neglect. Although Crystal completed some evaluations and a substance-abuse program, she tested positive for cocaine during that program, was discharged from or failed to complete other recommended services, did not follow through with mental-health recommendations, and missed or ceased visits with the children. The children had remained in DCYF custody for more than twelve months and were living in pre-adoptive foster homes when the Family Court terminated Crystal's parental rights.

PROCEDURAL HISTORY

The Department of Children, Youth and Families filed petitions to terminate Crystal M.'s parental rights under Rhode Island General Laws § 15-7-7(a)(3). Following a four-day Family Court trial, the trial justice found by clear and convincing evidence that the children had remained in DCYF custody for at least twelve months, that DCYF had made reasonable reunification efforts, and that Crystal had failed to address her parenting, substance-abuse, and mental-health issues. The Family Court terminated her parental rights, and the Supreme Court of Rhode Island affirmed after oral argument on the show-cause calendar.

DISPOSITION

affirmed

CASES CITED

- In re Natalya C., 946 A.2d 198, 202 (R.I. 2008)
- In re Antonio G., 657 A.2d 1052, 1057 (R.I. 1995)
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- In re Max M., 116 A.3d 185, 193-94 (R.I. 2015)
- Guertin v. Guertin, 870 A.2d 1011, 1018 (R.I. 2005)
- Thibaudeau v. Thibaudeau, 947 A.2d 243, 247 (R.I. 2008)
- In re Rosalie H., 889 A.2d 199, 205 (R.I. 2006)
- In re Anthony M., 773 A.2d 878, 881 (R.I. 2001)
- In re Gabrielle D., 39 A.3d 655, 665 (R.I. 2012)
- Gianquitti v. Atwood Medical Associates, Ltd., 973 A.2d 580, 590-91 n.10 (R.I. 2009)
- Johnston v. Poulin, 844 A.2d 707, 710 n.3 (R.I. 2004)