

SUPREME COURT OF COLORADO

People v. M.L., 2016 CO 39

370 P.3d 1151 (Colo. 2016) · Decided May 23, 2016

SUMMARY

The Colorado Supreme Court considers whether adjudicating a child dependent or neglected under the injurious-environment provision requires examining each parent's conduct, ability, availability, and willingness to provide reasonable parental care. The court holds that neither the Colorado dependency-or-neglect statute nor *Troxel v. Granville* requires proof of parental fault or that both parents lack the ability or willingness to provide care at the adjudicatory stage. It reverses the court of appeals and remands for consideration of the remaining appellate issue.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Boatright; Justice Gabriel; Justice Hood
JURISDICTION	Colorado
DECIDED	May 23, 2016
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	M.L. appealed a jury's dependency-or-neglect adjudication concerning four of her children. The Colorado Court of Appeals reversed, holding that the jury had to consider each parent's conduct, availability, ability, and willingness to provide reasonable parental care. The Colorado Supreme Court granted certiorari and reversed the court of appeals.
STANDARD OF REVIEW	Statutory-construction and jury-instruction questions are reviewed de novo. The trial court's decision to give or withhold a particular jury instruction is reviewed for abuse of discretion; an abuse occurs when the ruling misstates the law or is manifestly arbitrary, unreasonable, or unfair.
PRECEDENTIAL VALUE	Published Colorado Supreme Court opinion; precedential
PARTIES	M.L. v. The People of the State of Colorado

TOPICS

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PRACTICE AREAS

family law

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QUESTIONS PRESENTED

1. Whether due process under *Troxel v. Granville* requires the State, at the adjudicatory stage of a dependency-or-neglect proceeding based on an injurious environment, to prove that both parents are unavailable, unable, or unwilling to provide reasonable parental care.
2. Whether section 19-3-102(1)(c), Colorado Revised Statutes, or *Troxel* requires findings of parental fault before a child may be adjudicated dependent or neglected based on an injurious environment.
3. Whether the trial court's jury instruction tracking the statutory injurious-environment language was legally proper.

HOLDINGS

1. *Troxel*'s due process requirements do not require the State to prove that both parents lack the availability, ability, or willingness to provide reasonable parental care before a child may be adjudicated dependent or neglected under section 19-3-102(1)(c).
2. Section 19-3-102(1)(c) and *Troxel* do not require the State to prove parental fault or require the jury to make findings as to parental fault before adjudicating a child dependent or neglected based on an injurious environment.
3. The trial court did not err by giving an instruction that tracked the statutory language and asked whether each child's environment was injurious to the child's welfare without requiring a parental-fault finding.

KEY QUOTATIONS

"In sum, section 19-3-102(1)(c) does not require proof of parental fault. Instead, a child may be adjudicated dependent or neglected when he or she is in an injurious environment, regardless of the parents' actions or failures to act." (370 P.3d at 1163-64)

"Therefore, we reverse the court of appeals' judgment and remand this case to that court to address M.L.'s remaining issue on appeal." (370 P.3d at 1164)

FACTUAL BACKGROUND

S.L. reported that her half-brother, J.W.G., had touched her sexually while she was trying to sleep. Law enforcement discovered that J.W.G. had also inappropriately touched another sister, and the State filed a dependency-or-neglect petition concerning the children. The jury rejected allegations based on lack of parental care and homelessness or lack of proper care through no fault of the parents, but found that the children's environment was injurious to their welfare. The trial court adjudicated four children dependent or neglected and granted the parents legal custody subject to protective supervision.

PROCEDURAL HISTORY

The State filed a dependency-or-neglect petition alleging several statutory grounds, including that the children's environment was injurious to their welfare under section 19-3-102(1)(c), Colorado Revised Statutes. After a jury found the injurious-environment allegation established as to four children, the trial court adjudicated the children dependent or neglected and imposed a treatment plan and protective supervision. The court of appeals reversed based on the jury instructions and the absence of parental-fault findings. The Colorado Supreme Court reversed and remanded for consideration of M.L.'s remaining appellate issue.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Colorado Court of Appeals' judgment and remand to that court to address M.L.'s remaining issue on appeal, concerning the admission of evidence relating to a prior misdemeanor domestic-violence charge and denial of a mistrial.

CASES CITED

- Troxel v. Granville, 530 U.S. 57 (2000)
- People in Interest of J.G., 2014 COA 182
- People in Interest of S.N., 2014 CO 64, 329 P.3d 276
- A.M. v. A.C., 2013 CO 16, 296 P.3d 1026
- In re B.B.O., 2012 CO 40, 277 P.3d 818
- State v. Nieto, 993 P.2d 493 (Colo. 2000)
- People in Interest of A.M.D., 648 P.2d 625 (Colo. 1982)
- G.S. v. People, 854 P.2d 797 (Colo. 1993)
- In Interest of Baby A, 2015 CO 72, 363 P.3d 193
- Stanley v. Illinois, 405 U.S. 645 (1972)
- Santosky v. Kramer, 455 U.S. 745 (1982)
- L.L. v. People, 10 P.3d 1271 (Colo. 2000)
- Well Augmentation Subdistrict of Central Colorado Water Conservation District v. City of Aurora, 221 P.3d 399 (Colo. 2009)
- A.M.D., 648 P.2d 625
- K.D. v. People, 139 P.3d 695 (Colo. 2006)
- People ex rel. S.B., 742 P.2d 935 (Colo. App. 1987)
- L.G. v. People, 890 P.2d 647 (Colo. 1995)
- Krueger v. Ary, 205 P.3d 1150 (Colo. 2009)
- Chapman v. Harner, 2014 CO 78, 339 P.3d 519
- Rogers v. Westerman Farm Co., 29 P.3d 887 (Colo. 2001)
- Kinney v. People, 187 P.3d 548 (Colo. 2008)

