

SUPREME COURT OF THE STATE OF DELAWARE

Abigail Acorn and Wendall Malic III v. Seth Laymen and Laura Laymen

Acorn & Malic III v. Laymen · No. No. 148, 2019 · Decided October 28, 2019

SUMMARY

The Delaware Supreme Court affirmed the Family Court’s termination of Abigail Acorn and Wendall Malic III’s parental rights concerning their two children. The Court held that clear and convincing evidence supported the finding that the parents had failed to plan adequately for the children’s needs and that termination was in the children’s best interests, while declining to consider new claims and an objection to a guardianship ruling outside its jurisdiction.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Vaughn, Justice; Seitz, Justice; Traynor, Justice
JURISDICTION	Delaware
DECIDED	October 28, 2019
DOCKET	No. 148, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	The parents appealed the Family Court's order terminating their parental rights. Appointed appellate counsel filed a no-merit brief and motions to withdraw under Delaware Supreme Court Rule 26.1(c).
STANDARD OF REVIEW	The Supreme Court considers the facts, law, inferences, and deductions made by the Family Court; reviews legal rulings de novo; reviews factual findings to determine whether they are sufficiently supported by the record and are not clearly wrong; and reviews for abuse of discretion when the Family Court correctly applied the law.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; precedential status is not otherwise specified in the opinion text.
PARTIES	Abigail Acorn, Wendall Malic III v. Seth Laymen, Laura Laymen

TOPICS

termination of parental rights

parental rights

guardianship procedure

appellate procedure

standard of review

PRACTICE AREAS

termination of parental rights

family law

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QUESTIONS PRESENTED

1. Whether the Family Court erred in finding clear and convincing evidence that the parents failed to plan adequately for the children's needs under 13 Del. C. § 1103(a)(5).
2. Whether termination of the parents' parental rights was in the children's best interests under 13 Del. C. § 722(a).
3. Whether the Supreme Court could consider the parents' new factual claims regarding housing, employment, support, mental-health treatment, and transportation.
4. Whether the Supreme Court had jurisdiction to review the Family Court's denial of the father's sister's guardianship petition.

HOLDINGS

1. A termination-of-parental-rights proceeding requires the petitioner to prove by clear and convincing evidence both a statutory ground for termination and that termination is in the child's best interests. The Family Court properly found both requirements satisfied here.
2. The Supreme Court will not consider factual claims or evidence presented for the first time on appeal when those matters were not fairly presented to the trial court.
3. The Supreme Court lacked jurisdiction to consider the parents' objection to the Family Court's denial of the father's sister's guardianship petition.

KEY QUOTATIONS

“The statutory procedure for terminating parental rights requires two separate inquiries. First, the court must determine whether the evidence presented meets one of the statutory grounds for termination. If the Family Court finds a statutory basis for termination of parental rights, the court must determine whether, considering the factors enumerated at 13 Del. C. § 722, severing parental rights is in the best interests of the child.” (6-7)

“It is incumbent on the petitioner—the Laymens in this case—to prove by clear and convincing evidence that there is a statutory basis for termination of parental rights and that the best interests analysis favors termination.” (7)

FACTUAL BACKGROUND

The Division of Family Services investigated the parents after receiving reports of heroin use and inadequate food, and the Family Court subsequently awarded emergency custody of the children to DFS. The parents' reunification case plans required substance-abuse and mental-health treatment, stable housing, employment, transportation, and other measures, but the parents continued to struggle with housing, finances, transportation,

and mental-health treatment. The children lived with the Laymens for nearly four years, became strongly bonded to them, and experienced anxiety associated with possible separation. The Family Court found clear and convincing evidence that the parents had failed to plan adequately for the children's needs and that termination was in the children's best interests.

PROCEDURAL HISTORY

The Family Court awarded emergency custody of the children to the Division of Family Services in 2015 and later awarded guardianship to Seth and Laura Laymen. After the Laymens petitioned to terminate the parents' rights, the Family Court rejected several asserted statutory grounds but found clear and convincing evidence that the parents had failed to plan adequately for the children's needs and that termination was in the children's best interests. The Delaware Supreme Court affirmed the Family Court's March 5, 2019 decision and held that the parents' new factual claims could not be considered on appeal and that it lacked jurisdiction to review the denial of the father's sister's guardianship petition.

DISPOSITION

affirmed

CASES CITED

- Scott v. DSCYF, 2012 WL 605700, at *1 (Feb. 27, 2012)
- Wilson v. DFS, 988 A.2d 435, 440 (Del. 2010)
- Powell v. DSCYF, 963 A.2d 724, 731 (Del. 2008)
- Shepherd v. Clemens, 752 A.2d 533, 536-37 (Del. 2000)
- Delaware Elec. Coop., Inc. v. Duphily, 703 A.2d 1202, 1206 (Del. 1997)
- Hughes v. DFS, 836 A.2d 498, 506 (Del. 2003)