

SUPREME COURT OF RHODE ISLAND

In re J.B.

In re J.B. · No. 2022-23-Appeal; KJ 20-578 · Decided April 27, 2023

SUMMARY

The Rhode Island Supreme Court affirmed a Family Court decree terminating the respondent father's parental rights to J.B. under G.L. 1956 § 15-7-7(a)(3). The Court held that clear and convincing evidence supported findings that DCYF had offered reunification services, the father failed to meaningfully comply with case-plan requirements, and there was no substantial probability of the child's safe return within a reasonable period. The Court also concluded that termination was in the child's best interests.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Melissa A. Long; Frank H. Suttell, C.J.; Maureen McKenna Goldberg, J.; William P. Robinson III, J.; Melissa A. Long, J.
JURISDICTION	Rhode Island
DECIDED	April 27, 2023
DOCKET	2022-23-Appeal; KJ 20-578
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent father appealed from a Family Court decree terminating his parental rights under R.I. Gen. Laws § 15-7-7(a)(3). The Supreme Court summarily decided the appeal after directing the parties to show cause why the case should not be resolved without further briefing or argument.
STANDARD OF REVIEW	The Supreme Court reviews the record to determine whether the Family Court's findings are supported by legally competent evidence. The findings receive great weight and will not be disturbed unless clearly wrong or based on an oversight or misconception of material evidence. The statutory grounds for termination must be established by clear and convincing evidence.
PRECEDENTIAL VALUE	published
PARTIES	William B., Jr., respondent father v. Department of Children, Youth, and Families

TOPICS

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QUESTIONS PRESENTED

1. Whether the Family Court clearly erred in finding the father unfit and determining that there was no substantial probability that J.B. could safely return to his care within a reasonable period under R.I. Gen. Laws § 15-7-7(a)(3).
2. Whether termination of the father's parental rights was in J.B.'s best interests.

HOLDINGS

1. The Family Court properly found by clear and convincing evidence that J.B. had been in DCYF custody for at least twelve months, that services had been offered to address the reasons for placement, and that there was no substantial probability that J.B. could safely return to the father's care within a reasonable period. The father was therefore unfit under § 15-7-7(a)(3).
2. Once the State established the father's unfitness and reasonable reunification efforts, the child's best interests outweighed all other considerations. The Family Court properly found that termination of the father's parental rights was in J.B.'s best interests.

KEY QUOTATIONS

“Once the Family Court justice determines that a parent is unfit, “the best interests of the child outweigh all other considerations.”” (at 8)

“We have held on several prior occasions that a parent’s lack of interest in her or his child exemplified by an unwillingness to cooperate with DCYF services can serve as a sufficient basis for the Family Court to make a finding of unfitness.” (at 10)

“Based on the stability and longstanding nature of J.B.’s current placement, this Court agrees that it is in J.B.’s best interests to terminate the respondent’s parental rights.” (at 13)

FACTUAL BACKGROUND

J.B. was placed in the care of DCYF and with his maternal grandmother on February 22, 2018, after DCYF investigated concerns about his mother's substance use. DCYF developed three case plans requiring the father to address substance use, mental-health concerns, and parenting ability, but he did not complete intensive substance-abuse treatment, ongoing mental-health counseling, or the Families Together parenting program. A psychological evaluation identified impulsivity, limited insight, poor judgment, frequent marijuana use, refusal of mental-health services, aggressive behavior, and limited evidence that the father could place his son's needs above his own. J.B. was thriving and had formed a strong bond with his maternal grandmother, and the Family Court found no substantial probability that he could safely return to the father's care within a reasonable time.

PROCEDURAL HISTORY

DCYF filed a petition on January 27, 2020, seeking termination of both parents' rights on two grounds of unfitness. After a six-day bench trial in June 2021, the Family Court found by clear and convincing evidence that the father was unfit, that the statutory conditions under § 15-7-7(a)(3) were satisfied, and that termination was in the child's best interests. The Family Court entered the termination decree on January 14, 2022, and the father timely appealed. The Supreme Court affirmed and remanded the record to the Family Court.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record was remanded to the Family Court following affirmance of the termination decree.

CASES CITED

- In re Donnell R-H Jr., 275 A.3d 1139, 1143-46 (R.I. 2022)
- In re Pricillion R., 971 A.2d 599, 604 (R.I. 2009)
- In re Victoria L., 950 A.2d 1168, 1174 (R.I. 2008)
- In re James H., 181 A.3d 19, 26-27 (R.I. 2018)
- In re Eric K., 756 A.2d 769, 772 (R.I. 2000)

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