

SUPREME COURT OF RHODE ISLAND

In re Max M.

116 A.3d 185 (R.I. 2015) · No. 2014-312-Appeal (12-4079-1) · Decided June 4, 2015

SUMMARY

The Rhode Island Supreme Court affirmed a Family Court decree terminating Eric M.’s parental rights to his son, Max M. The court held that clear and convincing evidence supported findings of parental unfitness and that the Department of Children, Youth and Families made reasonable efforts toward reunification. The decision discusses parental due process rights, compliance with case-plan services, visitation, and reunification efforts.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	William P. Robinson III; Frank Williams Suttell, Chief Justice; Maureen McKenna Goldberg; Francis X. Flaherty; Gilbert V. Indeglia
JURISDICTION	Rhode Island
DECIDED	June 4, 2015
DOCKET	2014-312-Appeal (12-4079-1)
DISPOSITION	affirmed
PROCEDURAL POSTURE	The respondent father appealed from a Kent County Family Court decree terminating his parental rights to his son.
STANDARD OF REVIEW	Family Court factual findings in termination-of-parental-rights proceedings are accorded great weight and will not be disturbed unless clearly wrong or based on an overlooking or misconceiving of material evidence. The Supreme Court determines whether legally competent evidence supports the findings and reviews parental unfitness, reasonable reunification efforts, and the child's best interests.
PRECEDENTIAL VALUE	published, precedential Rhode Island Supreme Court opinion
PARTIES	Eric M. v. Department of Children, Youth and Families, Max M.

TOPICS

- termination of parental rights
- family law procedure
- appellate procedure
- standard of review
- due process

PRACTICE AREAS

family law

termination of parental rights

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Family Court clearly erred in finding, by clear and convincing evidence, that Eric was unfit to parent Max.
2. Whether DCYF made reasonable efforts to strengthen the parent-child relationship and reunify Eric with Max.
3. Whether the termination of Eric's parental rights was otherwise properly affirmed, including the child's best interests.

HOLDINGS

1. The Family Court did not clearly err in finding Eric unfit to parent Max. A parent's refusal to cooperate with DCYF case planning and services, combined with inconsistent visitation, failure to support or plan for the child, and lack of interest in reunification, constituted clear and convincing evidence of unfitness.
2. DCYF made reasonable efforts to strengthen the parent-child relationship and reunify Eric with Max.
3. Before parental rights may be terminated, the state must establish parental unfitness by clear and convincing evidence, and the court must consider reasonable reunification efforts and the child's best interests.

KEY QUOTATIONS

"We bear in mind these weighty considerations in our review of a decree terminating parental rights, while also acknowledging that "[t]he findings of fact made by a Family Court justice in this context are accorded great weight on appeal and will not be disturbed unless it can be shown that they are clearly wrong or the trial justice overlooked or misconceived material evidence." (-10-)

"What constitutes reasonable efforts will vary with the differing capacities of the parents involved, and it is determined by looking at the totality of the circumstances of each case." (-15-)

"In light of that fact, this is a case in which "a parent's recalcitrance precluded reunification." (-16-)

FACTUAL BACKGROUND

Max M. was placed in DCYF custody in May 2012 because his mother was abusing heroin and leaving him with relatives, while his father was incarcerated. After his release in June 2013, Eric participated in only five visits during an eleven-month period, did not complete or accept additional services required by DCYF, did not provide financial support, and lived in a home with Max's mother, whose parental rights had already been terminated. The home also lacked heat and hot water during a DCYF visit. Eric told the caseworker that he did not intend to be Max's primary caretaker and at one point indicated that he could not parent and would consent to adoption.

PROCEDURAL HISTORY

DCYF filed a petition alleging parental unfitness based on the child's placement in DCYF custody for at least twelve months without a substantial probability of safe return within a reasonable period and on abandonment or desertion. After a two-day trial, the Family Court found Eric unfit and entered a final decree terminating his parental rights on August 21, 2014. The Rhode Island Supreme Court considered the appeal under a show-cause order and affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Gabrielle D., 39 A.3d 655 (R.I. 2012)
- In re Jazlyn P., 31 A.3d 1273 (R.I. 2011)
- Santosky v. Kramer, 455 U.S. 745 (1982)
- In re Steven D., 23 A.3d 1138 (R.I. 2011)
- In re Amber P., 877 A.2d 608 (R.I. 2005)
- In re Caleb W., 990 A.2d 1225 (R.I. 2010)
- In re Robert S., 840 A.2d 1146 (R.I. 2004)
- In re Rosalie H., 889 A.2d 199 (R.I. 2006)
- In re Anthony M., 773 A.2d 878 (R.I. 2001)
- In re Lyric P., 90 A.3d 132 (R.I. 2014)
- In re Natalya C., 946 A.2d 198 (R.I. 2008)

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