

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

State of North Dakota,)	
)	Supreme Court No. 20140205
)	
)	
Petitioner and Appellee,)	
)	District Court No. 18- 2013-JV-00374
vs.)	
)	
)	
D.K., Mother,)	
C.A., Father)	
)	Respondent
C.A., Father)	
)	Appellant.
)	

ON APPEAL FROM THE DISTRICT COURT
FOR THE NORTHEAST CENTRAL JUDICIAL DISTRICT
GRAND FORKS COUNTY, NORTH DAKOTA
THE HONORABLE JUDGE DEBBIE KLEVEN PRESIDING.

BRIEF OF APPELLEE

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Index

Table of Authorities	ii
Statement of the Issues	iv
Statement of the Case	¶ 1
Statement of Facts	¶ 4
Argument	¶ 14
I. THE DISTRICT COURT PROPERLY FOUND, BASED UPON CLEAR AND CONVINCING EVIDENCE, THAT C.S.K. WOULD CONTINUE TO BE A DEPRIVED CHILD.....	¶ 16
<i>A. C.S.K continues to be a deprived child as there is prognostic evidence that deprivation would continue.....</i>	<i>¶ 20</i>
<i>B. C.S.K. continues to be a deprived child because C.A. has failed to complete the requirements set forth by Grand Forks County Social Services.....</i>	<i>¶ 25</i>
<i>C. The expert witnesses involved in the case opined it was in the best interest of C.S.K. to terminate the parental rights of C.A.....</i>	<i>¶ 33</i>
II. THE DISTRICT COURT PROPERLY FOUND THAT REASONABLE EFFORTS WERE PROVIDED TO THE FAMILY.....	¶ 38
Conclusion	¶ 43

Table of Authorities

North Dakota Cases

<u>In re A.B.</u> , 2009 ND 116, ¶ 25, 767 N.W.2d 817.....	¶ 40
<u>In re A.K.</u> , 2005 ND APP 3, ¶ 7, 696 N.W.2d 160	¶¶ 14, 15
<u>In re A.L.</u> , 2001 ND 59, ¶ 16, 623N.W.2d 418	¶ 20
<u>In re B.B.</u> , 2008 ND 51, ¶ 9, 746 N.W.2d 411	¶¶ 20, 25
<u>In re B.J.K.</u> , 2005 ND 138, ¶ 17, 701 N.W.2d 924	¶¶ 25, 30
<u>In re B.N.</u> , 2003 ND 68, ¶ 25, 660 N.W.2d 610.....	¶ 30
<u>In re D.F.G.</u> , 1999 ND 216, ¶ 20, 602 N.W.2d 697	¶ 20
<u>In re D.M.</u> , 2007 ND 62, ¶ 22, 730 N.W.2d 60.....	¶ 28
<u>In re J.S.</u> , 2008 ND 9 ¶ 19, 743 N.W.2d 808	¶ 40
<u>In re M.D.K.</u> , 447 N.W.2d 318, 322 (N.D.1989)	¶ 28
<u>In re M.S.</u> , 2001N.D. 68, ¶ 4, 624 N.W.2d 678	¶ 16
<u>In re N.H.</u> , 2001 ND 143 ¶ 13, 632 N.W.2d 451	¶ 38
<u>In re T.A.</u> , 2006 ND 210, ¶ 11, 722 N.W.2d 548	¶ 14
<u>In re D.F.G.</u> , 1999 ND 216, ¶ 20, 602 N.W.2d 697	¶¶ 20, 33
<u>In Interest of A.S.</u> , 1998 ND 181, ¶ 19, 584 N.W.2d 853	¶ 20
<u>In Interest of L.F.</u> , 1998 ND 129, ¶ 16, 580 N.W.2d 573	¶ 20
<u>Striefel v. Striefel</u> , 2004 ND 210, ¶ 8, 689 N.W.2d 415	¶¶ 14, 15

North Dakota Rules

N.D.R.Civ.P. 52(a)	¶ 15
--------------------------	------

North Dakota Century Code

N.D.C.C. § 27-20-02(1)	¶ 18
N.D.C.C § 27-20-02(8)(a)	¶ 17
N.D.C.C § 27-20-02(8)(c)	¶ 18
N.D.C.C § 27-20-32.2(1)	¶ 38
N.D.C.C. § 27-20-32.2(3)	¶ 38, 39
N.D.C.C §27-20-32.3	¶ 38
N.D.C.C. § 27-20-44(1)(c)(1)	¶ 16
N.D.C.C. § 27-20-56(1)	¶ 15

STATEMENT OF THE ISSUES

- I. THE DISTRICT COURT PROPERLY FOUND, BASED UPON CLEAR AND CONVINCING EVIDENCE, THAT C.S.K. WOULD CONTINUE TO BE A DEPRIVED CHILD.**
- II. THE DISTRICT COURT PROPERLY FOUND THAT REASONABLE EFFORTS WERE PROVIDED TO THE FAMILY.**

STATEMENT OF THE CASE

[¶1] C.S.K. entered foster care as a result of an emergency placement on February 26, 2013. Appellant's App. 10. An Affidavit requesting a temporary custody order for C.S.K. was executed and approved. Appellant's App. 10. A hearing was subsequently held on February 28, 2013, at which time the court found probable cause to believe C.S.K. was a deprived child. Appellant's App. 10. As a result of this finding, C.S.K. was placed in the care, custody and control of the Director of the Grand Forks County Social Service Center. Appellant's App. 10.

[¶2] On March 13, 2013, a Juvenile Petition was filed alleging that C.S.K. was a deprived child and it continued to be contrary to the welfare of the child to return to the parental home. Appellant's App. 10. On April 24, 2013, the Juvenile Court found C.S.K. to be a deprived child. Appellant's App. 10. An additional review hearing was scheduled for six months following the April 24, 2013, Juvenile Court hearing. Appellant's App. 10. The Review hearing was held on October 29, 2013, and the Court made no changes to the order as signed on April 24, 2013. Appellant's App. 10.

[¶3] On December 6, 2013, the State filed a petition for the involuntary termination of the parental rights of D.K. and C.A. Appellant's App. 19. Hearings on this Petition were held on April 8 and April 9, 2014. Appellant's App. 19. Based on the testimony and evidence presented at these hearings, the Honorable Debbie G. Kleven, District Judge, entered a Memorandum Decision & Order on May 23, 2014. Appellant's App. 30. The Court found that C.S.K. was a deprived child, that the conditions and causes of the deprivation were likely to continue, and that reasonable efforts had been

provided by Grand Forks County Social Services. Appellant's App. 29-30. As a result, parental rights were terminated and this matter has been set for appeal.

STATEMENT OF THE FACTS

[¶4] C.S.K. was born on January 9, 2012, as the biological child of D.K. and C.A. Appellant's App. 10. After three reports of child neglect were received by Grand Forks County Social Services, C.S.K. entered foster care through an emergency placement on February 26, 2013. Appellant's App. 10. At the time C.S.K. entered foster care, he was one year old. A shelter care hearing was subsequently held on February 28, 2013, at which time the court found probable cause to believe C.S.K. was a deprived child. Appellant's App. 10. Also at the February 28, 2013, C.A. was identified by Social Services as C.S.K.'s biological father. Tr. 00:23:40 (Apr. 9, 2014). As of February 28, C.A. had never provided parental care for the child and his whereabouts were unknown. Tr. 04:26:42 (Apr. 8, 2014).

[¶5] D.K. was able to provide Amy Wesley, C.S.K.'s foster care manager, with C.A.'s mother's name. Tr. 04:20:40 (Apr. 8, 2013). Ms. Wesley contacted C.A.'s mother, who stated that C.A. was not able to come home because he had active felony warrants for his arrest. Tr. 04:21:45 (Apr. 8, 2013). C.A.'s mother indicated that she would let C.A. know that C.S.K. was in foster care, and advised Ms. Wesley that Facebook was the best way to contact C.A. Tr. 00:24:36 (Apr. 9, 2014). Ms. Wesley used a parent locator service and sent letters to C.A.'s last known address advising him his child was in foster care. Tr. 00:24:00 (Apr. 9, 2014). All of these letters were returned. Tr. 00:24:14 (Apr. 9, 2014). In addition, Ms. Wesley sent multiple Facebook

messages in an attempt to notify C.A. that C.S.K. was in foster care. Tr. 04:23:33 (Apr. 8, 2014).

[¶6] C.A.'s mother indicated to Ms. Wesley that she told C.A. that C.S.K. was in foster care as early as May, 2013. Tr. 00:24:40 (Apr. 9, 2014). C.A. himself indicated to Ms. Wesley that he had known C.S.K. was in foster care but did not contact her. Tr. 04:38:03 (Apr. 8, 2014).

[¶7] C.A. failed to contact Grand Forks County Social Services after the child came into care and in June 2013, the goal for C.S.K. was changed to adoption based on C.A.'s abandonment of the child. Tr. 04:31:16 (Apr. 8, 2014).

[¶8] On November 20, 2013, C.A. contacted Ms. Wesley via Facebook. Despite the fact that a petition to terminate C.A.'s parental rights had already been filed, services were still provided to C.A. Initially, Ms. Wesley set up a meeting with C.A. and C.S.K. at his mother's house, but C.A. did not show up for the meeting. Tr. 00:00:40 (Apr. 9, 2014). At this point C.A. was unsure as to whether or not he would like to care for C.S.K. Tr. 04:27:47 (Apr. 8, 2014).

[¶9] Grand Forks County Social Services required C.A. to complete a number of services including a chemical dependency evaluation and follow through with any recommendation, maintain employment, obtain suitable housing, and complete all legal obligations. Tr. 04:32:58 (Apr. 8, 2014). At the time of the trial to terminate C.A.'s parental rights, C.A. had not yet filed proof he had obtained a chemical evaluation and followed through with any recommendations; C.A. had not yet obtained suitable housing and was living at the Rescue Mission; and C.A. had been arrested on his outstanding

warrants but still was in the process of taking care of pending criminal matters.

Appellant's App. 24.

[¶10] C.A. continued to have arranged visits with C.S.K., however, Ms. Wesley expressed concerns over C.A.'s ability to provide for C.S.K. both cognitively and financially. Tr. 00:40:00 (Apr. 9, 2014). Ms. Wesley was also concerned with C.A.'s ability to provide a stable environment for C.S.K. Tr. 00:40:00 (Apr. 9, 2014).

[¶11] On April 08 and 09, 2013, hearings on the petition to terminate C.A.'s parental rights were held. Appellant's App. 33. At trial, Shari Fiedler the Supervisor of Child Protection Services for Grand Forks County Social Services was qualified as an expert witness in child welfare. Tr. 00:09:16 (Apr. 9, 2014). She testified that in her opinion, C.S.K. was deprived and will continue to be deprived. Tr. 00:28:37 (Apr. 9, 2014). Ms. Fiedler supported her opinion with facts that demonstrated that C.A. failed to cooperate with Social Services. Tr. 00:28:37 (Apr. 9, 2014). It was Ms. Fiedler's recommendation to terminate C.A.'s parental rights. Tr. 00:30:15 (Apr. 9, 2014).

[¶12] Amy Wesley is a Grand Forks County Social Services Foster Care Case Manager. Tr. 04:01:10 (Apr. 8, 2014). Ms. Wesley expressed concerns over C.A.'s ability to provide for C.S.K.'s needs, because C.A. has not been stable or involved in C.S.K.'s life at all. Tr. 04:37:10 (Apr. 8, 2014). Ms. Wesley also testified that she felt C.A. could not provide for the child because he failed to provide any support to D.K. throughout C.S.K.'s life. Tr. 04:37:30 (Apr. 8, 2014). In her testimony, Ms. Wesley stressed her concern that C.A. "knew C.S.K was in foster care and didn't step forward." Tr. 04:37:33 (Apr. 8, 2014). In addition, Ms. Wesley testified that she has concerns as to whether C.A. has the cognitive ability to raise C.S.K. Tr. 00:40:00 (Apr. 9, 2014).

According to Ms. Wesley's testimony, C.A. does not understand child rearing and lacks the ability to "connect the dots of raising a child." Tr. 00:41:00 (Apr. 9, 2014).

[¶13] Dixie Evans was appointed by the Court to serve as the Guardian ad Litem. Tr. 03:11:53 (Apr. 8, 2014). Ms. Evans attended all Child and Family Team meetings and was present throughout the trial. Tr. 03:12:17 (Apr. 8, 2014). After working with the family and listening to the testimony she believes that it is in the best interest of C.S.K. that the parental rights of C.A. be terminated. Tr. 03:12:40 (Apr. 8, 2014).

ARGUMENT

[¶14] On appeal, findings of fact are not overturned unless they are clearly erroneous. N.D.R.Civ.P. 52(a). "A finding of fact is clearly erroneous if it is induced by an erroneous view of the law, if no evidence exists to support the finding, or if, on the entire record, we are left with a definite and firm conviction a mistake has been made." In re T.A., 2006 ND 210, ¶ 11, 722 N.W.2d 548. "[T]he complaining party has the burden of showing that findings of fact are clearly erroneous." In re A.K., 2005 ND APP 3, ¶ 7, 696 N.W.2d 160, (citing Striefel v. Striefel, 2004 ND 210, ¶ 8, 689 N.W.2d 415).

[¶15] Additionally, the reviewing court shall "[give] appreciable weight to the findings of the juvenile court." In re A.K., at ¶ 17 (citing Striefel, at ¶ 8). A trial court's findings of fact are presumptively correct, and on appeal we view the evidence in the light most favorable to the findings, without reweighing the evidence or reassessing credibility if there is evidence supporting the findings. N.D.C.C. § 27-20-56(1). Due regard shall be given to the trial court to judge the credibility of the witnesses.

N.D.R.Civ.P. 52(a).

I. THE DISTRICT COURT PROPERLY FOUND, BASED UPON CLEAR AND CONVINCING EVIDENCE, THAT C.S.K. WOULD CONTINUE TO BE A DEPRIVED CHILD.

[¶16] In order to terminate a parent's rights, a finding of deprivation is not enough. In re M.S., 2001N.D. 68, ¶ 4, 624 N.W.2d 678. In a hearing to terminate, parental rights, it is necessary for the Court to make a finding that the child is deprived and that the deprivation is likely to continue. N.D.C.C. § 27-20-44(1)(c)(1).

[¶17] Under N.D.C.C. § 27-20-02(8)(a) a deprived child is defined as, a child:

[W]ithout proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian.

[¶18] A deprived child is further defined as a child who: "[h]as been abandoned by the child's parents, guardian, or other custodian." N.D.C.C. § 27-20-02(8)(c).

Abandoned is defined as: "[the] failure by the noncustodial parent significantly without justifiable cause to communicate with the child; or to provide for the care and support of the child as required by law." N.D.C.C. § 27-20-02 (1).

[¶19] Based upon the evidence presented, it was not clearly erroneous for the District Court to find the child continues to be deprived because: (1) C.A. has shown a pattern of parental conduct that forms the basis for a reasonable prediction of future deprivation; (2) C.A. has failed to address the issues identified by Social Services; and (3) the expert witnesses involved in the case opined it was in the best interest of C.S.K. to terminate the parental rights of C.A.

A. C.S.K continues to be a deprived child as there is prognostic evidence that deprivation would continue.

[¶20] The North Dakota Supreme Court has held a “pattern of parental conduct can also form a basis for a reasonable prediction of future behavior.” In re B.B., 2008 ND 51, ¶9, 746 N.W.2d 411 (citing In re A.L., 2001 ND 59, ¶ 16, 623N.W.2d 418). In order to establish a pattern of parental conduct the court may assess past or present deprivation. “While evidence of past or present deprivation alone is not sufficient to terminate parental rights, evidence of the parent's background, including previous abuse or deprivation, may be considered in determining whether deprivation is likely to continue.” In Interest of A.S., 1998 ND 181, ¶ 19, 584 N.W.2d 853 (citing In Interest of L.F., 1998 ND 129, ¶ 16, 580 N.W.2d 573). Similarly, “the amount of contact a parent has had with a child may also be considered.” In re D.F.G., 1999 ND 216, ¶ 20, 602 N.W.2d 697.

[¶21] C.A.’s consistent absence in the life of C.S.K. established a pattern of parental conduct that illustrates a reasonable prediction of future deprivation. The Trial Court concluded that, “C.A. has never provided parental care for his child.” Appellant’s App. 28. As the record reflects, even before C.S.K. was in the custody of Grand Forks County Social Services, C.A. never provided parental care for the child. Tr. 04:26:42 (Apr. 8, 2014). Furthermore, C.A. was placed in foster care on February 26, 2013, but C.A. did not make contact with Grand Forks County Social Services until November 20, 2013. Tr. 04:24:24 (Apr. 8, 2014). By June of 2013, the goal for the child was changed to termination of C.A.’s parental rights based on C.A.’s abandonment. Tr. 04:31:16 (Apr. 8, 2014).

[¶22] In defense of not contacting Grand Forks County Social Services until November, Appellant argues that he was not notified that C.S.K. was his child until after his birth. Appellant's Br. at ¶ 21. However, even after C.A. was notified, he still failed to provide any kind of parental care or support to C.S.K. Tr. 04:26:42 (Apr. 8, 2014). The delay in determining C.S.K. to be his child in no way explains why C.A. was delayed in contacting Grand Forks County Social Services.

[¶23] The Appellant further argues that he was never given notice that C.S.K. was in foster care, while simultaneously reasoning that he understood there was a plan in place "shortly after C.S.K. was taken into care by Grand Forks County Social Services" to place C.S.K. with C.A.'s sister. Appellant's Br. ¶ 21. C.A.'s understanding that his sister was getting custody of C.S.K. is inconsistent with his argument that he was not given notice or aware that C.S.K. was in foster care. Regardless, the evidence showed that C.A. appeared to have knowledge that C.S.K. was in foster care as early as one month after C.S.K. was placed in custody. Tr. 04:21:00 (Apr. 8, 2014). Grand Forks County Social Services attempted to notify C.A. of C.S.K.'s situation in several ways including contacting his mother, his sister, and utilizing social media. Tr. 04:23:18 (Apr. 8, 2014). Amy Wesley of Grand Forks County Social Service testified that C.A.'s mother indicated that she had told C.A. that C.S.K. was in foster care as early as May, 2013. Tr. 00:24:40 (Apr. 9, 2014). Even after coming forward in November, the only explanation by C.A. for his absence was that he was "here and there." Tr. 04:38:10 (Apr. 8, 2014). In addition, Ms. Wesley testified to the fact the C.A. knew C.S.K. was in foster care and failed to come forward. Tr. 04:37:32. (Apr. 8, 2014). After making contact with the Grand Forks County Social Service office, C.A. missed his first meeting with Ms.

Wesley and indicated he was unsure as to whether he would like to care for C.S.K. Tr. 00:00:40 (Apr. 9, 2014); Tr. 04:27:47 (Apr. 8, 2014). C.A. has shown a pattern of neglect and abandonment, and this pattern is likely to continue in the future.

[¶24] The court concluded that C.A. does not have the current ability to provide for the necessary care of C.S.K. and based upon his past history, it is unlikely he will have the ability needed in the near future. Appellant's App. 28 -29. At the time of trial, C.A. was living at the Rescue Mission. Tr. 04:39:16 (Apr. 8, 2014). Prior to November 20, 2013, there is no record of C.A. having his own residence. C.A. has applied for housing assistance, but is unaware of whether he will receive assistance because he has a felony record. Tr. 04:34:03 (Apr. 8, 2014). In addition to C.A.'s prior criminal record, he has pending felony charges. Appellant's App. 24, 26. Ms. Wesley testified that C.A. has "not been stable," and could not provide for C.S.K. Tr. 04:37:24 (Apr. 8, 2014). Based on this history, it is unlikely C.A. will have the ability to provide for C.A. in the near future. This evidence shows a pattern of parental conduct that supports the District Court's finding that the child will continue to be a deprived child.

B. C.S.K. continues to be a deprived child because C.A. has failed to complete the requirements set forth by Grand Forks County Social Services.

[¶25] Just as a continued failure to follow through with social service programs was prognostic evidence in In re B.J.K., so too is C.A.'s failure to complete the requirements of Grand Forks County Social Services. In re B.J.K., 2005 ND 138, ¶ 17, 701 N.W.2d 924. In addition, issues left unaddressed, such as C.A.'s drug and alcohol

evaluation, provide evidence of continued deprivation. In re B.B., 746 N.W.2d 411 at ¶ 12.

[¶26] Despite the fact the petition to terminate C.A.'s parental rights had already been filed, Grand Forks County Social Services required C.A. to complete services for C.A. before he could be considered as an appropriate placement for C.S.K. Tr. 04:29:02 (Apr. 8, 2014). Several services were required by Grand Forks County Social Services including gaining employment, resolving his outstanding warrants and legal issues, obtaining stable housing, obtaining a psychological evaluation and following through with recommendation, and obtaining a drug and alcohol evaluation and following through with recommendations. Tr. 04:32:58 (Apr. 8, 2014).

[¶27] The Appellant wrongly concludes that he had "completed all of the services request[ed] of him." Appellant's Br. ¶21. As the Trial Court Stated, "C.A. has not yet filed evidence he had obtained a chemical dependency evaluation and followed through with recommendations." Appellant's App. 24. This is consistent with the testimony of Ms. Wesley. Tr. 04:30:40 (Apr. 8, 2014).

[¶28] The Court concluded that C.A. does not have the current ability to provide for the necessary care of C.S.K. and based upon his past history, it is unlikely he will have the ability in the near future. Appellant's App. 28 -29. The Appellant believes this is an error since C.A. was attempting to address these issues at the time of the trial. Appellant's Br. ¶ 20. However, In re D.M., the court found that it is not enough that a parent indicate a desire to improve. In re D.M., 2007 ND 62, ¶ 22, 730 N.W.2d 604 (citing to In re M.D.K., 447 N.W.2d 318, 322 (N.D.1989)). A simple desire to improve is

not enough, “[a] parent must be able to demonstrate present capability or capability within the near future, to be an adequate parent.” Id.

[¶29] The Appellant wrongfully reasons that he has resolved his legal issues. Appellant’s Br. ¶22. As the trial court stated, C.A. cannot demonstrate a present capability or a capability in the near future because he has “pending criminal charges that must be resolved and he currently does not have a residence other than the Rescue Mission.” Appellant’s App. 28. The record shows that C.A. has only resolved the warrants for his arrest as of January 13, 2014. Tr. 00:30:40 (Apr. 9, 2014). It cannot be soundly concluded that C.A. has “resolved his legal issues.” Furthermore, at the time of the trial, C.A. was still living at the Rescue Mission. Tr. 4:34:07 (Apr. 8, 2014). Therefore, C.A. failed to complete the requirements of resolving his legal issues and obtaining housing before the trial that terminated his parental rights.

[¶30] Not only did C.A. fail to complete the requirements of Social Services, he failed to access the services in a timely manner. The North Dakota Supreme Court has previously found that a child’s living situation should not continue to linger in the hope that the parent will finally follow through on her promise to reform. In re B.J.K., 2005 ND 138, ¶ 17, 701 N.W.2d 924. Furthermore, “[w]hen there has been an extensive period in which efforts have been made to overcome a parent’s inability to effectively parent, the courts cannot allow the children to remain in this indeterminate status midway between foster care and the obvious need for permanent placement.” Id. (citing to In re B.N., 2003 ND 68, ¶ 25, 660 N.W.2d 610).

[¶31] C.S.K. is two years old and at the time of trial he had been in custody for over a year. He had spent almost 50% of his life out of the parental home at the time of

the trial. Appellant's App. 29. Services were available to C.A. immediately after the child was removed from the home on February 26, 2013. Appellant's App. 30. However, C.A. made no effort to participate in the services until approximately November of 2013, ten months after the removal of C.S.K. and not until the termination petition had been filed.

[¶32] The fact that C.A. did not follow through with all of the recommendations and services available to him is further prognostic proof that C.S.K. will continue to be deprived. Based on this evidence, it was not clearly erroneous for the District Court to conclude that C.S.K. will continue to be a deprived child.

C. The expert witnesses involved in the case opined it was in the best interest of C.S.K. to terminate the parental rights of C.A.

[¶33] "Prognostic evidence includes the reports and opinions of the professionals involved." In re D.F.G., at ¶ 20. The Appellant's Brief fails to consider the recommendations and testimony of the two qualified experts.

[¶34] Shari Fiedler is the Supervisor of Child Protection Services for Grand Forks County Social Services and was an expert witness in this case. Tr. 00:09:16 (Apr. 9, 2014). Ms. Fiedler testified that, in her opinion, the child is deprived and will continue to be deprived based on C.A. and D.K.'s lack of cooperation with Social Services. Tr. 00:28:37 (Apr. 9, 2014). In Ms. Fiedler also testified that, parental rights should be terminated in the best interest of the child. Tr. 00:30:15 (Apr. 9, 2014).

[¶35] Amy Wesley is a Grand Forks County Social Services Foster Care Case Manager. Tr. 04:01:10 (Apr. 8, 2014). Ms. Wesley expressed concerns over C.A.'s

ability to provide for C.S.K.'s, because C.A. is not stable or involved in C.S.K.'s life at all. Tr. 04:37:10 (Apr. 8, 2014). Ms. Wesley also testified that she felt C.A. could not provide for the child because he failed to provide support to D.K. throughout C.S.K.'s life. Tr. 04:37:30 (Apr. 8, 2014). In her testimony, Ms. Wesley stressed her concern that C.A. "knew C.S.K was in foster care and didn't step forward." Tr. 04:37:33 (Apr. 8, 2014). In addition, Ms. Wesley testified that she has concerns as to whether C.A. has the cognitive ability to raise C.S.K. Tr. 00:40:00 (Apr. 9, 2014). According to Ms. Wesley's testimony, C.A. does not understand child rearing and lacks the ability to "connect the dots of raising a child." Tr. 00:41:00 (Apr. 9, 2014).

[¶36] Ms. Evans was appointed by the Court to serve as the Guardian ad Litem. Tr. 03:11:53 (Apr. 8, 2014). Ms. Evans attended all Child and Family Team meetings and was present throughout the trial. Tr. 03:12:17 (Apr. 8, 2014). After working with the family and listening to the testimony, she believes that it is in the best interest of C.S.K. that the parental rights of C.A. be terminated. Tr. 03:12:40 (Apr. 8, 2014).

[¶37] There is no expert testimony to refute the opinions of deprivation and the recommendations for termination. Based on the professional opinions of the expert witnesses it was not clearly erroneous for the District Court to conclude that C.S.K. will continue to be a deprived child.

II. THE DISTRICT COURT PROPERLY FOUND THAT REASONABLE EFFORTS WERE PROVIDED TO REUNITE THE FAMILIES.

[¶38] An agency granted custody of a child under the Uniform Juvenile Court Act shall expend reasonable efforts to finalize the permanent plan for the child. N.D.C.C § 27-20-32.3. Under N.D.C.C § 27-20-32.2(1), reasonable efforts are defined as:

[T]he exercise of due diligence by the agency granted authority over the child... to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family or, after removal, to use appropriate and available services to eliminate the need for removal and to reunite the child and the child's family.

If it has been determined by the custodian that it is not possible to return a child safely to the child's home, reasonable efforts should be made to finalize the permanent plan for the child. N.D.C.C. § 27-20-32.2 (3); In re N.H., 2001 ND 143 ¶ 13, 632 N.W.2d 451.

[¶39] The permanent goal for C.S.K. became adoption on June 19, 2013. (TR 04:29:43 (Apr. 8, 2014); TR 4:31:15 (Apr. 8, 2014). Ms. Wesley testified that the reason the goal changed to adoption was a "lack of progress from D.K. and not knowing C.A.'s whereabouts." TR 04:31:03 (Apr. 8, 2014). The reasonable efforts required at this point were to effectuate the permanent plan of adoption per N.D.C.C. § 27-20-32.2 (3).

Nevertheless, Grand Forks County Social Services provided "the process they normally would" once C.A. contacted them. Tr. 04:29:23 (Apr. 8, 2014). After contacting Ms. Wesley, C.A. was offered services to include a description of the process, a psychological evaluation, visitation services, and alcohol and drug testing. Tr. 04:30:20 (Apr. 8, 2014). Ms. Wesley testified that her agency continued to provide efforts to C.A. She summarized the services as transportation for visits, foster care case management, housing assistance, direct visitation with family members of C.S.K., temporary family member placement, daycare reimbursement to the family, relative searches, parent locator searches, health tracks child health screening for C.S.K, and quarterly child and

family team meetings. Tr. 00:35:53 (Apr. 9, 2014). A complete list of services offered to both D.K. and C.A. includes: random urinalysis testing, DNA Testing, PRIDE training, Head Start services, Developmental Delay Case Management, Infant Development, Right Tracks, STEP Program, Little Miracles Services, public health services, Child and Family Team Meetings, dental services, parenting evaluation and psychological assessments, legal intervention, law enforcement intervention, Juvenile Court Services, school counseling services, chemical dependency evaluations and treatment, aftercare at Northeast Human Service Center, speech therapy, occupational therapy, play therapy, anger management classes, Kids First visitation services, Parole and Probation service, parenting classes, Foster Care Case Management, Child Protection, and Guardian ad Litem Service. Appellant's App. 29.

[¶40] The Appellant argues that Grand Forks County Social Services did not include parenting classes, parenting demonstrations, use of a parent aid, or any other direct hands on or teaching assistance to him. Appellants Br. at ¶ 33. There is no evidence in the record that any of these services were requested by C.A. or denied by Grand Forks County Social Service Center. Furthermore, "the State is not required to exhaust every potential solution." In re A.B., 2009 ND 116, ¶ 25, 767 N.W.2d 817 (citing In re J.S., 2008 ND 9 ¶ 19, 743 N.W.2d 808).

[¶41] C.A. appears to argue the fact that C.A. has another child is proof that Grand Fork Social Services did not provide the appropriate services or assessment of C.A.'s ability to support C.S.K. Appellant Br. at ¶ 34. However, C.A. does not have custody of his other child and the child does not live with C.A. TR 00:27:39 (Apr. 9, 2014). In addition, Ms. Wesley testified that C.A.'s psychological evaluation indicated

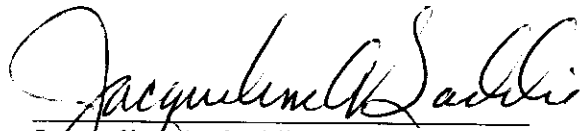
that C.A. has not raised his other child on his own, and that he lacked the ability to do so.
Tr. 00:04:29 (Apr. 9, 2014).

[¶42] The efforts of Grand Forks County Social Services display due diligence in using the resources available to eliminate the need for removal and to facilitate the reunification of C.S.K with C.A. However, C.A. did not access any services until after the process of adoption was already initiated. Based on the record, Grand Forks County Social Services provided reasonable efforts to reunify this family and to achieve the permanent plan for this child.

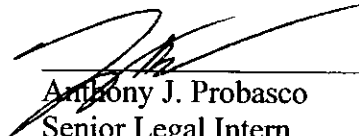
CONCLUSION

[¶43] For the above-stated reasons, the State requests that this Court deny the Appellant's appeal and affirm the lower Court's decision.

[¶44] DATED this 7 day of July, 2013.



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