

In re Adoption of Madysen S.

Case Number

A-15-0032

Call Date

September 16, 2015

Case Time

9:30 AM

Case Audio

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Case Summary

A-14-0032, In re Interest of Madysen S.

Lincoln County, County Court Judge Michael E. Piccolo

Attorney for Appellant: Todd M. Jeffers (Brouillette, Dugan & Troshynski, P.C., LLC)

Attorney for Appellee: Angela M. Franz (Waite, McWha, & Heng)

Civil Action: Termination & Adoption

Action Taken by Trial Court: The trial court found that, pursuant to the adoption statutes, the appellant abandoned his minor children and his consent was not required for their adoption by their stepfather.

Assignments of Error on Appeal: The appellant assigns that the trial court erred by finding that he had abandoned the minor children and that his consent was no longer necessary for the adoption of the children.

Extended Case Summary (for Educational Purposes):

A-14-0032, In re Interest of Madysen S.

Lincoln County, County Court Judge Michael E. Piccolo

Attorney for Appellant: Todd M. Jeffers (Brouillette, Dugan & Troshynski, P.C., LLC)

Attorney for Appellee: Angela M. Franz (Waite, McWha, & Heng)

Civil Action: Termination & adoption

Action Taken by Trial Court: The trial court found that, pursuant to the adoption statutes, the appellant abandoned his minor children and his consent was not required for their adoption by their stepfather.

Assignments of Error on Appeal: The appellant assigns that the trial court erred by finding that he had abandoned his minor children and that his consent was no longer necessary for the adoption of the children.

Facts: In 2000, the appellant, Jeremy S. and his wife, Nicole K., were married. From that

marriage, three children were born. In 2007, Jeremy and Nicole's marriage was dissolved and Nicole was awarded sole care and custody of all three children while Jeremy was awarded no parenting time and ordered to pay \$50 per month in child support.

In 2009, Jeremy was convicted in Missouri with three counts of child molestation of his oldest daughter and was sentenced to a total of 16 years' imprisonment. Jeremy remains incarcerated at this time.

Nicole has since remarried and wished for her new husband to adopt the children. Jeremy refused Nicole's request to voluntarily relinquish his parental rights to all three children and she filed a motion to terminate his parental rights and a motion for adoption by a step-parent.

A trial was held by the county court, which proceeded with the case under the Nebraska adoption statutes. The court found that Jeremy was unable to parent the children due to his incarceration and had abandoned them for purposes of adoption. The court concluded that, since Jeremy had abandoned the children, his consent was not required for adoption.

Case Location

Concordia University

Panel Text

Irwin, Inbody and Riedmann, Judges
