

In re Interest of Aveah N. et. al

Caselaw No.

A-13-604 & A-13-605

Filed on

Wednesday, September 24, 2014

SUMMARY: Termination of parental rights was supported by evidence that the six children had been in an out-of-home placement for over three years and the parents showed no permanent improvement in their parenting skills despite being offered numerous services.

In February 2010, Natasha (DOB 5/2000), Nico (DOB 5/2002), Mason (DOB 8/2003), Taggart (DOB 2/2005) and Raini (DOB 4/2007) were removed from Jessica's and Casey's home after Mason attended school with bruises on his face and officers found the family home in an unclean state. The family had previously been involved with the juvenile court system in a case that closed in February 2009. The State of Nebraska filed a petition on February 10, 2010 and an amended petition in May 2010 alleging the children were at risk of harm due to Casey and Jessica's use of inappropriate discipline techniques and the dirty hours. Jessica and Casey admitted to the allegations. Jessica and Casey had a sixth child, Aveah, in November 2010. Aveah was removed immediately after her birth because Jessica and Casey had failed to make any significant progress toward reunification with the older children. The State filed motions to terminate Jessica's and Casey's parental rights to all six children in December 2012. At the termination hearing held May 2013, there was evidence that Jessica and Casey had been provided numerous services, including family support, therapy, and assessments. Though Jessica and Casey participated in the offered services, their parenting skills had not improved on a permanent basis. Jessica and Casey continued to struggle to control their behavior and regularly used inappropriate language and disciplinary techniques in front of the children. Visitation remained supervised throughout most of the case; when visitation was changed to monitored visits, it did not last long due to the parents' aggressive and inappropriate behaviors. Casey testified that he would no longer physically discipline his children, but also stated that he believed disciplinary decisions should be under the parents' control. Jessica testified that she and Casey just needed more time to prove they were capable of parenting their children. The State presented evidence that the children suffered from serious behavioral problems that improved when the children did not see their parents for a period of time. The juvenile court terminated Jessica's and Casey's parental rights to all six of their children.

The Nebraska Court of Appeals affirmed the termination of parental rights. The Court of Appeals noted that the children had been in an out-of-home placement for a substantial amount of time. Jessica and Casey had been offered "literally all the services that are available to the [Department]" and yet no real progress had been made. Jessica and Casey had not demonstrated consistent improvement in their parenting skills or that they are able to control their inappropriate behaviors. The termination of Jessica's and Casey's parental rights was in the children's best interests.

Tags

abuse,
appeal,

Aveah,
best interests,
Casey,
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Jessica,
Mason,
Natasha,
neglect,
Nico,
out-of-home placement,
parenting skills,
Raini,
Taggert,
termination of parental rights
