

In re Interest of Audrey T.

Case Number

A-17-1308

Court Number

Scotts Bluff

Call Date

September 12, 2018

Case Time

9:00 AM

Case Audio

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Case Summary**A-17-1308, In re Interest of Audrey T.**

Scotts Bluff County, County Court Judge James M. Worden

Attorney for Appellant: Bernard J. Straetker (Public Defender's Office)

Attorney for Appellee: Danielle Larson (Scotts Bluff County Attorney's Office)

Juvenile Action: Termination of Parental Rights; Nebraska's Indian Child Welfare Act

Action Taken by Trial Court: The Scotts Bluff County Court, sitting in its capacity as a juvenile court, terminated the mother's parental rights to the minor child, Audrey T. The Court found that the State had proved by clear and convincing evidence that grounds for termination existed pursuant to Neb. Rev. Stat. § 43-292(2), (5), (6), and (7) and that termination was in the minor child's best interests. Additionally, the court found that the State had made active efforts to reunify the Indian family pursuant to Nebraska's Indian Child Welfare Act (NICWA). Also pursuant to NIWA, the court found, beyond a reasonable doubt, that the continued custody of the child by the mother was likely to result in serious emotional or physical damage to the child.

Assignments of Error on Appeal: The mother assigns as error that the court erred in terminating her parental rights pursuant to § 43-292(2), (5), (6), and (7) and finding that termination was in the minor child's best interests. The mother further contends that the State failed to prove beyond a reasonable doubt, as required by the NICWA, through qualified expert witness testimony that the continued custody of the minor child by the mother was likely to result in serious emotional or physical damage to the minor child. The mother also contends that the State failed to provide proper notice to the Oglala Sioux Tribe in violation of NICWA.

Case Location

Lincoln

Court Type

County Court

Schedule Code

A1

Panel Text

Pirtle, Riedmann, and Welch, Judges
