

In re Interest of Leyton C. and Landyn C. (PFR)

Additional Case Names

10:05 am

Case Number

S-19-0423

Case Audio

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Call Date

September 30, 2020

Case Time

9:00 AM

Court Number

Lancaster

Case Location

Lincoln

Court Type

Separate Juvenile Court

Case Summary

S-19-0423 In re Interest of Leyton C. and Landyn C.

Lancaster County Separate Juvenile Court, Honorable Linda S. Porter

Attorneys: Melanie Kirk (Johnson, Flodman, Guenzel & Widger)(Appellant) --- Joy Shiffermiller (Joy Shiffermiller Law Office, P.C., L.L.O.)(Appellee GAL) --- Maureen Lamski (County Attorney?s Office)

Civil: Termination

Proceedings Below: The trial court terminated Appellant?s parental rights. The Court of Appeals reversed. Both the Appellee GAL and the State filed a petition for further review, which were both granted by the Nebraska Supreme Court.

Issues: The Appellee GAL asserts the Court of Appeals erred in 1) finding that the mother has made ?continued progress? in correcting the conditions that lead to the adjudication, 2) finding the State has failed to prove by clear and convincing evidence that Madison C. is unable or unwilling to rehabilitate herself within a reasonable time, and 3) finding the State has failed to prove by clear and convincing evidence that the children?s best interests are served by terminating her parental rights.

The State asserts the Court of Appeals erred in 1) failing to follow the long line of cases establishing that juveniles should not have to wait for uncertain parental maturity. In re Interest of Alec S., 294 Neb. 784, 797-798, 884 N.W.2d 701 (2016); In re Interest of Jahon S., 291 Neb. 97, 106, 864 N.W.2d 228, 235 (2015); In re Interest of Octavio B., 290 Neb. 589, 600,

861 N.W.2d 415, 425 (2015), and 2) failing to give deference to the trial judge's assessment of credibility and relying heavily on the testimony and word of Appellant who was shown to have a history of dishonesty with the court. When the evidence is in conflict, however, an appellate court may give weight to the fact that the lower court observed the witnesses and accepted one version of the facts over the other. In re Interest of Christopher R., 13 Neb. 748, 755, 700 N.W.2d 668, 673 (2005).

Schedule Code

SC
