

# IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

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**COMPLETE TITLE OF CASE**

IN THE INTEREST OF: A.C.G.

JUVENILE OFFICER and DEPARTMENT OF SOCIAL SERVICES, CHILDREN'S  
DIVISION,

Respondents,

v.

A.G. (Natural Mother),

Appellant.

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**DOCKET NUMBER WD79274**  
**MISSOURI COURT OF APPEALS**  
**WESTERN DISTRICT**

**DATE:** September 13, 2016

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**APPEAL FROM**

The Circuit Court of Benton County, Missouri  
The Honorable Michael O. Hendrickson, Judge

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**JUDGES**

Division IV: Mark D. Pfeiffer, Chief Judge, Presiding, and James Edward  
Welsh and Edward R. Ardini, Jr., Judges

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**ATTORNEYS**

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Guardian *ad litem*.



## MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

IN THE INTEREST OF: A.C.G.	)	
	)	
JUVENILE OFFICER and	)	
DEPARTMENT OF SOCIAL	)	
SERVICES, CHILDREN'S DIVISION,	)	
	)	OPINION FILED:
Respondents,	)	September 13, 2016
v.	)	
	)	
A.G. (Natural Mother),	)	
	)	
Appellant.	)	

WD79274

Benton County

Before Division Four Judges: Mark D. Pfeiffer, Chief Judge, Presiding, and James Edward Welsh and Edward R. Ardini, Jr., Judges

A.G. ("Mother") appeals from the Judgment of the Circuit Court of Benton County, Missouri, Juvenile Division ("trial court"), terminating her parental rights to her daughter, A.C.G. Mother argues that the trial court's judgment as to abandonment was against the weight of the evidence. Mother also argues that the trial court erred in failing to take judicial notice of two Jackson County, Missouri, circuit court cases concerning her other two children.

**AFFIRMED.**

### Division Four holds:

1. Section 211.321.1 is a specific statute protecting the confidentiality of the records of juvenile court proceedings and providing the procedure for disclosure. On the other hand, section 490.130 is a general statute relating to the admissibility of court records into evidence. The judicial determination whether a juvenile court record may be disclosed is a necessary predicate to the decision whether it may be admitted into evidence or may be judicially noticed. Here, there is no evidence in the record that Mother's counsel moved the Jackson County Circuit Court to permit the inspection or disclosure of the two case files involving Mother's other two children or

established a legitimate interest therein sufficient to obtain an order of the juvenile division permitting disclosure of the Jackson County records in A.C.G.'s Benton County case. Furthermore, a court will not generally take judicial notice of records and facts in one action while deciding another action with different parties and different issues. The trial court did not abuse its discretion in excluding the evidence.

2. Mother does not challenge the neglect or failure to rectify findings of the trial court, both of which are sufficient for terminating her parental rights. When the trial court finds multiple statutory grounds for termination of parental rights, we will affirm the judgment if any one of those grounds was proven and termination was in the child's best interests.

Mother does not satisfy step two of her against-the-weight-of-the-evidence challenge to the trial court's findings with regard to abandonment in that she makes only minimal references to evidence in the record that is favorable to the judgment, including the fact that Mother went almost two and a half years without even requesting visitation with A.C.G. It follows that by failing to fully identify all material favorable evidence to the judgment, Mother undermines her ability to demonstrate why that evidence was so lacking in probative value, when considered in the context of the totality of the evidence, that it fails to induce belief that she abandoned A.C.G.—the fourth and final step necessary to mount an against-the-weight-of-the-evidence challenge. Our review of the record as a whole reveals that there was clear, cogent, and convincing evidence to support the finding that Mother abandoned A.C.G.

3. The trial court's finding that termination was in the best interests of A.C.G. was amply supported by the record and was not an abuse of discretion.

**Opinion by: Mark D. Pfeiffer, Chief Judge**

September 13, 2016

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.