Summary of SC99786, *In the Interest of: L.N.G.S.; Juvenile Officer and Missouri Department of Social Services, Children's Division v. A.S. and A.S.*
Appeal from the Clay County circuit court; Judge Alisha Diana O'Hara
Argued and submitted January 25, 2023; opinion issued March 21, 2023

Attorneys: The relatives were represented by Bruce B. Brown of Brown & Brown Attorneys LLC in Kearney, (816) 628-6100. The juvenile officer was represented by Bryan K. McMahon of the juvenile office in Liberty, (816) 736-8400.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: Two relatives appeal from the circuit court's overruling of their motion for new trial in a child neglect proceeding involving a juvenile they are seeking to adopt. In a unanimous decision written by Chief Justice Paul C. Wilson, the Supreme Court of Missouri dismisses the appeal. The relatives lack the statutory right to appeal under the juvenile code, as they are not the child's parents and did not appeal on the child's behalf.

Facts: A child, L.N.G.S., was born in March 2020. Shortly thereafter, the child's natural mother consented to the termination of her parental rights. In early June 2020, two relatives started proceedings to adopt the child. In June 2021, the circuit court granted the relatives temporary custody of the child pending the resolution of their adoption petition. Less than one week later, the child was taken to Children's Mercy Hospital after she allegedly was found in the bathroom sink with the hot water running. Doctors determined the child had second-degree burns to her legs and feet and also discovered four healing leg fractures. The relatives were unable to give a reasonable explanation for these injuries. The doctors determined the child had been physically abused and reported the incident to the children's division. In July 2021, the Clay County juvenile officer filed a child neglect action seeking to remove the child from the relatives' custody. The court ordered the child be placed in the temporary protective custody of the children's division. The juvenile officer then sought to dismiss the relatives from the case. The circuit court set the case for an adjudication hearing. Three days before the hearing, the relatives moved for a continuance. After hearing argument on the motion for continuance, the circuit court overruled it and proceeded to trial. The circuit court issued a judgment finding the allegations of neglect to be true and committed the child to the custody of the children's division for appropriate placement. The court also released the relatives as parties from the child neglect action. The circuit court issued a separate judgment in the adoption action terminating their temporary custody. The relatives filed a motion for new trial in the child neglect action, which the court overruled after a hearing. The relatives appeal.

APPEAL DISMISSED.

Court en banc holds: The relatives lack the right to appeal under the juvenile code. The right to appeal derives solely from statute. The general appeals statute, section 512.020, RSMo, does not apply in appeals taken under the juvenile code because chapter 211 has its own special statute governing appeals, section 211.261, RSMo. Section 211.261 permits an appeal from the child; the child's parent, guardian, legal custodian, spouse, relative or next friend on the child's behalf; a parent; and the juvenile officer. The relatives did not appeal on the child's behalf, nor are they the child's parents; therefore, the relatives have no statutory right to appeal.