



**In the Missouri Court of Appeals  
Eastern District  
DIVISION ONE**

IN THE INTEREST OF ) No. ED91354  
W.C., M.M., W.M. and G.M. )  
) Appeal from the Circuit Court  
) of St. Francois County  
) 07SF-JU00170  
) 07SF-JU00171  
) 07SF-JU00172  
) 07SF-JU00173  
)  
) Honorable Sandra Martinez  
)  
) Filed: June 16, 2009

**OPINION SUMMARY**

J.M. ("Mother") appeals the judgment of the juvenile court terminating her parental rights to W.C., M.M., W.M. and G.M.<sup>1</sup> She argues that (1) there was no clear, cogent and convincing evidence that grounds existed for termination; and (2) the trial court abused its discretion in finding that termination was in the children's best interests. J.C. ("Father") appeals the judgment terminating his parental rights to W.C. and M.M.<sup>2</sup> We affirm the juvenile court's judgment as to Father under Rule 84.16(b).<sup>3</sup>

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

**Division One holds:**

- (1) The juvenile court did not err in terminating Father's parental rights and its judgment as to Father is affirmed under Rule 84.16(b).

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<sup>1</sup> The individual cases for each child were consolidated for purposes of the juvenile court's judgment and this appeal.

<sup>2</sup> The parental rights of Garry M., father of W.M. and G.M., were also terminated by the juvenile court. Garry M. does not appeal the juvenile court's judgment.

<sup>3</sup> All references to Rules are to Missouri Supreme Court Rules (2009).

- (2) There was no clear, cogent and convincing evidence to support the juvenile court's finding that the children were abused and neglected by Mother under section 211.447.5(2) RSMo Supp. 2007.<sup>4</sup>
- (3) There was no clear, cogent and convincing evidence to support the juvenile court's finding that the children have been in the care of the juvenile court for a period of at least one year, that conditions of a potentially harmful nature continue to exist, and that there is little likelihood those conditions will be remedied at an early date so that the children can be returned to Mother under section 211.447.5(3).
- (4) There was no clear, cogent and convincing evidence to support the juvenile court's finding that Mother was unfit to be a party to the parent-child relationship under section 211.447.5(6).
- (5) Because grounds did not exist to support termination, it was unnecessary to determine whether the juvenile court abused its discretion in finding that termination of Mother's parental rights was in the children's best interests.

Opinion by: Glenn A. Norton, Judge    Kurt S. Odenwald, P.J., & Patricia L. Cohen, J., concur

Attorney for Appellants:    Christina L. Kime  
   Nathaniel J. Bollinger

Attorney for Respondent:    Tammy Steward

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE  
COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE  
READER AND SHOULD NOT BE QUOTED OR CITED.**

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<sup>4</sup> All statutory references are to RSMo Supp. 2007.