

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

IN THE INTEREST OF: M.N.,

L.N. (MOTHER), APPELLANT,

v.

JUVENILE OFFICER, MISSOURI CHILDREN'S DIVISION, RESPONDENTS.

DOCKET NUMBER WD69915

DATE: March 3, 2009

Appeal From:
CIRCUIT COURT OF COOPER COUNTY
THE HONORABLE KEITH M. BAIL, JUDGE

Appellate Judges:
Division One: Alok Ahuja, P.J., Thomas H. Newton, C.J., and Harold L. Lowenstein, J.

Attorneys:
Harry Mark Wooldridge, Boonville, MO, **for appellant.**

Larry E. Tate, Boonville, MO, **for respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS – WESTERN DISTRICT

IN THE INTEREST OF: M.N.,

L.N. (MOTHER),

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v.

JUVENILE OFFICER, MISSOURI CHILDREN'S DIVISION,

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WD69915

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Before Division One Judges: Alok Ahuja, P.J., Thomas H. Newton, C.J., and Harold L. Lowenstein, J.

L.N. is the natural mother of the male infant M.N. L.N.'s parental rights to M.N. were terminated by the Cooper County Circuit Court based on its determination that grounds for termination existed under §§ 211.447.5(2)(c), (2)(d), and (6), RSMo Cum. Supp. 2008.

AFFIRMED. Published with unpublished memorandum pursuant to Rule 84.16(b).

Division One holds:

Based on the Court's determination that clear, cogent, and convincing evidence existed to support the termination of L.N.'s parental rights under § 211.447.5(2)(d) based on her neglect of M.N., we affirm the judgment without addressing the alternative grounds for termination also found by the circuit court.

The Court addresses the bulk of L.N.'s arguments for reversal in an unpublished memorandum provided to the parties pursuant to Rule 84.16(b), because the Court has determined that publication of an opinion addressing those issues would have no precedential value.

The Court publishes an opinion addressing one of L.N.'s arguments, however: her claim that the circuit court could not terminate her parental rights for neglect under § 211.447.5(2)(d) without first determining that M.N. had been in foster care for at least fifteen of the most recent twenty-two months, as required by § 211.447.2(1). Contrary to L.N.'s argument, § 211.447.2(1) only specifies a temporal trigger which *requires* a juvenile officer to file a petition for termination of parental rights. Section 211.447.2(1) does not itself establish a substantive ground for termination of parental rights, and it does not limit a juvenile officer's *discretionary* authority to file a petition for termination of parental rights where the juvenile officer determines that grounds for termination exist under § 211.447.5(2).

To the extent that *In the Interest of K.M.*, 249 S.W.3d 265 (Mo. App. W.D. 2008), suggests that § 211.447.2(1) does establish a pre-condition for termination of parental rights under § 211.447.5(2), it is overruled and should no longer be followed.

Opinion by: Alok Ahuja, Judge

March 3, 2009

**THIS SUMMARY IS UNOFFICAL AND
SHOULD NOT BE QUOTED OR CITED.**