

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

IN THE INTEREST OF: I.G.P.

K.D.P. (MOTHER)

v.

JUVENILE OFFICER

MISSOURI CHILDREN'S DIVISION

**PLAINTIFF,
APPELLANT,**

**RESPONDENT,
RESPONDENT.**

**DOCKET NUMBER WD74598
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: June 12, 2012

**Appeal From:
Boone County Circuit Court
The Honorable Leslie Mayberry Schneider, Judge**

**Appellate Judges:
Division Three: Thomas H. Newton, P.J., James M. Smart, Jr., and Gary D. Witt, JJ.**

**Attorneys:
Danieal Howard Miller and Michael Blum, Columbia, MO, for **Appellant**
Christena Lynn Nelson, Hallsville, MO, for **Plaintiff**
Teri Lynn Armistead, Columbia, MO, for **Respondent Juvenile Officer**
Ellen Kay Haynes, Jefferson City, MO, for **Respondent Children's Division****

MISSOURI APPELLATE COURT OPINION SUMMARY

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No. WD74598

Boone County

Before Division Three: Thomas H. Newton, P.J., James M. Smart, Jr., and Gary D. Witt, JJ.

I.G.P. ("Child") was born on June 2, 2005, to K.D.P. ("Mother") and A.M.H. ("Father"). Prior to Child's birth, Mother had received services through the Children's Division, as Child's siblings were removed from Mother and placed in Children's Division's custody. Throughout the siblings' cases, Mother continued to abuse alcohol and marijuana, was discharged from substance abuse treatment because of non-compliance, failed to address her mental health issues, and failed to progress toward reunification. On July 30, 2004, Mother's parental rights to Child's siblings were voluntarily terminated.

Due to Mother's history, the Children's Division opened a case upon Child's birth. On November 30, 2006, a call was made to the Children's Division hotline regarding Child because of a lack of supervision and unsafe shelter, listing Mother as the perpetrator. Mother admitted that while she was caring for Child and three of her friend's children, she drank alcohol, ingested Tylenol with codeine, and cut herself in an attempt to commit suicide. Child was taken into protective custody.

A petition for termination of parental rights of Mother was filed on March 15, 2011, based on the fact that Mother failed to progress in complying with the terms of the social service plan entered into by Mother and the Children's Division by failing to adequately address her mental health condition and substance abuse issues, failing to progress beyond supervised visitation, and failing to otherwise abide by the Children's Division's case plan, among other things. At a hearing on the matter, Mother contended that there was insufficient evidence to support a finding that would justify termination, based on failed reunification, and that the evidence did not support a finding that it was in Child's best interest to terminate Mother's parental rights. The trial court entered its judgment terminating Mother's parental rights. Mother appealed.

AFFIRMED.

Division Three holds:

The trial court's termination of Mother's parental rights was supported by clear, cogent, and convincing evidence. Mother has failed to progress in complying with the terms of the social service plan set by the Division, has failed to adequately address her PTSD and other mental health issues (which evidence supported were permanent), has continued her use of drugs (including regular use of marijuana and alcohol), and has failed to follow the recommendations of her psychological plan. There is no error in the trial court's termination under section 211.447.5(3). Furthermore, the trial court found that despite Child's emotional ties to Mother, continuation of the parent-child relationship greatly diminished Child's prospects for early integration into a stable and permanent home. The record supports the existence of mutual love between Mother and Child; however, it also shows that Mother is unable to provide a stable and safe environment for Child and a continuation of Mother and Child relationship would be detrimental to Child. The evidence overwhelmingly supports the trial court's decision that it was in Child's best interest to terminate Mother's parental rights; there was no abuse of discretion.

Opinion by: James M. Smart, Jr., Judge

June 12, 2012

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