

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

IN THE INTEREST OF J.T.L.S. A/K/A/ J.S. II AND N.E.N.D.

L.D. (MOTHER).

Appellant

v.

JUVENILE OFFICER,

Respondents

DOCKET NUMBER WD78628

DATE: DECEMBER 22, 2015

Appeal From:

Circuit Court of Jackson County, MO
The Honorable John M. Torrence, Judge

Appellate Judges:

Division One
Anthony Rex Gabbert, P.J., Victor C. Howard, and Cynthia Martin, JJ.

Attorneys:

Christopher Robert Wray, Harrisonville, MO, Jolie Lynne Justus, Kansas City, MO,
Counsel for Appellant

Attorneys:

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Counsel for Respondents

MISSOURI APPELLATE COURT OPINION SUMMARY COURT OF APPEALS -- WESTERN DISTRICT

IN THE INTEREST OF J.T.L.S. A/K/A/ J.S. II AND N.E.N.D.

L.D. (MOTHER).

Appellant

v.

JUVENILE OFFICER, and GUARDIAN AD LITEM

Respondents

WD78628

Jackson County Circuit Court

L.D. (“Mother”) appeals the Family Court’s judgment terminating parental rights to her biological children, J.S. and N.D. Mother asserts that the trial court erred by: (1) improperly relying upon allegations of sexual abuse which she did not have an opportunity to refute; (2) failing to engage in reasonable efforts at reunification between Mother and the children; and (3) failed to prove by clear, cogent, and convincing evidence that Mother abused and neglected her children, failed to rectify harmful conditions, and was unfit to be a parent.

AFFIRMED

Division One holds:

(1) The trial court did not err in terminating Mother’s parental rights under § 211.447.5(3) (failure to rectify) because the record contained clear, cogent, and convincing evidence to support termination under that Section. The record showed that Mother stipulated to the initial allegations of abuse and neglect committed by family members, and the court found J.S.’s allegations of sexual abuse committed by Mother to be substantial and credible. Despite Mother’s earlier stipulation to the initial abuse allegations, and despite the trial court’s findings regarding J.S.’s allegations, Mother later retracted her acknowledgment of her role in all abuse and/or neglect and persisted with that position at the termination of parental rights hearing.

Consequently, Mother’s refusal to acknowledge the harm that came to the children while they were in her care was indicative of existing harmful conditions that Mother failed to rectify and there was little likelihood that the children could be returned to Mother’s care in the near future. The trial court did not err in finding that the State made reasonable efforts at reunification before filing a petition for termination of Mother’s parental rights. The record reflects numerous instances in which the trial court made statutorily required “efforts at reunification” findings throughout the pre-termination proceedings, and the Children’s Division offered numerous services to Mother over a span of several years—both before and after the children’s removal from Mother’s care, and before and after Mother’s visits with the children were terminated. All services were offered to Mother for the purposes of either family preservation or family reunification. However, Mother consistently failed to progress with the terms of the social service plan aimed at preserving the familial relationship by failing to acknowledge her role in the trauma suffered by her children. In light of Mother’s failure to make progress in complying with the social service plan, and given the amount of services provided to Mother pre- and post-removal of the children, the trial court justifiably concluded that there was little likelihood that additional services would bring about lasting parental adjustment enabling a return of the children.

Before Division One: Anthony Rex Gabbert, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Opinion by: Anthony Rex Gabbert, Judge

December 22, 2015

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