

COA Opinion: Parental rights cannot be terminated where parent was not offered the opportunity to participate in each proceeding in the child protective action

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While the father was incarcerated, the Department of Human Services (DHS) initiated a child protective action regarding his son. The action consisted of a series of proceedings, including a pretrial hearing, a dispositional hearing, dispositional review hearings, and a permanency planning hearing. These proceedings ultimately led to a termination hearing where the circuit court terminated the father's parental rights. On July 15, 2010, the Court of Appeals published *In re D M Kleyla, Minor*, No. 294776, reversing the circuit court and remanding for further proceedings. The Court of Appeals held that the circuit court's and DHS's failure to involve the father in most of the proceedings required a reversal of the termination of the father's parental rights. As the Court of Appeals explained, the initial dispositional hearings allow the parties to become acquainted with the parents' abilities and deficits, the needs of the child, and the efforts necessary for reunification. DHS also failed to offer the father any services, despite the fact that the father's parole officer indicated that he would be released from prison the next month, which he in fact was. The Court of Appeals also held the trial court's ruling to allow the prosecutor to introduce inadmissible hearsay evidence to show that termination was warranted constituted clear legal error.