

## COA Opinion: Proper cause existed to warrant change in custody when CPS removed children from home, despite fact that CPS later dismissed its case

13. July 2011 By Kristina Araya

---

In *Shann v Shann*, No. 301113, the Court of Appeals held that the trial court did not err in finding a change of circumstances sufficient to order a new custody hearing when Child Protective Services (CPS) removed a minor child from a home after allegations that the custodial parent's spouse sexually abused a different child, despite the fact that criminal charges were dismissed against the alleged abuser. The defendant argued that the CPS's previous actions did not amount to a change in circumstances, especially considering the fact that the CPS case had been dismissed. The court rejected this argument, and noted that the mere fact that CPS removed the child from the home was sufficient to warrant consideration of a change in custody. Additionally, there were other circumstances, such as evidence of poor hygiene and verbal abuse, which were not normal life changes and would likely have a significant impact on the child. Lastly, the court stated it would not revisit the trial court's assessment of the credibility of witnesses. Accordingly, the court affirmed the trial court's order granting a change in custody of the parties' minor son.