

MONDAY, OCTOBER 3, 2005
10:00 A.M.

NO. 2

#23473, #23488

IN THE MATTER OF S.A., A.A.,
E.A., AND A.A.,

Alleged Abused/Neglected Children

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(FOR APPELLEE MINOR CHILDREN)

STATEMENT OF ISSUES

- I. WHETHER THE TRIAL COURT ERRED IN FINDING BY CLEAR AND CONVINCING EVIDENCE THAT TERMINATION OF APPELLANT MOTHER'S PARENTAL RIGHTS WAS THE LEAST RESTRICTIVE ALTERNATIVE AVAILABLE COMMENSURATE WITH THE BEST INTERESTS OF THE CHILDREN.

TRIAL COURT: THE TRIAL COURT FOUND BY CLEAR AND CONVINCING EVIDENCE THAT TERMINATION OF H.A.'S PARENTAL RIGHTS WAS THE LEAST RESTRICTIVE ALTERNATIVE AVAILABLE, TAKING INTO CONSIDERATION THE BEST INTERESTS OF THE CHILDREN.

STATEMENT OF THE LEGAL ISSUES

1. WHETHER THE TRIAL COURT'S ORDER OF ADJUDICATION, DECLARING THAT S.A., A.A., E.A., AND A.A. WERE ABUSED/NEGLECTED CHILDREN WITHIN THE MEANING OF SDCL 26-8A-2 WAS SUPPORTED BY CLEAR AND CONVINCING EVIDENCE.

The trial court found that the allegations in the Petition, alleging the minor children to be abused/neglected children, were supported by clear and convincing evidence.

2. WHETHER THE TRIAL COURT ERRED IN ADMITTING HEARSAY STATEMENTS OF THE MINOR CHILDREN WITHOUT ALLOWING THE PARENTS TO CROSS-EXAMINE THE MINOR CHILDREN.

The trial court allowed hearsay statements of the minor children of the parties under the hearsay exception, without allowing the parents' attorneys to cross-examine the children.

3. WHETHER TERMINATION OF H.A.'S PARENTAL RIGHTS IN AND TO S.A., A.A., E.A., AND A.A. WAS THE LEAST RESTRICTIVE ALTERNATIVE AVAILABLE AND IN THE BEST INTERESTS OF S.A., A.A., E.A., AND A.A.

The trial court found that termination of H.A.'s parental rights in and to S.A., A.A., E.A., and A.A. was the least restrictive alternative available and in the best interests of S.A., A.A., E.A., and A.A.