

TUESDAY, OCTOBER 4, 2005
10:00 A.M.

NO. 2

#23573, #23590

IN THE MATTER OF THE
ADOPTION OF C.D.B.,
A Minor.

B. M. (H.) T.,
Plaintiff and Appellant,

vs.

J. D. B.,
Defendant and Appellee.

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20-20-10

23573/23590

STATEMENT OF ISSUES

ISSUE ONE: Whether the trial court erred in finding Mother abandoned Child.

ISSUE TWO: Whether the trial court abused its discretion in finding it is in the best interests of Child for the stepparent adoption to proceed.

ISSUE THREE: Whether the trial court erred in finding Mother in contempt and entering a money judgment against her.

STATEMENT OF ISSUES

ISSUE ONE: WHETHER THE TRIAL COURT ERRED IN FINDING MOTHER ABANDONED CHILD.

Most relevant cases:

In the Matter of the Adoption of Baade, 462 N.W.2d 485, 488 (S.D. 1990)

In the Matter of the Adoption of Bellows, 366 N.W.2d 848, 851 (S.D. 1985)

In re Adoption of Christofferson, 232 N.W.2d 832 (S.D.1975)

Most relevant statutes:

S.D.C.L. § 25-6-4

S.D.C.L. § 15-26A-10

ISSUE TWO: WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN FINDING IT IS IN THE BEST INTERESTS OF CHILD FOR THE STEPPARENT ADOPTION TO PROCEED.

Most relevant cases:

Fuerstenberg v. Fuerstenberg, 1999 S.D. 35

In the Matter of the Adoption of Everett, 286 N.W.2d 810 (1979)

Most relevant statutes:

S.D.C.L. § 25-4-45

S.D.C.L. § 25-6-4

S.D.C.L. § 25-6-2

ISSUE THREE: WHETHER THE TRIAL COURT ERRED IN FINDING MOTHER IN CONTEMPT AND ENTERING A MONEY JUDGMENT AGAINST HER.

Most relevant cases:

Freeman v. Sadlier, 1998 S.D. 114

Taecker v. Taecker, 527 N.W.2d 295, 298 (S.D. 1995)

Talbert v. Talbert, 290 N.W.2d 862, 863 (S.D. 1980)