

STATEMENT OF LEGAL ISSUES

- I. WHETHER THE TRIAL COURT ERRED BY ALLOWING THE VELDHEERS TO INTERVENE AND JOIN DEFENDANT, JERED'S ACTION AGAINST ANGELA IN CIV. #10-379, REGARDING THE CUSTODY OF PEYTON AND PARKER.

Trial Court: The Trial Court granted the Veldheers motion to intervene and join the custody action Jered brought against Angela for custody of Peyton and Parker.

The most relevant cases and statutes concerning this issue are as follows:

Clough v. Nez, 2008 SD 125, 759 NW2d 297
Medearis v. Whiting, 2005 SD 42, 695 NW2d 226
Feist v. Lemieux-Feist, 2010 SD 104, 793 NW2d 57
SDCL 25-5-29
U.S. CONST. amend 14

- II. WHETHER THE TRIAL COURT ERRED BY CONCLUDING, BY CLEAR AND CONVINCING EVIDENCE, THAT JERED HAD FORFEITED OR SURRENDERED HIS PARENTAL RIGHTS OVER THE CHILD TO ANY PERSON OTHER THAN THE PARENT.

Trial Court: The Trial Court found that Jered had forfeited or surrendered his parental rights over the children to the Veldheer's.

The most relevant cases and statutes concerning this issue are as follows:

Grode v. Grode, 1996 SD 15, 543 NW2d 795
Shroyer v. Fanning, 2010 SD 22, 780 NW2d 467
In the Matter of the Guardianship of S.M.N., 2010 SD 31, 781 NW2d 213
SDCL 15-6-52(a)

- III. WHETHER THE TRIAL COURT ERRED BY CONCLUDING, BY CLEAR AND CONVINCING EVIDENCE, THAT JERED ABDICATED HIS PARENTAL RIGHTS AND RESPONSIBILITIES.

Trial Court: The Trial Court found that Jered abdicated his parental rights and responsibilities.

The most relevant cases and statutes concerning this issue are as follows:

Grode v. Grode, 1996 SD 15, 543 NW2d 795

In the Matter of the Guardianship of S.M.N., 2010 SD 31,
781 NW2d 213
Meldrum v. Novotny, 2002 SD 15, 640 NW2d 460
Regaldo v. Mathieson, 2004 SD 87, 684 NW2d 67
SDCL 25-5-29
SDCL 25-5-30

IV. WHETHER THE TRIAL COURT ERRED BY CONCLUDING, BY CLEAR AND CONVINCING EVIDENCE, THAT EXTRAORDINARY CIRCUMSTANCES EXISTED, WHEREIN SERIOUS DETRIMENT WOULD RESULT BY AWARDING CUSTODY TO JERED.

Trial Court: The Trial Court found that extraordinary circumstances existed that serious detriment would result in awarding custody to Jered.

The most relevant cases and statutes concerning this issue are as follows:

In the Matter of the Guardianship of S.M.N., 2010 SD 31,
781 NW2d 213
Meldrum v. Novotny, 2002 SD 15, 640 NW2d 460
Clough v. Nez, 2008 SD 125, 759 NW2d 297
SDCL 25-5-29
SDCL 25-5-30

V. WHETHER THE TRIAL COURT ERRED BY GRANTING SOLE LEGAL AND PHYSICAL CUSTODY OF PEYTON AND PARKER TO THE VELDHEERS, WHO ARE NOT NATURAL PARENTS OF PEYTON AND PARKER.

Trial Court: The Trial Court granted the Veldheers sole legal and physical custody of Peyton and Parker over the natural parent, Jered.

The most relevant cases and statutes concerning this issue are as follows:

Troxel v. Granville, 520 US 57, 120 Sct 2054, 147 LEd 49 (2000)
In the Matter of the Guardianship of S.M.N., 2010 SD 31,
781 NW2d 213
Meldrum v. Novotny, 2002 SD 15, 640 NW2d 460
In re A.L. and S.L.Z., 2010 DS 33, 781 NW2d 482
SDCL 25-5-29
SDCL 25-5-30

VI. WHETHER THE TRIAL COURT ERRED BY DENYING ATTORNEY FEES TO JERED.

Trial Court: The Trial Court denied attorney fees to Jered.

The most relevant cases and statutes concerning this issue are as follows:

Lovejoy v. Lovejoy, 2010 SD 39, 782 NW2d 669

Grode v. Grode, 1996 SD 15, 543 NW2d 795

Shroyer v. Fanning, 2010 SD 22, 780 NW2d 467
SDCL 15-6-52(a)