

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KERRY FOWLER,	§
	§
Respondent Below,	§
Appellant,	§ No. 141, 2001
	§
v.	§ Court Below: Family Court
	§ of the State of Delaware in and
DIVISION OF FAMILY	§ for New Castle County
SERVICES,	§ File No. 00-26088
	§
Petitioner Below,	§
Appellee.	§

Submitted: November 15, 2001

Decided: November 26, 2001

Before VEASEY, Chief Justice, WALSH and STEELE, Justices.

ORDER

This 26th day of November 2001, upon consideration of the briefs of the parties, we conclude that:

(1) The Family Court correctly determined that the appellee, the Division of Family Services, had proved by clear and convincing evidence that the appellant had failed to plan for his child's physical or emotional health and development within the meaning of 13 *Del. C.* § 1103(a)(5).

(2) We further conclude that the Family Court correctly determined that termination of the appellant's parental rights was in the child's best interest as

required by 13 *Del. C.* § 722. Accordingly, under this Court's standard of review, the decision of the Family Court to terminate the appellant's parental rights must be affirmed.

NOW, THEREFORE IT IS ORDERED that the judgment of the Family Court be, and the same hereby is,

AFFIRMED.

BY THE COURT:

/s/ Joseph T. Walsh
Justice