

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER ROBBINS, ¹	§
	§ No. 92, 2013
Respondent Below,	§
Appellant,	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
	§ in and for New Castle County
DEPARTMENT OF SERVICES	§ File Nos. CN09-03368
FOR CHILDREN, YOUTH AND	§ 12-08-15TN
THEIR FAMILIES,	§ Petition Nos. 11-23296
	§ 12-28681
Petitioner Below-	§
Appellee.	§
	§

Submitted: July 31, 2013
Decided: August 23, 2013

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 23rd day of August 2013, upon consideration of the appellant’s brief filed pursuant to Supreme Court Rule 26.1(c), his attorney’s motion to withdraw, and the appellee’s response thereto, it appears to the Court that:

(1) The Family Court terminated the parental rights of the respondent-appellant, Christopher Robbins (“Father”), in his minor daughter

¹ The Court *sua sponte* assigned pseudonyms to the parties by Order dated March 6, 2013. SUPR. CT. R. 7(d).

by order dated February 4, 2013. This is Father's appeal from the termination of his parental rights.

(2) Father's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26.1(c). Father's counsel asserts that, based upon a complete and careful examination of the record and the law, there are no arguably appealable issues. By letter, Father's counsel informed him of the provisions of Rule 26.1(c) and provided him with a copy of the motion to withdraw and the accompanying brief. Father also was informed of his right to supplement his attorney's presentation. Father has not raised any issues for this Court's consideration. The Department of Services for Children, Youth and their Families ("DSCYF") has responded to the position taken by Father's counsel and has moved to affirm the Family Court's judgment.

(3) On appellate review of a termination of parental rights, this Court is required to consider the facts and the law as well as the inferences and deductions made by the Family Court.² We review legal rulings *de novo*.³ We review the factual findings of the Family Court to ensure that they are sufficiently supported by the record and are not clearly wrong.⁴

² *Scott v. DSCYF*, Del. Supr., No. 528, 2011, Steele, C.J. (Feb. 27, 2012) (citing *Wilson v. Div. of Fam. Services*, 988 A.2d 435, 439-40 (Del. 2010)).

³ *Wilson v. Div. of Fam. Services*, 988 A.2d at 435, 440 (Del. 2010).

⁴ *Id.*

This Court will not disturb inferences and deductions that are supported by the record and are the product of an orderly and logical deductive process.⁵

(4) The statutory procedure for terminating parental rights requires two separate inquiries.⁶ First, there must be proof of an enumerated statutory basis for termination.⁷ Second, there must be a determination that a termination of parental rights is in the best interests of the child.⁸ When the statutory basis for termination is failure to plan adequately for the child's physical, mental, or emotional needs,⁹ there must be proof of at least one additional statutory factor¹⁰ and proof that DSCYF made *bona fide* reasonable efforts to preserve the family unit.¹¹ All of the above requirements must be established by clear and convincing evidence.¹²

⁵ *Id.*

⁶ *Shepherd v. Clemens*, 752 A.2d 533, 536-37 (Del. 2000).

⁷ DEL. CODE ANN. tit. 13, § 1103(a)(1)-(8) (listing grounds for termination of parental rights).

⁸ DEL. CODE ANN. tit. 13, § 722(a)(1)-(8) (listing factors to be considered when determining best interests of the child).

⁹ DEL. CODE ANN. tit. 13, § 1103(a)(5).

¹⁰ DEL. CODE ANN. tit. 13, § 1103(a)(5) (a)-(b) (listing additional factors).

¹¹ *In re Hanks*, 553 A.2d 1171, 1179 (Del. 1989).

¹² *Powell v. DSCYF*, 963 A.2d 724, 731 (Del. 2008).

(5) In this case, the Family Court found by clear and convincing evidence that Father's parental rights should be terminated on the statutory bases of a prior termination of parental rights¹³ as well as a failure to plan adequately for the child's needs.¹⁴ The Court has carefully reviewed the record, including the entire termination of parental rights hearing transcript, and has concluded that Father's appeal is wholly without merit and is devoid of any arguably appealable issue. We also are satisfied that Father's counsel has made a conscientious effort to examine the record and the law and has properly determined that Father could not raise a meritorious claim in this appeal. In the absence of any error or abuse of discretion on the part of the Family Court, we affirm the termination of Father's parental rights on the basis of the Family Court's February 4, 2013 order.

NOW, THEREFORE, IT IS ORDERED that DSCYF's motion to affirm is GRANTED. The judgment of the Family Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹³ DEL. CODE ANN. tit. 13, § 1103(a)(6).

¹⁴ DEL. CODE ANN. tit. 13, § 1103(a)(5).