

Filed 3/21/19 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2019 ND 88

Interest of D.M.H., a child

State of North Dakota,

Petitioner and Appellee

v.

D.M.H., child, J.D.H., father, J.H.T.,
guardian, L.H.T., guardian, and Lisa
Larsen, Lay Guardian Ad Litem,

Respondents

and

S.L.S.,

Respondent and Appellant

No. 20180313

Appeal from the Juvenile Court of Grand Forks County, Northeast Central
Judicial District, the Honorable Jay D. Knudson, Judge.

REVERSED AND REMANDED.

Per Curiam.

Nancy D. Yon, Assistant State's Attorney, Grand Forks, N.D., for petitioner
and appellee; submitted on brief.

Rhiannon L. Gorham, Grand Forks, N.D., for respondent and appellant;
submitted on brief.

Interest of D.M.H.

No. 20180313

Per Curiam.

[¶1] S.L.S., the mother of D.M.H., a minor child, appeals from the juvenile court’s order appointing the child’s paternal grandparents as legal guardians for D.M.H. The juvenile court did not establish a visitation schedule for S.L.S. Her parental rights have not been terminated. S.L.S. argues the juvenile court should have included a visitation schedule in its order rather than delegate visitation decisions to the child’s guardians. The State agrees with S.L.S. and joins her request for a remand for the juvenile court to establish a visitation schedule.

[¶2] We summarily reverse under N.D.R.App.P. 35.1(b) and remand for further proceedings. *Interest of G.L.*, 2018 ND 176, ¶ 15, 915 N.W.2d 685 (holding a juvenile court may not delegate parental visitation to a child’s guardian). We remand for a determination by the juvenile court whether visitation “is likely to endanger the child’s physical or emotional health.” *Id.* at ¶ 14; N.D.C.C. § 14-05-22(2). If the juvenile court finds that visitation between S.L.S. and D.M.H. is not a danger to the child, it must order an appropriate visitation schedule.

[¶3] Gerald W. VandeWalle, C.J.
Jerod E. Tufte
Daniel J. Crothers
Lisa Fair McEvers
Donovan J. Foughty, D.J.

[¶4] The Honorable Donovan J. Foughty, D.J., sitting in place of Jensen, J., disqualified.