

Filed 03/04/20 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2020 ND 55

Interest of D.M.D., a child

State of North Dakota,

Petitioner and Appellee

v.

D.M.D., a child, J.A., biological father,
K.D., legal father, and Emily Simmons,
Guardian Ad Litem,

Respondents

and

J.M.D., mother,

Respondent and Appellant

No. 20190299

Appeal from the Juvenile Court of Grand Forks County, Northeast Central
Judicial District, the Honorable M. Jason McCarthy, Judge.

AFFIRMED.

Per Curiam.

Jacqueline A. Gaddie, State's Attorney, and Elizabeth Kriz (on brief), under
the Rule on Limited Practice of Law by Law Students, Grand Forks, ND, for
petitioner and appellee; submitted on brief.

Russell J. Myhre, Enderlin, ND, for respondent and appellant; submitted on
brief.

Interest of D.M.D.
No. 20190299

Per Curiam.

[¶1] J.M.D. appeals from orders finding and affirming aggravating circumstances and ending services to J.M.D. The juvenile court’s finding of aggravated circumstances was not clearly erroneous. We affirm under N.D.R.App.P. 35.1(a)(2),(7).

[¶2] J.M.D. argues her due process rights were violated because she was incarcerated and was unable to appear at the initial hearing. J.M.D. was represented by counsel and counsel did not raise the issue to the juvenile court that J.M.D.’s due process rights were violated. J.M.D. did not preserve the issue for appeal. “[I]ssues not raised in juvenile court, even constitutional issues, generally will not be addressed on appeal.” *In the Interest of T.T.*, 2004 ND 138, ¶ 8, 681 N.W.2d 779.

[¶3] J.M.D. also argues her ability to be represented at the hearing was impacted when counsel moved to withdraw. Counsel moved to withdraw during the hearing and J.M.D. did not object to the requested withdrawal or request another attorney be appointed. J.M.D. has not properly preserved the issue for appeal. Issues not raised in the lower court cannot generally be raised for the first time on appeal. *State v. Dockter*, 2019 ND 203, ¶ 8, 932 N.W.2d 98. We summarily affirm under N.D.R.App.P. 35.1(a)(2),(7).

[¶4] Jon J. Jensen, C.J.
Lisa Fair McEvers
Gerald W. VandeWalle
Jerod E. Tufte
Steven Marquart, D.J.

[¶5] The Honorable Steven Marquart, D.J., sitting in place of Crothers, J., disqualified.