



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**IN RE TERMINATION OF PARENTAL RIGHTS AS TO M.P.
CV-25-0173-PR**

PARTIES:

Petitioner: The Department of Child Safety (“DCS”)

Respondent: Maria P. (“Mother”)

FACTS:

Mother gave birth to M.P. in February 2023. In June 2023, M.P.’s father was arrested at the family home and charged with domestic violence after he tried to strangle Mother. In September 2023 Mother called 911 because she was concerned that M.P. was having a seizure. At the hospital, the seven-month-old M.P. weighed approximately seven pounds. She was diagnosed with severe malnutrition and her medical team feared that if she was denied medical treatment or removed from the hospital she would die.

DPS took custody of M.P. Mother was arrested for child abuse and pled guilty to one count of attempted child abuse. DCS filed a dependency petition alleging that M.P. was dependent as to Mother due to neglect. Mother enter a no-contest plea to the dependency petition and the juvenile court adjudicated M.P. dependent as to Mother. During the dependency, Mother actively participated in the reunification services for which DCS referred her. This included parenting and nurturing skills programs, healthy relationships and domestic violence groups, individual counseling and supervised visitation with M.P.

In February 2024, DCS filed a Petition for Termination of Parent-Child Relationship, alleging the ground of neglect. After a multi-day evidentiary hearing, the juvenile court found by clear and convincing evidence that Mother neglected M.P. and/or failed to protect her from neglect under A.R.S. § 8-533(B)(2) by failing to provide M.P. with proper food and medical care which caused a substantial risk of harm to M.P.’s health and welfare. The court observed that if it finds that a ground for severance exists, it must additionally establish by a preponderance of the evidence that the termination of parental rights would be in the best interests of the child. The court found by a preponderance of the evidence that M.P would benefit from termination as she would be freed for adoption, noting that she is in a prospective adoptive placement with a relative that is meeting all her medical, educational, and behavior needs. The court also found by a preponderance of the evidence that she would be harmed if termination was denied based on the history of domestic violence and neglect. The juvenile court considered Mother’s rehabilitation efforts as part of the best interest inquiry.

The juvenile court terminated Mother’s parental rights as to M.P. Mother appealed. The Court of Appeals, in a split opinion, vacated the termination of parental rights and remanded the case to the juvenile court to consider Mother’s parental unfitness under A.R.S. § 8-533(B)(2) in light of her completion of reunification services.

ISSUES AS STATED IN THE PETITION FOR REVIEW:

1. Did the court of appeals impermissibly rewrite the neglect ground under [A.R.S. § 8-533\(B\)\(2\)](#) when it held that the juvenile court must consider a parent's subsequent "participation in and benefit from services" in determining whether the parent is unfit under that ground?
2. Did the court of appeals impermissibly ignore this Court's holding that the juvenile court must consider the "totality of the circumstances" in reaching its best-interests determination when it held that the juvenile court can reach its determination without considering the parent's success in services?

RELEVANT STATUTE:

A.R.S. § 8-533

B. Evidence sufficient to justify the termination of the parent-child relationship shall include any one of the following, and in considering any of the following grounds, the court shall also consider the best interests of the child:

2. That the parent has neglected or wilfully abused a child. This abuse includes serious physical or emotional injury or situations in which the parent knew or reasonably should have known that a person was abusing or neglecting a child.

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