

S-25-0551 *In re Interest of Jordon B., State of Nebraska* (Appellee) v. *Leah B.* (Appellant).

Appeal from the County Court for Dodge County, sitting as a juvenile court, Judge Thomas J. Klein

Attorneys: Lisa M. Gonzalez (Johnson & Pekny LLC for Leah B., the Appellant), Jennifer D. Joakim (Special Prosecutor for Dodge County Attorney's Office for Appellee), Leslie E. Remus (Special Asst. Attorney General for Appellee, Department of Health and Human Services), and Steven J. Twohig (Guardian ad Litem for Jordon B.)

Juvenile: Recission of relinquishment of parental rights

Leah B. is the biological mother of Jordon B., and in 2020, Jordon was found to be an abused or neglected child by an order of the juvenile court and placed in foster care. As of 2022, Leah B. was not successful in regaining custody of Jordon B. in juvenile court, and she relinquished her parental rights to Jordon B. This means that Leah B. gave up her right to be a parent to Jordon. In 2023, however, Leah B. attempted to cancel the relinquishment. Leah B. contends that she signed the 2022 relinquishment under pressure, after she was given certain promises to do so, and after she was coerced to agree to a specific placement for Jordon to live. She also alleged that she is developmentally disabled and was not competent to sign the relinquishment paperwork, that her trial counsel was not effective in helping her, and that the relinquishment paperwork was not valid because she was not appointed a Guardian ad Litem, a special attorney who represents a person's best interests. After being appointed a Guardian ad Litem and after hearing testimony from the parties, the juvenile court found that Leah B. failed to prove by a preponderance of the evidence that she did not understand that she was relinquishing her parental rights to Jordon B. or that she signed the paperwork under duress or coercion. The juvenile court also determined that Leah B. did not receive ineffective assistance from counsel. A preponderance of evidence is a standard of proof that requires a party, in this case Leah B., to prove that the allegations are more likely true than not.

On appeal, Leah B. argues that the juvenile court erred in finding that her relinquishment was not a result of fraud, coercion, duress, or threats and that her relinquishment was knowing, intelligent, and voluntary. The State and Jordon's Guardian ad Litem argue that the juvenile court made the correct decision. The parties have filed briefs with the Nebraska Supreme Court, and the case is ready

to be argued. Each side will have ten minutes to argue the case before the Supreme Court and to answer questions from Supreme Court Justices.