

IN THE NEBRASKA COURT OF APPEALS

MEMORANDUM OPINION AND JUDGMENT ON APPEAL

IN RE INTEREST OF CRYSTAL W. ET AL.

NOTICE: THIS OPINION IS NOT DESIGNATED FOR PERMANENT PUBLICATION
AND MAY NOT BE CITED EXCEPT AS PROVIDED BY NEB. CT. R. APP. P. § 2-102(E).

IN RE INTEREST OF CRYSTAL W. ET AL., CHILDREN UNDER 18 YEARS OF AGE.

STATE OF NEBRASKA, APPELLEE,
V.
CAROL T., INTERVENOR-APPELLANT.

Filed October 28, 2008. No. A-08-445.

Appeal from the Separate Juvenile Court of Douglas County: VERNON DANIELS, Judge.
Affirmed.

Sandra Stern for intervenor-appellant.

Donald W. Kleine, Douglas County Attorney, and Amy Schuchman for appellee.

John M. Baker, Special Assistant Attorney General, for Nebraska Department of Health
and Human Services.

INBODY, Chief Judge, and MOORE and CASSEL, Judges.

MOORE, Judge.

INTRODUCTION

Carol T. is the maternal grandmother of Crystal W., Joshua T., and Jacob T. Carol was previously allowed to intervene in the juvenile court case concerning these children. Following the termination of the parental rights of the biological mother, the juvenile court sustained the motion of the Department of Health and Human Services (Department) to dismiss Carol from the action. Because a grandparent no longer has a legal interest in a juvenile court proceeding once the parental rights have been terminated over the grandchildren, we affirm.

BACKGROUND

In June 2003, Crystal, Joshua, and Jacob were adjudicated to be children within the meaning of Neb. Rev. Stat. § 43-247(3)(a) (Cum. Supp. 2006) due to the lack of proper parental care by reason of the faults or habits of Dyann T., the biological mother. On June 28, 2005, Carol filed a complaint to intervene which was granted by the juvenile court on August 18. On March 30, 2006, the juvenile court terminated Dyann's parental rights to Crystal and Joshua, pursuant to Dyann's voluntary plea of admission to the complaint to terminate her parental rights. In an order entered December 20, Dyann relinquished her parental rights to Jacob.

On December 19, 2007, the Department filed a motion to dismiss Carol from further participation in the case, which motion was heard on January 11, 2008. On March 26, the juvenile court sustained the Department's motion.

Carol timely appeals. Pursuant to Neb. Ct. R. App. P. § 2-111(B)(1), this case was ordered submitted without oral argument.

ASSIGNMENT OF ERROR

Carol assigns as error the juvenile court's dismissal of Carol from the juvenile court action concerning her grandchildren.

STANDARD OF REVIEW

Juvenile cases are reviewed de novo on the record, and the appellate court is required to reach a conclusion independent of the juvenile court's findings. *In re Interest of Jeffrey K.*, 273 Neb. 239, 728 N.W.2d 606 (2007). In reviewing questions of law, an appellate court reaches conclusions independent of the lower court's rulings. *In re Interest of Chad S.*, 263 Neb. 184, 639 N.W.2d 84 (2002).

ANALYSIS

The issue before us is whether a grandparent, who was previously allowed to intervene in a juvenile court action, loses standing after her child's parental rights over the grandchildren have been terminated.

Grandparents have a direct legal interest in juvenile dependency proceedings involving their biological or adopted grandchildren which entitles them to intervene as a matter of right in such proceedings prior to final disposition. *In re Interest of Kayle C. & Kylee C.*, 253 Neb. 685, 574 N.W.2d 473 (1998). However, the rights of grandparents are altered once parental rights of a child have been terminated. In *In re Interest of Ditter*, 212 Neb. 855, 859, 326 N.W.2d 675, 677 (1982), the Supreme Court held that "once parental rights of a child have been terminated as to a natural parent, the natural parents of such parent whose rights have been terminated are not entitled to continue visitation as a matter of right." Relying upon *In re Interest of Ditter*, the Supreme Court held in *In re Interest of S.R.*, 217 Neb. 528, 352 N.W.2d 141 (1984), that grandparents who had temporary custody during dependency proceedings lacked standing, as grandparents, to challenge an order placing the juvenile for adoption after parental rights were terminated.

The Supreme Court in *In re Interest of Kayle C. & Kylee C.* recognized that if a dependency proceeding is finally resolved by a termination of parental rights pursuant to

§ 43-292, the relationship between grandparent and grandchild is also terminated. See, also, Neb. Rev. Stat. § 43-1801 (Reissue 2004) (under grandparent visitation statute, definition of grandparent does not include biological or adoptive parent of minor child's biological or adoptive parent whose parental rights have been terminated).

Because Carol's relationship with her grandchildren was terminated upon the termination of Dyann's parental rights, Carol no longer has a legal interest in the juvenile court proceedings. Therefore, the juvenile court did not err in sustaining the Department's motion to dismiss Carol from the proceeding.

CONCLUSION

The juvenile court did not err in sustaining the Department's motion to dismiss the maternal grandmother from the juvenile court proceeding concerning Crystal, Joshua, and Jacob.

AFFIRMED.