

No. 24580 -- State v. Julie G.

Starcher, J., dissenting:

When circuit judges determine that a child is neglected, or that parental rights be terminated, the decisions of this court often (and in my view quite properly) state that in these difficult cases we must give deference to the circuit court's perception and weighing of the evidence. Why? Because the judges see the people involved. The judges get a sense and feel of the situation and can size it up. Is this parent well-meaning and trying? Could the parent, with enough support, do a decent job? Look at the child -- is it really fair to say that the child is neglected? Is it really fair to say that the parent is an abuser? Is it fair to separate a child from a parent, even when limited parenting skills are obvious? It's a tough call to make such determinations, and I think that it's a call that requires a face-to-face look at the people involved, to be done well.

But when circuit judges say -- based on the same sorts of assessments -- that a child should *not* be found to be neglected, or that parental rights should *not* be terminated, that the court should give the parent-child relationship another chance -- then I sense that our decisions too often tend to find reasons why we shouldn't defer to or trust the circuit judge's judgment.

*If* my perception is *correct*, it would mean that our decisions are applying a double standard to circuit judges' decisions in this area, and I hope we will move toward

a more even-handed approach. *If* my perception is *wrong*, then I hope I will come to see my error, which I admit I don't at this time.

I do not quarrel with the principles that command us to look to the best interests of children, but this should not occur without some concern for parental rights -- and recognition that children often love very much imperfect parents. To separate children from their moms and dads in such instances might well violate the very principles on which we say we are standing -- the best interests of children.

We must trust circuit judges quite a bit in these cases, whichever way they go -- not just when they decide in favor of neglect, abuse, and parental rights termination.

Accordingly, I respectfully dissent. I would uphold the judge's decision.