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Santosky v. Kramer, 455 U.S. 745, 102 S. Ct. 1388, 71 L. Ed. 2d 599, 1982 U.S. LEXIS 89, 50 U.S.L.W. 4333 (1982)

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SHEPARD'S SUMMARY

Unrestricted *Shepard's* Summary

Subsequent appellate history contains possible negative analysis.

Citing References:

Cautionary Analyses: **Criticized (3), Distinguished (51)**
 Positive Analyses: Followed (93), Concurring Opinion (123)
 Neutral Analyses: Dissenting Op. (150), Explained (13), Harmonized (2), Quest. Precedent (12)
 Other Sources: Law Reviews (1124), Statutes (26), Treatises (119), American Law Rpts/Lawyers' Edition Annos (8)

LexisNexis Headnotes: HN1 (968), HN2 (610), HN3 (946), HN4 (58), HN5 (46), HN6 (633), HN7 (50), HN8 (328), HN9 (301), HN10 (1386)

PRIOR HISTORY (1 citing reference)

1. *In re AA.*, 75 A.D.2d 910, 427 N.Y.S.2d 319, 1980 N.Y. App. Div. LEXIS 11563 (N.Y. App. Div. 3d Dep't 1980){Warning}

Vacated by (CITATION YOU ENTERED):

Santosky v. Kramer, 455 U.S. 745, 102 S. Ct. 1388, 71 L. Ed. 2d 599, 1982 U.S. LEXIS 89, 50 U.S.L.W. 4333 (1982){Caution}

SUBSEQUENT APPELLATE HISTORY (3 citing references)

2. **On remand at:**
In re "AA", 89 A.D.2d 738, 453 N.Y.S.2d 942, 1982 N.Y. App. Div. LEXIS 17865 (N.Y. App. Div. 3d Dep't 1982){Analysis}
3. **Later proceeding at:**
Santosky v. Roach, 161 A.D.2d 908, 557 N.Y.S.2d 473, 1990 N.Y. App. Div. LEXIS 5765 (N.Y. App. Div. 3d Dep't 1990){Caution}

4. **Appeal dismissed by, Motion dismissed by:**
Santosky v. Roach, 76 N.Y.2d 981, 565 N.E.2d 515, 1990 N.Y. LEXIS 3748, 563 N.Y.S.2d 766 (1990){*Analysis*}

CITING DECISIONS (3187 citing decisions)

U.S. SUPREME COURT

5. **Cited in Concurring Opinion at, Cited in Dissenting Opinion at:**
Troxel v. Granville, 530 U.S. 57, 120 S. Ct. 2054, 147 L. Ed. 2d 49, 2000 U.S. LEXIS 3767, 68 U.S.L.W. 4458, 13 Fla. L. Weekly Fed. S 365, 2000 Cal. Daily Op. Service 4345, 2000 Colo. J. C.A.R. 3199, 2000 D.A.R. 5831 (2000) **LexisNexis Headnotes HN1 , HN2, HN3, HN6, HN8, HN9, HN10**{*Caution*}
- Cited in Concurring Opinion at:**
 530 U.S. 57 p.77
 120 S. Ct. 2054 p.2066
 147 L. Ed. 2d 49 p.63
- Cited in Dissenting Opinion at:**
 530 U.S. 57 p.86
 120 S. Ct. 2054 p.2071
 147 L. Ed. 2d 49 p.69
- Cited by:**
 530 U.S. 57 p.66
 120 S. Ct. 2054 p.2060
 147 L. Ed. 2d 49 p.57
6. **Cited in Concurring Opinion at, Cited in Dissenting Opinion at:**
M.L.B. v. S.L.J., 519 U.S. 102, 117 S. Ct. 555, 136 L. Ed. 2d 473, 1996 U.S. LEXIS 7647, 65 U.S.L.W. 4035, 10 Fla. L. Weekly Fed. S 221, 96 Cal. Daily Op. Service 9032, 96 D.A.R. 14946 (1996) **LexisNexis Headnotes HN1, HN2, HN6, HN9, HN10** {*Caution*}
- Cited in Concurring Opinion at:**
 519 U.S. 102 p.129
 117 S. Ct. 555 p.570
 136 L. Ed. 2d 473 p.496
- Cited in Dissenting Opinion at:**
 519 U.S. 102 p.132
 117 S. Ct. 555 p.572
 136 L. Ed. 2d 473 p.498
- Cited by:**
 519 U.S. 102 p.106
 519 U.S. 102 p.118
 117 S. Ct. 555 p.559
 117 S. Ct. 555 p.564
 136 L. Ed. 2d 473 p.481
 136 L. Ed. 2d 473 p.489
7. **Cited by:**

Cooper v. Oklahoma, 517 U.S. 348, 116 S. Ct. 1373, 134 L. Ed. 2d 498, 1996 U.S. LEXIS 2649, 64 U.S.L.W. 4255, 9 Fla. L. Weekly Fed. S 529, 96 Cal. Daily Op. Service 2645, 96 D.A.R. 4383 (1996) **LexisNexis Headnotes HN10**{Warning}

517 U.S. 348 p.363
116 S. Ct. 1373 p.1381
134 L. Ed. 2d 498 p.511

8. **Cited by:**

Reno v. Flores, 507 U.S. 292, 113 S. Ct. 1439, 123 L. Ed. 2d 1, 1993 U.S. LEXIS 2399, 11 Immigr. Cas. Rep. A1-1, 61 U.S.L.W. 4237, 7 Fla. L. Weekly Fed. S 73, 93 Cal. Daily Op. Service 2028, 93 D.A.R. 3628 (1993) **LexisNexis Headnotes HN6 , HN8**{Caution}

507 U.S. 292 p.303
113 S. Ct. 1439 p.1448
123 L. Ed. 2d 1 p.17

9. **Cited in Dissenting Opinion at:**

Medina v. California, 505 U.S. 437, 112 S. Ct. 2572, 120 L. Ed. 2d 353, 1992 U.S. LEXIS 3696, 60 U.S.L.W. 4684, 6 Fla. L. Weekly Fed. S 539, 92 Cal. Daily Op. Service 5292, 92 D.A.R. 8412 (1992) **LexisNexis Headnotes HN10** {Caution}

Cited in Dissenting Opinion at:

505 U.S. 437 p.466
112 S. Ct. 2572 p.2588
120 L. Ed. 2d 353 p.377

Cited by:

505 U.S. 437 p.444
112 S. Ct. 2572 p.2576
120 L. Ed. 2d 353 p.362

10. **Cited in Dissenting Opinion at:**

Pacific Mut. Life Ins. Co. v. Haslip, 499 U.S. 1, 111 S. Ct. 1032, 113 L. Ed. 2d 1, 1991 U.S. LEXIS 1306, 59 U.S.L.W. 4157, 91 Cal. Daily Op. Service 1626, 91 D.A.R. 2599, 18 Media L. Rep. (BNA) 1753 (1991) **LexisNexis Headnotes HN5** {Caution}

499 U.S. 1 p.56
111 S. Ct. 1032 p.1063
113 L. Ed. 2d 1 p.44

11. **Cited in Dissenting Opinion at:**

Ohio v. Akron Ctr. for Reproductive Health, 497 U.S. 502, 110 S. Ct. 2972, 111 L. Ed. 2d 405, 1990 U.S. LEXIS 3302, 58 U.S.L.W. 4979 (1990) **LexisNexis Headnotes HN1 , HN10**{Questioned}

Cited in Dissenting Opinion at:

497 U.S. 502 p.535
110 S. Ct. 2972 p.2989
111 L. Ed. 2d 405 p.434

Cited by:

497 U.S. 502 p.515
 110 S. Ct. 2972 p.2981
 111 L. Ed. 2d 405 p.421

12. **Cited in Dissenting Opinion at:**

Hodgson v. Minnesota, 497 U.S. 417, 110 S. Ct. 2926, 111 L. Ed. 2d 344, 1990 U.S. LEXIS 3303, 58 U.S.L.W. 4957 (1990) **LexisNexis Headnotes HN2, HN3 {Caution}**

497 U.S. 417 p.484
 110 S. Ct. 2926 p.2963
 111 L. Ed. 2d 344 p.393

13. **Followed by, Cited in Dissenting Opinion at:**

Cruzan v. Director, Missouri Dep't of Health, 497 U.S. 261, 110 S. Ct. 2841, 111 L. Ed. 2d 224, 1990 U.S. LEXIS 3301, 58 U.S.L.W. 4916 (1990) **LexisNexis Headnotes HN1, HN10{Caution}**

Followed by:

497 U.S. 261 p.282
 110 S. Ct. 2841 p.2854
 111 L. Ed. 2d 224 p.245

Cited in Dissenting Opinion at:

497 U.S. 261 p.319
 110 S. Ct. 2841 p.2873
 111 L. Ed. 2d 224 p.267

Cited by:

110 S. Ct. 2841 p.2853
 111 L. Ed. 2d 224 p.244

14. **Cited in Dissenting Opinion at:**

Boyd v. California, 494 U.S. 370, 110 S. Ct. 1190, 108 L. Ed. 2d 316, 1990 U.S. LEXIS 1180, 58 U.S.L.W. 4301 (1990){Caution}

494 U.S. 370 p.405
 110 S. Ct. 1190 p.1211
 108 L. Ed. 2d 316 p.345

15. **Cited by:**

Price Waterhouse v. Hopkins, 490 U.S. 228, 109 S. Ct. 1775, 104 L. Ed. 2d 268, 1989 U.S. LEXIS 2230, 57 U.S.L.W. 4469, 49 Empl. Prac. Dec. (CCH) P38936, 49 Fair Empl. Prac. Cas. (BNA) 954 (1989){Warning}

490 U.S. 228 p.253
 109 S. Ct. 1775 p.1792
 104 L. Ed. 2d 268 p.289

16. **Cited in Dissenting Opinion at:**

Bowen v. Gilliard, 483 U.S. 587, 107 S. Ct. 3008, 97 L. Ed. 2d 485, 1987 U.S. LEXIS 2896, 55 U.S.L.W. 5079 (1987) **LexisNexis Headnotes HN1, HN2, HN10 {Caution}**

483 U.S. 587 p.612
 107 S. Ct. 3008 p.3023
 97 L. Ed. 2d 485 p.508

17. **Criticized by, Distinguished by, Cited in Dissenting Opinion at:**

Rivera v. Minnich, 483 U.S. 574, 107 S. Ct. 3001, 97 L. Ed. 2d 473, 1987 U.S. LEXIS 2891, 55 U.S.L.W. 5075 (1987) **LexisNexis Headnotes HN1, HN6, HN8 , HN9, HN10{Caution}**

Criticized by:

483 U.S. 574 p.582
 107 S. Ct. 3001 p.3006
 97 L. Ed. 2d 473 p.482

Distinguished by:

483 U.S. 574 p.577
 107 S. Ct. 3001 p.3004
 97 L. Ed. 2d 473 p.478

Cited in Dissenting Opinion at:

483 U.S. 574 p.585
 107 S. Ct. 3001 p.3007
 97 L. Ed. 2d 473 p.483

Cited by:

107 S. Ct. 3001 p.3003

18. **Distinguished by:**

McMillan v. Pennsylvania, 477 U.S. 79, 106 S. Ct. 2411, 91 L. Ed. 2d 67, 1986 U.S. LEXIS 109, 54 U.S.L.W. 4709 (1986) **LexisNexis Headnotes HN1, HN10 {Questioned}**

477 U.S. 79 p.92
 106 S. Ct. 2411 p.2419
 91 L. Ed. 2d 67 p.80

19. **Cited in Dissenting Opinion at:**

Block v. Rutherford, 468 U.S. 576, 104 S. Ct. 3227, 82 L. Ed. 2d 438, 1984 U.S. LEXIS 145, 52 U.S.L.W. 5067 (1984){*Caution*}

468 U.S. 576 p.599
 104 S. Ct. 3227 p.3239
 82 L. Ed. 2d 438 p.455

20. **Cited in Dissenting Opinion at:**

Michigan Canners & Freezers Ass'n v. Agricultural Marketing & Bargaining Bd., 467 U.S. 461, 104 S. Ct. 2518, 81 L. Ed. 2d 399, 1984 U.S. LEXIS 102, 52 U.S.L.W. 4739 (1984){*Caution*}

104 S. Ct. 2518 p.2518

21. **Cited in Dissenting Opinion at:**

Nix v. Williams, 467 U.S. 431, 104 S. Ct. 2501, 81 L. Ed. 2d 377, 1984 U.S. LEXIS 101, 52 U.S.L.W. 4732 (1984) **LexisNexis Headnotes HN10{Caution}**

467 U.S. 431 p.460
81 L. Ed. 2d 377 p.398

22. **Cited in Dissenting Opinion at:**
Schall v. Martin, 467 U.S. 253, 104 S. Ct. 2403, 81 L. Ed. 2d 207, 1984 U.S. LEXIS 96, 52 U.S.L.W. 4681 (1984) **LexisNexis Headnotes HN8**{*Caution*}

Cited in Dissenting Opinion at:

467 U.S. 253 p.306
104 S. Ct. 2403 p.2432
81 L. Ed. 2d 207 p.244

Cited by:

467 U.S. 253 p.263
104 S. Ct. 2403 p.2409
81 L. Ed. 2d 207 p.216

23. **Cited in Dissenting Opinion at:**
Whisenhunt v. Spradlin, 464 U.S. 965, 104 S. Ct. 404, 78 L. Ed. 2d 345, 1983 U.S. LEXIS 2323, 52 U.S.L.W. 3366, 1 I.E.R. Cas. (BNA) 174 (1983) **LexisNexis Headnotes HN2** {*Analysis*}

464 U.S. 965 p.971
104 S. Ct. 404 p.408
78 L. Ed. 2d 345 p.348

24. **Cited in Dissenting Opinion at:**
Jones v. United States, 463 U.S. 354, 103 S. Ct. 3043, 77 L. Ed. 2d 694, 1983 U.S. LEXIS 95, 51 U.S.L.W. 5041 (1983) **LexisNexis Headnotes HN1**, **HN10** {*Caution*}

463 U.S. 354 p.372
103 S. Ct. 3043 p.3053
103 S. Ct. 3043 p.3054
77 L. Ed. 2d 694 p.710

25. **Cited by:**
Lehr v. Robertson, 463 U.S. 248, 103 S. Ct. 2985, 77 L. Ed. 2d 614, 1983 U.S. LEXIS 92, 51 U.S.L.W. 5010 (1983) **LexisNexis Headnotes HN2**, **HN6**, **HN10** {*Caution*}

463 U.S. 248 p.258
103 S. Ct. 2985 p.2991
77 L. Ed. 2d 614 p.624

26. **Cited by:**
Herman & MacLean v. Huddleston, 459 U.S. 375, 103 S. Ct. 683, 74 L. Ed. 2d 548, 1983 U.S. LEXIS 15, 51 U.S.L.W. 4099, Fed. Sec. L. Rep. (CCH) P99058 (1983) **LexisNexis Headnotes HN10**{*Caution*}

459 U.S. 375 p.389
103 S. Ct. 683 p.691
74 L. Ed. 2d 548 p.560

27. **Cited by:**
Lehman v. Locoming County Children's Services Agency, 458 U.S. 502, 102 S. Ct. 3231, 73 L. Ed. 2d 928, 1982 U.S. LEXIS 152, 50 U.S.L.W. 5010
(1982) **LexisNexis Headnotes HN3{Caution}**

458 U.S. 502 p.511
102 S. Ct. 3231 p.3237
73 L. Ed. 2d 928 p.937

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28. **Followed by:**
Suboh v. Dist. Attorney's Office, 298 F.3d 81, 2002 U.S. App. LEXIS 15415 (1st Cir. Mass. 2002) **LexisNexis Headnotes HN1, HN3, HN10{Caution}**

Followed by:
298 F.3d 81 p.93
298 F.3d 81 p.94

Cited by:
298 F.3d 81 p.91

29. **Cited by:**
Hatch v. Dep't for Children, 274 F.3d 12, 2001 U.S. App. LEXIS 26686 (1st Cir. R.I. 2001) **LexisNexis Headnotes HN1, HN10{Caution}**

274 F.3d 12 p.20

30. **Cited by:**
Watterson v. Page, 987 F.2d 1, 1993 U.S. App. LEXIS 2029, 25 Fed. R. Serv. 3d (Callaghan) 424 (1st Cir. N.H. 1993){Caution}

987 F.2d 1 p.8

31. **Cited by:**
Manarite v. Springfield, 957 F.2d 953, 1992 U.S. App. LEXIS 3747 (1st Cir. Mass. 1992) **LexisNexis Headnotes HN1{Caution}**

957 F.2d 953 p.960

32. **Cited by:**
Frazier v. Bailey, 957 F.2d 920, 1992 U.S. App. LEXIS 2613 (1st Cir. Mass. 1992) **LexisNexis Headnotes HN8, HN10{Caution}**

957 F.2d 920 p.930

33. **Cited by:**
Pittsley v. Warish, 927 F.2d 3, 1991 U.S. App. LEXIS 3126, 32 Fed. R. Evid. Serv. (CBC) 544 (1st Cir. Mass. 1991) **LexisNexis Headnotes HN2{Caution}**

927 F.2d 3 p.8

34. **Cited in Dissenting Opinion at:**
Agosto-de-Feliciano v. Aponte-Roque, 889 F.2d 1209, 1989 U.S. App. LEXIS 18910, 4 I.E.R. Cas. (BNA) 1827 (1st Cir. P.R. 1989){*Questioned*}
 889 F.2d 1209 p.1229
35. **Distinguished by:**
Ortiz v. Burgos, 807 F.2d 6, 1986 U.S. App. LEXIS 36938 (1st Cir. P.R. 1986) **LexisNexis Headnotes HN2**{*Caution*}
 807 F.2d 6 p.7
36. **Cited by:**
Keith Fulton & Sons, Inc. v. New England Teamsters & Trucking Industry Pension Fund, 762 F.2d 1124, 1984 U.S. App. LEXIS 19788, 5 Employee Benefits Cas. (BNA) 1761, 39 Fed. R. Serv. 2d (Callaghan) 898 (1st Cir. Mass. 1984) **LexisNexis Headnotes HN1 , HN10**{*Caution*}
 762 F.2d 1124 p.1133

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37. **Cited by:**
Young v. Dep't of Human Servs., 2005 U.S. Dist. LEXIS 11785 (D. Me. June 14, 2005) **LexisNexis Headnotes HN8**{*Positive*}
 2005 U.S. Dist. LEXIS 11785
38. **Cited by:**
Northern Utils., Inc. v. Lewiston Radiator Works, Inc., 2005 U.S. Dist. LEXIS 2326 (D. Me. Feb. 3, 2005) **LexisNexis Headnotes HN9, HN10**
 2005 U.S. Dist. LEXIS 2326
39. **Cited by:**
Hurd v. Maine, 2005 U.S. Dist. LEXIS 1235 (D. Me. Jan. 28, 2005) **LexisNexis Headnotes HN3**
 2005 U.S. Dist. LEXIS 1235
40. **Cited by:**
Limone v. United States, 336 F. Supp. 2d 18, 2004 U.S. Dist. LEXIS 19754 (D. Mass. 2004) **LexisNexis Headnotes HN2**{*Analysis*}
 336 F. Supp. 2d 18 p.52
41. **Cited by:**
Suboh v. City of Revere, 141 F. Supp. 2d 124, 2001 U.S. Dist. LEXIS 4491 (D. Mass. 2001) **LexisNexis Headnotes HN2**{*Warning*}
 141 F. Supp. 2d 124 p.139

42. **Cited by:**
Reyes-Vargas v. Rossello-Gonzalez, 135 F. Supp. 2d 305, 2001 U.S. Dist. LEXIS 4015 (D.P.R. 2001) **LexisNexis Headnotes HN2{Cited}**

135 F. Supp. 2d 305 p.309
43. **Cited by:**
Rodriguez v. Alvarado, 134 F. Supp. 2d 451, 2001 U.S. Dist. LEXIS 2926 (D.P.R. 2001) **LexisNexis Headnotes HN2{Caution}**
44. **Cited by:**
Grendell v. Gillway, 974 F. Supp. 46, 1997 U.S. Dist. LEXIS 10134 (D. Me. 1997) **LexisNexis Headnotes HN3{Caution}**

974 F. Supp. 46 p.53
45. **Cited by:**
Velazquez-Martinez v. Colon, 961 F. Supp. 362, 1997 U.S. Dist. LEXIS 5509 (D.P.R. 1997) **LexisNexis Headnotes HN2{Cited}**

961 F. Supp. 362 p.364
46. **Cited by:**
Wojcik ex rel. Wojcik v. Town of N. Smithfield, 874 F. Supp. 508, 1995 U.S. Dist. LEXIS 93 (D.R.I. 1995) **LexisNexis Headnotes HN2{Positive}**

874 F. Supp. 508 p.518
47. **Cited by:**
Rubin v. Smith, 817 F. Supp. 987, 1993 U.S. Dist. LEXIS 4418 (D.N.H. 1993) **LexisNexis Headnotes HN2{Caution}**

817 F. Supp. 987 p.993
48. **Cited by:**
Peter Charron, P.P.A. v. Picano, 1992 U.S. Dist. LEXIS 20859 (D.R.I. Jan. 10, 1992) **LexisNexis Headnotes HN2, HN3, HN6, HN10{Caution}**
49. **Cited by:**
Donald M v. Matava, 668 F. Supp. 703, 1987 U.S. Dist. LEXIS 8126 (D. Mass. 1987) **LexisNexis Headnotes HN2{Caution}**

668 F. Supp. 703 p.709
50. **Cited by:**
Pehrson v. Concannon, 607 F. Supp. 589, 1985 U.S. Dist. LEXIS 20476 (D. Me. 1985) **LexisNexis Headnotes HN9{Cited}**

607 F. Supp. 589 p.592

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51. **Cited by:**
N.G. ex rel. S.C. v. Connecticut, 382 F.3d 225, 2004 U.S. App. LEXIS 18834 (2d Cir. Conn. 2004) **LexisNexis Headnotes HN8**{*Caution*}
- 382 F.3d 225 p.232
52. **Cited by:**
Taylor v. Vt. Dep't of Educ., 313 F.3d 768, 2002 U.S. App. LEXIS 26431 (2d Cir. Vt. 2002) **LexisNexis Headnotes HN1, HN6, HN9**{*Caution*}
- 313 F.3d 768 p.779
53. **Cited by:**
Kia P. v. McIntyre, 235 F.3d 749, 2000 U.S. App. LEXIS 31151 (2d Cir. N.Y. 2000) **LexisNexis Headnotes HN4, HN6, HN7**{*Caution*}
- 235 F.3d 749 p.759
54. **Cited by:**
Tenenbaum v. Williams, 193 F.3d 581, 1999 U.S. App. LEXIS 25518 (2d Cir. N.Y. 1999) **LexisNexis Headnotes HN2, HN3**{*Caution*}
- 193 F.3d 581 p.593
55. **Cited by:**
Wilkinson v. Russell, 182 F.3d 89, 1999 U.S. App. LEXIS 13331 (2d Cir. Vt. 1999) **LexisNexis Headnotes HN2, HN3**{*Caution*}
- 182 F.3d 89 p.104
56. **Cited by:**
Sullivan v. LTV Aero. & Defense Co., 82 F.3d 1251, 1996 U.S. App. LEXIS 10253, 20 Employee Benefits Cas. (BNA) 1161 (2d Cir. N.Y. 1996) **LexisNexis Headnotes HN6 , HN10**{*Caution*}
- 82 F.3d 1251 p.1260
57. **Cited by:**
United States v. Doe, 49 F.3d 859, 1995 U.S. App. LEXIS 3653 (2d Cir. N.Y. 1995) **LexisNexis Headnotes HN10**{*Caution*}
- 49 F.3d 859 p.868
58. **Cited by:**
Valmonte v. Bane, 18 F.3d 992, 1994 U.S. App. LEXIS 3993 (2d Cir. N.Y. 1994) **LexisNexis Headnotes HN6, HN8, HN10**{*Caution*}
- 18 F.3d 992 p.1003
18 F.3d 992 p.1004

59. **Cited by:**
Van Emrik v. Chemung County Dep't of Social Services, 911 F.2d 863, 1990 U.S. App. LEXIS 14302 (2d Cir. N.Y. 1990) **LexisNexis Headnotes HN3**
{Caution}
- 911 F.2d 863 p.865
 911 F.2d 863 p.867
60. **Cited in Dissenting Opinion at:**
Williams v. Ward, 845 F.2d 374, 1988 U.S. App. LEXIS 5801 (2d Cir. N.Y. 1988) **LexisNexis Headnotes HN8***{Positive}*
- 845 F.2d 374 p.395
61. **Cited by:**
United States v. Salerno, 794 F.2d 64, 1986 U.S. App. LEXIS 26959 (2d Cir. N.Y. 1986) **LexisNexis Headnotes HN6, HN8***{Warning}*
- 794 F.2d 64 p.74
62. **Cited by:**
United States v. Melendez-Carrion, 790 F.2d 984, 1986 U.S. App. LEXIS 24995 (2d Cir. Conn. 1986) **LexisNexis Headnotes HN8***{Warning}*
- 790 F.2d 984 p.1000
63. **Cited by:**
Joyner v. Dumpson, 712 F.2d 770, 1983 U.S. App. LEXIS 26266 (2d Cir. N.Y.1983) **LexisNexis Headnotes HN7***{Positive}*
- 712 F.2d 770 p.778
64. **Cited in Concurring Opinion at:**
Rivera v. Marcus, 696 F.2d 1016, 1982 U.S. App. LEXIS 23066 (2d Cir. Conn. 1982) **LexisNexis Headnotes HN1, HN3, HN7***{Caution}*
- Cited in Concurring Opinion at:**
 696 F.2d 1016 p.1030
Cited by:
 696 F.2d 1016 p.1017
65. **Followed by:**
Brown v. Warden, Great Meadow Correctional Facility, 682 F.2d 348, 1982 U.S. App. LEXIS 18033 (2d Cir. N.Y. 1982) **LexisNexis Headnotes HN6, HN10**
{Caution}
- 682 F.2d 348 p.352

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66. **Explained by:**

Yap v. Oceanside Union Free Sch. Dist., 303 F. Supp. 2d 284, 2004 U.S. Dist. LEXIS 2014 (E.D.N.Y. 2004){*Positive*}

303 F. Supp. 2d 284 p.298

67. **Cited by:**
Pizzuto v. County of Nassau, 240 F. Supp. 2d 203, 2002 U.S. Dist. LEXIS 25280 (E.D.N.Y. 2002) **LexisNexis Headnotes HN2, HN3**{*Caution*}
- 240 F. Supp. 2d 203 p.209
240 F. Supp. 2d 203 p.210
68. **Cited by:**
Nicholson v. Williams, 203 F. Supp. 2d 153, 2002 U.S. Dist. LEXIS 4820 (E.D.N.Y. 2002) **LexisNexis Headnotes HN1, HN3, HN4, HN6, HN8, HN9, HN10**{*Warning*}
- 203 F. Supp. 2d 153 p.228
69. **Cited by:**
Beharry v. Reno, 183 F. Supp. 2d 584, 2002 U.S. Dist. LEXIS 757, 25 Immigr. Cas. Rep. A3-33 (E.D.N.Y. 2002) **LexisNexis Headnotes HN9**{*Warning*}
- 183 F. Supp. 2d 584 p.588
70. **Cited by:**
Adoption Servs. of Conn., Inc. v. Ragaglia, 178 F. Supp. 2d 139, 2001 U.S. Dist. LEXIS 21755 (D. Conn. 2001){*Cited*}
- 178 F. Supp. 2d 139 p.147
71. **Cited by:**
Tremper v. Ulster County Dep't of Prob., 160 F. Supp. 2d 352, 2001 U.S. Dist. LEXIS 12641 (N.D.N.Y. 2001) **LexisNexis Headnotes HN3**{*Caution*}
- 160 F. Supp. 2d 352 p.357
72. **Cited by:**
Zavatsky v. Anderson, 130 F. Supp. 2d 349, 2001 U.S. Dist. LEXIS 1954 (D. Conn. 2001) **LexisNexis Headnotes HN2**{*Caution*}
- 130 F. Supp. 2d 349 p.354
73. **Cited by:**
Maria v. McElroy, 68 F. Supp. 2d 206, 1999 U.S. Dist. LEXIS 13502 (E.D.N.Y. 1999) **LexisNexis Headnotes HN2**{*Warning*}
- 68 F. Supp. 2d 206 p.234
74. **Cited by:**
Lee v. New York Dep't of Correctional Servs., 1999 U.S. Dist. LEXIS 13214 (S.D.N.Y. Aug. 27, 1999) **LexisNexis Headnotes HN2**{*Caution*}

1999 U.S. Dist. LEXIS 13214

75. **Cited by:**
Brown v. Town of E. Haddam, 56 F. Supp. 2d 212, 1999 U.S. Dist. LEXIS 10277 (D. Conn. 1999) **LexisNexis Headnotes HN2, HN8**{Positive}

56 F. Supp. 2d 212 p.214
76. **Cited by:**
Sundbye v. Ogunleye, 3 F. Supp. 2d 254, 1998 U.S. Dist. LEXIS 20155 (E.D.N.Y. 1998) **LexisNexis Headnotes HN3, HN10**{Caution}

3 F. Supp. 2d 254 p.262
77. **Cited by:**
Dinsmore v. Squadron, Ellenoff, Plesent, Sheinfeld & Sorkin (In re Towers Fin. Corp. Noteholders Litig.) , 945 F. Supp. 84, 1996 U.S. Dist. LEXIS 16468, Fed. Sec. L. Rep. (CCH) P99410 (S.D.N.Y. 1996) **LexisNexis Headnotes HN6**{Warning}

945 F. Supp. 84 p.87
78. **Cited by:**
Marisol A. by Forbes v. Giuliani, 929 F. Supp. 662, 1996 U.S. Dist. LEXIS 8420, 17 Am. Disabilities Dec. 114 (S.D.N.Y. 1996) **LexisNexis Headnotes HN1** {Warning}

929 F. Supp. 662 p.676
79. **Cited by:**
SEC v. Moran, 922 F. Supp. 867, 1996 U.S. Dist. LEXIS 4031, Fed. Sec. L. Rep. (CCH) P99097 (S.D.N.Y. 1996) **LexisNexis Headnotes HN1, HN6, HN10**{Caution}

922 F. Supp. 867 p.889
80. **Cited by:**
Otonye v. United States, 903 F. Supp. 357, 1995 U.S. Dist. LEXIS 19585 (E.D.N.Y. 1995){Positive}

903 F. Supp. 357 p.364
81. **Cited by:**
Otonye v. United States, 903 F. Supp. 357, 1995 U.S. Dist. LEXIS 19612 (E.D.N.Y. 1995) **LexisNexis Headnotes HN6, HN10**{Analysis}
82. **Cited by:**
Wilkinson by & Through Wilkinson v. Balsam, 885 F. Supp. 651, 1995 U.S. Dist. LEXIS 5896 (D. Vt. 1995) **LexisNexis Headnotes HN1, HN2, HN3, HN9, HN10** {Caution}

885 F. Supp. 651 p.661
885 F. Supp. 651 p.662

83. **Cited by:**
Gottlieb v. County of Orange, 871 F. Supp. 625, 1994 U.S. Dist. LEXIS 17964 (S.D.N.Y. 1994) **LexisNexis Headnotes HN2{Caution}**

871 F. Supp. 625 p.628
84. **Cited by:**
Doe v. Morgenthau, 871 F. Supp. 605, 1994 U.S. Dist. LEXIS 16147 (S.D.N.Y. 1994) **LexisNexis Headnotes HN8**
85. **Cited by:**
Doe v. Morgenthau, 871 F. Supp. 605, 1994 U.S. Dist. LEXIS 1911 (S.D.N.Y. 1994){*Analysis*}

871 F. Supp. 605 p.611
86. **Cited by:**
Defore v. Premore, 1992 U.S. Dist. LEXIS 5833 (N.D.N.Y. Apr. 24, 1992) **LexisNexis Headnotes HN1 {Caution}**
87. **Followed by:**
Valmonte v. Perales, 788 F. Supp. 745, 1992 U.S. Dist. LEXIS 3952 (S.D.N.Y. 1992) **LexisNexis Headnotes HN6, HN10{Warning}**

Followed by:
788 F. Supp. 745 p.752
Cited by:
788 F. Supp. 745 p.753
88. **Followed by:**
United States v. Leasehold Interest in 121 Nostrand Ave., Apartment 1-C, 760 F. Supp. 1015, 1991 U.S. Dist. LEXIS 3786 (E.D.N.Y. 1991) **LexisNexis Headnotes HN1 , HN6, HN10{Caution}**

760 F. Supp. 1015 p.1032
89. **Cited by:**
Burka v. New York City Transit Authority, 739 F. Supp. 814, 1990 U.S. Dist. LEXIS 6829, 5 I.E.R. Cas. (BNA) 1139 (S.D.N.Y. 1990) **LexisNexis Headnotes HN10 {Caution}**

739 F. Supp. 814 p.840
90. **Cited by:**
Ahmad v. Wigen, 726 F. Supp. 389, 1989 U.S. Dist. LEXIS 11454 (E.D.N.Y. 1989) **LexisNexis Headnotes HN6{Caution}**

726 F. Supp. 389 p.408
91. **Cited by:**

Maidman v. State, 1989 U.S. Dist. LEXIS 4965 (S.D.N.Y. May 3, 1989) **LexisNexis Headnotes HN6 , HN10**

92. **Cited by:**
Blackwelder v. Safnauer, 689 F. Supp. 106, 1988 U.S. Dist. LEXIS 5737 (N.D.N.Y. 1988) **LexisNexis Headnotes HN2{Questioned}**

689 F. Supp. 106 p.135
93. **Cited by:**
Siderius, Inc. v. Astramar Cansac BS AS, 1988 U.S. Dist. LEXIS 3474 (S.D.N.Y. Apr. 21, 1988) **LexisNexis Headnotes HN8**
94. **Cited by:**
ROSADO v. BOWEN, 1986 U.S. Dist. LEXIS 26367 (D. Conn. Apr. 23, 1986) **LexisNexis Headnotes HN2 , HN3, HN6, HN10**
95. **Cited by:**
IRIZARRY v. CHRISTIAN, 1985 U.S. Dist. LEXIS 20796 (S.D.N.Y. Apr. 12, 1985) **LexisNexis Headnotes HN6**
96. **Cited by:**
De Simone v. Board of Education, 604 F. Supp. 1180, 1985 U.S. Dist. LEXIS 21478 (E.D.N.Y. 1985) **LexisNexis Headnotes HN2{Positive}**

604 F. Supp. 1180 p.1184
97. **Cited by:**
Kadushin v. Port Authority of New York & New Jersey, 603 F. Supp. 1146, 1985 U.S. Dist. LEXIS 22068 (E.D.N.Y. 1985) **LexisNexis Headnotes HN2 {Positive}**

603 F. Supp. 1146 p.1151
98. **Cited by:**
Youngs v. Broome County, 1984 U.S. Dist. LEXIS 20890 (N.D.N.Y. Dec. 28, 1984) **LexisNexis Headnotes HN1, HN10{Cited}**
99. **Cited by:**
In re "Agent Orange" Prod. Liab. Litig., 597 F. Supp. 740, 1984 U.S. Dist. LEXIS 23337 (E.D.N.Y. 1984){Warning}

597 F. Supp. 740 p.835
100. **Cited by:**
RYAN v. KOCH, 1983 U.S. Dist. LEXIS 15632 (S.D.N.Y. July 7, 1983)

101. **Followed by:**
Glinka v. Bank of Vermont, 130 B.R. 170, 1991 Bankr. LEXIS 1108 (Bankr. D. Vt. 1991) **LexisNexis**
Headnotes HN6, HN10{Caution}

130 B.R. 170 p.174

3RD CIRCUIT - COURT OF APPEALS

102. **Distinguished in Concurring Opinion at:**
Gruenke v. Seip, 225 F.3d 290, 2000 U.S. App. LEXIS 21082 (3d Cir. Pa. 2000) **LexisNexis**
Headnotes HN3, HN10{Caution}

Distinguished in Concurring Opinion at:

225 F.3d 290 p.309

Cited by:

225 F.3d 290 p.304

103. **Cited by:**
Miller v. City of Philadelphia, 174 F.3d 368, 1999 U.S. App. LEXIS 7928 (3d Cir. Pa. 1999) **LexisNexis**
Headnotes HN2, HN3{Caution}

174 F.3d 368 p.373

104. **Followed by:**
E.B. v. Verniero, 119 F.3d 1077, 1997 U.S. App. LEXIS 22316 (3d Cir. N.J. 1997) **LexisNexis**
Headnotes HN1, HN6, HN7, HN9, HN10{Caution}

Followed by:

119 F.3d 1077 p.1110

Cited by:

119 F.3d 1077 p.1107

105. **Cited by:**
Alexander v. Whitman, 114 F.3d 1392, 1997 U.S. App. LEXIS 12509 (3d Cir. N.J. 1997) **LexisNexis**
Headnotes HN3{Caution}

114 F.3d 1392 p.1405

106. **Cited by:**
Livingstone v. North Belle Vernon Borough, 91 F.3d 515, 1996 U.S. App. LEXIS 18905, 45 Fed. R. Evid. Serv. (CBC) 349 (3d Cir. Pa. 1996) **LexisNexis Headnotes**
HN8 , HN10{Caution}

91 F.3d 515 p.535

107. **Cited by:**
Artway v. Attorney Gen., 81 F.3d 1235, 1996 U.S. App. LEXIS 7573 (3d Cir. N.J. 1996) **LexisNexis**
Headnotes HN6, HN10{Questioned}

81 F.3d 1235 p.1251

108. **Cited by:**
Prisco v. Talty, 993 F.2d 21, 1993 U.S. App. LEXIS 10202 (3d Cir. Pa. 1993) **LexisNexis Headnotes HN2{Analysis}**
 993 F.2d 21 p.26
109. **Cited by:**
Winston v. Children & Youth Services, 948 F.2d 1380, 1991 U.S. App. LEXIS 26510 (3d Cir. Pa. 1991) **LexisNexis Headnotes HN3{Caution}**
 948 F.2d 1380 p.1390
110. **Cited by:**
McComb v. Wambaugh, 934 F.2d 474, 1991 U.S. App. LEXIS 10847 (3d Cir. Pa. 1991) **LexisNexis Headnotes HN3{Warning}**
 934 F.2d 474 p.481
111. **Cited by:**
DeLuca v. Merrell Dow Pharmaceuticals, Inc., 911 F.2d 941, 1990 U.S. App. LEXIS 14295, CCH Prod. Liab. Rep. P12570, 31 Fed. R. Evid. Serv. (CBC) 593 (3d Cir. N.J. 1990) **LexisNexis Headnotes HN6{Warning}**
 911 F.2d 941 p.959
112. **Cited in Dissenting Opinion at:**
Davis v. Thornburgh, 903 F.2d 212, 1990 U.S. App. LEXIS 7870 (3d Cir. Pa. 1990) **LexisNexis Headnotes HN3, HN6, HN8, HN9{Caution}**
 903 F.2d 212 p.225
113. **Followed by:**
Prisco v. United States, Dep't of Justice, 851 F.2d 93, 1988 U.S. App. LEXIS 9101, 98 A.L.R. Fed. 533 (3d Cir. Pa. 1988) **LexisNexis Headnotes HN1, HN2, HN3, HN10{Warning}**
Followed by:
 851 F.2d 93 p.98
Cited by:
 851 F.2d 93 p.97
114. **Cited by:**
United States v. Local 560 of Int'l Bhd. of Teamsters, 780 F.2d 267, 1985 U.S. App. LEXIS 25812, 121 L.R.R.M. (BNA) 2121, 104 Lab. Cas. (CCH) P11941, 19 Fed. R. Evid. Serv. (CBC) 944 (3d Cir. N.J. 1985) **LexisNexis Headnotes HN1, HN6, HN10{Warning}**
 780 F.2d 267 p.279
115. **Cited by:**

Estate of Bailey v. County of York, 768 F.2d 503, 1985 U.S. App. LEXIS 20091, 79 A.L.R. Fed. 495 (3d Cir. Pa. 1985) **LexisNexis Headnotes HN3**{Warning}

768 F.2d 503 p.509

116. **Cited by:**
Sadler v. Sullivan, 748 F.2d 820, 1984 U.S. App. LEXIS 16565 (3d Cir. Pa. 1984) **LexisNexis Headnotes HN8**{Analysis}

748 F.2d 820 p.827

117. **Cited by:**
Flood v. Braaten, 727 F.2d 303, 1984 U.S. App. LEXIS 25901 (3d Cir. N.J. 1984){Questioned}

727 F.2d 303 p.308

118. **Cited in Dissenting Opinion at:**
Halderman v. Pennhurst State Sch. & Hosp., 707 F.2d 702, 1983 U.S. App. LEXIS 28102 (3d Cir. Pa. 1983){Caution}

707 F.2d 702 p.716

3RD CIRCUIT - U.S. DISTRICT COURTS

119. **Cited by:**
Adkins v. Luzerne County Children & Youth Servs., 2005 U.S. Dist. LEXIS 19006 (M.D. Pa. Sept. 2, 2005) **LexisNexis Headnotes HN3**{Cited}

2005 U.S. Dist. LEXIS 19006

120. **Cited by:**
Smith v. Phila. Dep't of Human Servs., 2005 U.S. Dist. LEXIS 3297 (E.D. Pa. Mar. 3, 2005) **LexisNexis Headnotes HN3**{Analysis}

2005 U.S. Dist. LEXIS 3297

121. **Cited by:**
Sutton v. W. Chester Area Sch. Dist., 2004 U.S. Dist. LEXIS 7967 (E.D. Pa. May 5, 2004) **LexisNexis Headnotes HN2**{Positive}

2004 U.S. Dist. LEXIS 7967

122. **Cited by:**
Schorr v. Borough of Lemoyne, 2002 U.S. Dist. LEXIS 25668 (M.D. Pa. Dec. 27, 2002) **LexisNexis Headnotes HN4**{Caution}

2002 U.S. Dist. LEXIS 25668

123. **Cited by:**
Bucknor v. Zemski, 2002 U.S. Dist. LEXIS 4697, 25 Immigr. Cas. Rep. A3-71 (E.D. Pa. 2002) **LexisNexis Headnotes HN3**{Caution}

2002 U.S. Dist. LEXIS 4697

124. **Cited by:**
Behm v. Luzerne County Children & Youth Policy Makers, 172 F. Supp. 2d 575, 2001 U.S. Dist. LEXIS 17652 (M.D. Pa. 2001) **LexisNexis Headnotes HN2, HN3**
{Cited}

172 F. Supp. 2d 575 p.583
125. **Cited by:**
Patterson v. Armstrong County Children & Youth Servs., 141 F. Supp. 2d 512, 2001 U.S. Dist. LEXIS 6996 (W.D. Pa. 2001) **LexisNexis Headnotes HN1**
{Positive}

141 F. Supp. 2d 512 p.521
126. **Distinguished by:**
Russoli v. Salisbury Twp., 126 F. Supp. 2d 821, 2000 U.S. Dist. LEXIS 15909 (E.D. Pa. 2000){Positive}

126 F. Supp. 2d 821 p.859
127. **Cited by:**
Doman v. City of Philadelphia, 2000 U.S. Dist. LEXIS 12348 (E.D. Pa. Aug. 28, 2000) **LexisNexis Headnotes HN2**{Caution}

2000 U.S. Dist. LEXIS 12348
128. **Cited by:**
Gordon v. Lowell, 95 F. Supp. 2d 264, 2000 U.S. Dist. LEXIS 5609 (E.D. Pa. 2000) **LexisNexis Headnotes HN2**{Analysis}

95 F. Supp. 2d 264 p.269
129. **Cited by:**
Gruenke v. Seip, 1998 U.S. Dist. LEXIS 16439 (E.D. Pa. Oct. 21, 1998) **LexisNexis Headnotes HN8**
{Warning}

1998 U.S. Dist. LEXIS 16439
130. **Cited by:**
Paul P. v. Verniero, 982 F. Supp. 961, 1997 U.S. Dist. LEXIS 17118 (D.N.J. 1997) **LexisNexis Headnotes HN1, HN8**{Warning}

982 F. Supp. 961 p.967
131. **Cited by:**
Powell v. Hoover, 956 F. Supp. 564, 1997 U.S. Dist. LEXIS 2579 (M.D. Pa. 1997) **LexisNexis Headnotes HN2, HN3**{Analysis}

956 F. Supp. 564 p.569

132. **Cited by:**
Orrs v. Children & Youth Servs. Agency, 1995 U.S. Dist. LEXIS 13857 (E.D. Pa. Sept. 22, 1995) **LexisNexis Headnotes HN2{Positive}**
133. **Cited by:**
Walker v. Johnson, 891 F. Supp. 1040, 1995 U.S. Dist. LEXIS 9293 (M.D. Pa. 1995) **LexisNexis Headnotes HN2, HN3{Caution}**
891 F. Supp. 1040 p.1048
134. **Cited by:**
Cook v. Boyd, 881 F. Supp. 171, 1995 U.S. Dist. LEXIS 3894 (E.D. Pa. 1995) **LexisNexis Headnotes HN6, HN10{Positive}**
881 F. Supp. 171 p.175
135. **Cited by:**
Callahan v. Lancaster-Lebanon Intermediate Unit 13, 880 F. Supp. 319, 1994 U.S. Dist. LEXIS 17623 (E.D. Pa. 1994) **LexisNexis Headnotes HN2, HN3, HN8 {Positive}**
880 F. Supp. 319 p.328
136. **Cited by:**
Ernst v. Children & Youth Servs., 1993 U.S. Dist. LEXIS 12173 (E.D. Pa. Sept. 3, 1993) **LexisNexis Headnotes HN1, HN2, HN3, HN6, HN8, HN10{Warning}**
137. **Cited by:**
McCrery v. Mark, 823 F. Supp. 288, 1993 U.S. Dist. LEXIS 7091 (E.D. Pa. 1993) **LexisNexis Headnotes HN1, HN2, HN3{Analysis}**
823 F. Supp. 288 p.293
138. **Cited by:**
Young v. Francis, 820 F. Supp. 940, 1993 U.S. Dist. LEXIS 5835 (E.D. Pa. 1993) **LexisNexis Headnotes HN2{Analysis}**
820 F. Supp. 940 p.945
139. **Cited by:**
Baby Neal v. Casey, 821 F. Supp. 320, 1993 U.S. Dist. LEXIS 4661, 1 Am. Disabilities Dec. 821, 27 Fed. R. Serv. 3d (Callaghan) 961 (E.D. Pa. 1993) **LexisNexis Headnotes HN3 {Questioned}**
821 F. Supp. 320 p.336
140. **Cited by:**
Dunsmore v. Chester County Children & Youth Servs., 1993 U.S. Dist. LEXIS 4249 (E.D. Pa. Apr. 6, 1993) **LexisNexis Headnotes HN2{Caution}**

141. **Cited by:**
Gines v. Bailey, 1992 U.S. Dist. LEXIS 20188 (E.D. Pa. Dec. 23, 1992) **LexisNexis Headnotes HN2** {Cited}
142. **Cited by:**
Maher v. White, 1992 U.S. Dist. LEXIS 7537 (E.D. Pa. June 3, 1992) **LexisNexis Headnotes HN3** {Analysis}
143. **Cited by:**
Faulkner v. Reeves, 1992 U.S. Dist. LEXIS 5814 (E.D. Pa. Apr. 23, 1992) **LexisNexis Headnotes HN2** {Cited}
144. **Cited by:**
Winston v. Children & Youth Services, 748 F. Supp. 1128, 1990 U.S. Dist. LEXIS 12652 (E.D. Pa. 1990) **LexisNexis Headnotes HN1, HN3, HN10**{Caution}

748 F. Supp. 1128 p.1134
145. **Cited by:**
McCrery v. Aner, 738 F. Supp. 930, 1990 U.S. Dist. LEXIS 7184 (E.D. Pa. 1990) **LexisNexis Headnotes HN3, HN8**{Cited}

738 F. Supp. 930 p.932
146. **Cited by:**
Tilson v. School Dist. of Philadelphia, 1989 U.S. Dist. LEXIS 12582 (E.D. Pa. Oct. 20, 1989) **LexisNexis Headnotes HN4**{Caution}
147. **Cited by:**
Estate of Cooper v. Leamer, 705 F. Supp. 1081, 1989 U.S. Dist. LEXIS 1376, Fed. Sec. L. Rep. (CCH) P94364 (M.D. Pa. 1989) **LexisNexis Headnotes HN3** {Caution}

705 F. Supp. 1081 p.1087
148. **Cited by:**
Fanning v. Montgomery County Children & Youth Services, 702 F. Supp. 1184, 1988 U.S. Dist. LEXIS 14876 (E.D. Pa. 1988) **LexisNexis Headnotes HN1** {Analysis}

702 F. Supp. 1184 p.1190
149. **Cited by:**
Philadelphia Police & Fire Asso. for Handicapped Children, Inc. v. Philadelphia, 699 F. Supp. 1106, 1988 U.S. Dist. LEXIS 12942 (E.D. Pa. 1988) **LexisNexis Headnotes HN2** {Questioned}

699 F. Supp. 1106 p.1115

150. **Cited by:**
Pinizzotto v. Parsons Brinkerhoff Quade & Douglas, Inc., 697 F. Supp. 886, 1988 U.S. Dist. LEXIS 11738, 3 I.E.R. Cas. (BNA) 1718 (E.D. Pa. 1988) **LexisNexis Headnotes HN10 {Caution}**
 697 F. Supp. 886 p.887
151. **Cited by:**
Agresta v. Sambor, 687 F. Supp. 162, 1988 U.S. Dist. LEXIS 707 (E.D. Pa. 1988) **LexisNexis Headnotes HN3{Caution}**
 687 F. Supp. 162 p.164
152. **Cited by:**
Rinderer v. Delaware County Children & Youth Services, 703 F. Supp. 358, 1987 U.S. Dist. LEXIS 14557 (E.D. Pa. 1987) **LexisNexis Headnotes HN2 {Cited}**
 703 F. Supp. 358 p.361
153. **Cited by:**
United States v. Local 560, Int'l Bhd. of Teamsters, 581 F. Supp. 279, 1984 U.S. Dist. LEXIS 19663, 115 L.R.R.M. (BNA) 2829 (D.N.J. 1984) **LexisNexis Headnotes HN6 , HN8, HN9, HN10{Warning}**
 581 F. Supp. 279 p.327
154. **Cited by:**
Williams v. Carros, 576 F. Supp. 545, 1983 U.S. Dist. LEXIS 10631 (W.D. Pa. 1983) **LexisNexis Headnotes HN2{Analysis}**
 576 F. Supp. 545 p.547

3RD CIRCUIT - U.S. BANKRUPTCY COURTS

155. **Cited by:**
Graham v. IRS (In re Graham), 1994 Bankr. LEXIS 1256, 74 A.F.T.R.2d (RIA) 5887, 94 TNT 169-13 (Bankr. E.D. Pa. 1994) **LexisNexis Headnotes HN6, HN8 {Analysis}**
 74 A.F.T.R.2d (RIA) 5887 p.5891

4TH CIRCUIT - COURT OF APPEALS

156. **Cited by:**
United States v. Mento, 231 F.3d 912, 2000 U.S. App. LEXIS 27869, 28 Media L. Rep. (BNA) 2580 (4th Cir. Md. 2000){Warning}
 231 F.3d 912 p.918
157. **Cited by:**

Nevin v. Freedman, 1999 U.S. App. LEXIS 34243 (4th Cir. Va. Dec. 29, 1999) **LexisNexis Headnotes HN3**{Analysis}

1999 U.S. App. LEXIS 34243

158. **Cited by:**
Schleifer v. City of Charlottesville, 159 F.3d 843, 1998 U.S. App. LEXIS 26597 (4th Cir. Va. 1998){Caution}
- 159 F.3d 843 p.848
159. **Cited by:**
White by White v. Chambliss, 112 F.3d 731, 1997 U.S. App. LEXIS 9288 (4th Cir. S.C. 1997){Positive}
- 112 F.3d 731 p.738
160. **Followed by:**
Hodge v. Jones, 31 F.3d 157, 1994 U.S. App. LEXIS 17754 (4th Cir. Md. 1994) **LexisNexis Headnotes HN2, HN3, HN8**{Caution}
- Followed by:**
31 F.3d 157 p.164
Cited by:
31 F.3d 157 p.163
161. **Distinguished by:**
Jordan by Jordan v. Jackson, 15 F.3d 333, 1994 U.S. App. LEXIS 1488 (4th Cir. Va. 1994){Positive}
- Distinguished by:**
15 F.3d 333 p.350
Cited by:
15 F.3d 333 p.342
15 F.3d 333 p.346
162. **Cited by:**
Pfoltzer v. Fairfax County Dep't of Human Dev., 1992 U.S. App. LEXIS 14447 (4th Cir. Va. June 19, 1992){Analysis}
163. **Cited by:**
Hampton v. Motley, 911 F.2d 722, 1990 U.S. App. LEXIS 14601 (4th Cir. W. Va. 1990) **LexisNexis Headnotes HN2**{Analysis}
164. **Cited by:**
Weller v. Department of Social Services, 901 F.2d 387, 1990 U.S. App. LEXIS 6120 (4th Cir. Md. 1990) **LexisNexis Headnotes HN3**{Caution}
- 901 F.2d 387 p.394

4TH CIRCUIT - U.S. DISTRICT COURTS

165. **Cited by:**

Gedrich v. Fairfax County Dep't of Family Servs., 282 F. Supp. 2d 439, 2003 U.S. Dist. LEXIS 16312 (E.D. Va. 2003) **LexisNexis Headnotes HN2, HN3**
{Positive}

282 F. Supp. 2d 439 p.460

166. **Cited by:**

Southeast Booksellers Ass'n v. McMaster, 282 F. Supp. 2d 389, 2003 U.S. Dist. LEXIS 21715 (D.S.C. 2003){Caution}

282 F. Supp. 2d 389 p.395

167. **Cited by:**

Truelove v. Hunt, 67 F. Supp. 2d 569, 1999 U.S. Dist. LEXIS 15648 (D.S.C. 1999) **LexisNexis Headnotes HN3**{Cited}

67 F. Supp. 2d 569 p.579

168. **Cited by:**

Perry v. Wake County Dep't of Social Servs., 1995 U.S. Dist. LEXIS 14586 (E.D.N.C. Sept. 8, 1995) **LexisNexis Headnotes HN2**{Cited}

169. **Distinguished by:**

Thomas-Bey v. Smith, 869 F. Supp. 1214, 1994 U.S. Dist. LEXIS 17643 (D. Md. 1994) **LexisNexis Headnotes HN6, HN10**{Caution}

869 F. Supp. 1214 p.1223

170. **Distinguished by:**

Williamson v. Virginia Beach, 786 F. Supp. 1238, 1992 U.S. Dist. LEXIS 3040 (E.D. Va. 1992) **LexisNexis Headnotes HN2, HN6**{Positive}

786 F. Supp. 1238 p.1257

171. **Cited by:**

Pfoltzer v. County of Fairfax, 775 F. Supp. 874, 1991 U.S. Dist. LEXIS 14944 (E.D. Va. 1991) **LexisNexis Headnotes HN3**{Caution}

775 F. Supp. 874 p.881

172. **Cited by:**

Williams v. Anderson, 753 F. Supp. 1306, 1990 U.S. Dist. LEXIS 17705 (D. Md. 1990) **LexisNexis Headnotes HN2**{Analysis}

753 F. Supp. 1306 p.1312

173. **Cited by:**

Willard v. Myrtle Beach, 728 F. Supp. 397, 1989 U.S. Dist. LEXIS 15793 (D.S.C. 1989) **LexisNexis Headnotes HN2, HN6, HN10**{Positive}

728 F. Supp. 397 p.402

174. **Cited by:**
Williams v. Rappeport, 699 F. Supp. 501, 1988 U.S. Dist. LEXIS 12492 (D. Md. 1988) **LexisNexis**
Headnotes HN3{Positive}

699 F. Supp. 501 p.505

5TH CIRCUIT - COURT OF APPEALS

175. **Cited in Dissenting Opinion at:**
Robertson v. Cockrell, 325 F.3d 243, 2003 U.S. App. LEXIS 4537 (5th Cir. Tex. 2003) {Warning}

325 F.3d 243 p.278

176. **Cited in Concurring Opinion at:**
Morris v. Dearborne, 181 F.3d 657, 1999 U.S. App. LEXIS 16042 (5th Cir. Tex. 1999) **LexisNexis**
Headnotes HN1, HN3, HN4{Caution}

Cited in Concurring Opinion at:

181 F.3d 657 p.675

Cited by:

181 F.3d 657 p.669

177. **Cited by:**
Crowe v. Smith, 151 F.3d 217, 1998 U.S. App. LEXIS 18706 (5th Cir. La. 1998) **LexisNexis**
Headnotes HN4{Caution}

151 F.3d 217 p.231

178. **Cited by:**
Causeway Medical Suite v. Ieyoub, 109 F.3d 1096, 1997 U.S. App. LEXIS 6770 (5th Cir. La. 1997) **LexisNexis** **Headnotes HN2**{Warning}

109 F.3d 1096 p.1114

179. **Distinguished by:**
Kiser v. Garrett, 67 F.3d 1166, 1995 U.S. App. LEXIS 29692 (5th Cir. Tex. 1995) **LexisNexis**
Headnotes HN1, HN2, HN3{Caution}

67 F.3d 1166 p.1171

180. **Followed by, Explained by:**
Doe v. Louisiana, 2 F.3d 1412, 1993 U.S. App. LEXIS 25906 (5th Cir. La. 1993) **LexisNexis**
Headnotes HN2, HN3{Caution}

Followed by:

2 F.3d 1412 p.1418

Explained by:

2 F.3d 1412 p.1422

Cited by:

2 F.3d 1412 p.1416

2 F.3d 1412 p.1417

181. **Cited by:**
Motley v. Collins, 3 F.3d 781, 1993 U.S. App. LEXIS 24341 (5th Cir. Tex. 1993) {Warning}
 3 F.3d 781 p.792
182. **Cited by:**
Russell v. Collins, 998 F.2d 1287, 1993 U.S. App. LEXIS 20635 (5th Cir. Tex. 1993) {Caution}
 998 F.2d 1287 p.1293
183. **Cited by:**
Griffith v. Johnston, 899 F.2d 1427, 1990 U.S. App. LEXIS 7006, 16 Fed. R. Serv. 3d (Callaghan) 844 (5th Cir. Tex. 1990){Positive}
 899 F.2d 1427 p.1437
184. **Distinguished by:**
Hodorowski v. Ray, 844 F.2d 1210, 1988 U.S. App. LEXIS 6493 (5th Cir. Tex. 1988) **LexisNexis Headnotes HN1, HN2, HN10**{Caution}
 844 F.2d 1210 p.1217
185. **Cited by:**
Southerland v. Thigpen, 784 F.2d 713, 1986 U.S. App. LEXIS 23432 (5th Cir. Miss. 1986) **LexisNexis Headnotes HN2**{Positive}
 784 F.2d 713 p.716
186. **Cited in Dissenting Opinion at:**
Davis v. Page, 714 F.2d 512, 1983 U.S. App. LEXIS 16891 (5th Cir. Fla. 1983) **LexisNexis Headnotes HN2, HN3, HN8, HN9**{Analysis}
Cited in Dissenting Opinion at:
 714 F.2d 512 p.526
Cited by:
 714 F.2d 512 p.516

5TH CIRCUIT - U.S. DISTRICT COURTS

187. **Cited by:**
Rolen v. City of Brownfield, 2004 U.S. Dist. LEXIS 23690 (N.D. Tex. Nov. 23, 2004) **LexisNexis Headnotes HN2, HN4**{Cited}
 2004 U.S. Dist. LEXIS 23690
188. **Distinguished by:**
Littlefield v. Forney Indep. Sch. Dist., 108 F. Supp. 2d 681, 2000 U.S. Dist. LEXIS 17362 (N.D. Tex. 2000) **LexisNexis Headnotes HN2, HN3, HN6, HN10** {Caution}

108 F. Supp. 2d 681 *p.701*

189. **Cited by:**
Davis v. Evans, 1999 U.S. Dist. LEXIS 11460 (E.D. La. July 26, 1999) **LexisNexis Headnotes HN1 , HN2, HN3, HN6**{*Positive*}

1999 U.S. Dist. LEXIS 11460

190. **Cited by:**
Tiemeyer v. Zaika, 947 F. Supp. 1012, 1996 U.S. Dist. LEXIS 20398 (N.D. Tex. 1996) **LexisNexis Headnotes HN2**{*Cited*}

947 F. Supp. 1012 *p.1014*

6TH CIRCUIT - COURT OF APPEALS

191. **Cited by:**
Smith v. Williams-Ash, 2005 U.S. App. LEXIS 26773 (6th Cir. Ohio Dec. 6, 2005) **LexisNexis Headnotes HN2, HN3, HN6**

2005 U.S. App. LEXIS 26773

192. **Cited in Dissenting Opinion at:**
White v. Burlington Northern & Santa Fe Ry., 364 F.3d 789, 2004 U.S. App. LEXIS 7191, 2004 FED App. 102P (6th Cir.), 85 Empl. Prac. Dec. (CCH) P41633, 93 Fair Empl. Prac. Cas. (BNA) 1011 (6th Cir. Tenn. 2004) **LexisNexis Headnotes HN6, HN8, HN10** {*Questioned*}

Cited in Dissenting Opinion at:

364 F.3d 789 *p.818*

Cited by:

364 F.3d 789 *p.807*

193. **Cited in Dissenting Opinion at:**
Popovich v. Cuyahoga County Court of Common Pleas, 276 F.3d 808, 2002 U.S. App. LEXIS 367, 2002 FED App. 9P (6th Cir.), 9 Accom. Disabilities Dec. (CCH) P9-233, 12 Am. Disabilities Cas. (BNA) 1121 (6th Cir. Ohio 2002) **LexisNexis Headnotes HN1 , HN2, HN6, HN9, HN10**{*Caution*}

Cited in Dissenting Opinion at:

276 F.3d 808 *p.826*

Cited by:

276 F.3d 808 *p.813*

194. **Cited by:**
Bartell v. Lohiser, 215 F.3d 550, 2000 U.S. App. LEXIS 12298, 2000 FED App. 194P (6th Cir.), 2000 FED App. 0194P (6th Cir.) (6th Cir. Mich. 2000) {*Caution*}

215 F.3d 550 *p.558*

195. **Cited in Dissenting Opinion at:**

United States v. Four Contiguous Parcels of Real Prop. Situated in Louisville, 1999 U.S. App. LEXIS 21096 (6th Cir. Ky. Sept. 1, 1999) **LexisNexis Headnotes HN6 , HN7{Analysis}**

1999 U.S. App. LEXIS 21096

196. **Cited by:**

Temple v. Temple, 1998 U.S. App. LEXIS 31945 (6th Cir. Mich. Dec. 21, 1998) **LexisNexis Headnotes HN1{Analysis}**

1998 U.S. App. LEXIS 31945

197. **Cited by:**

United States v. Brandon, 158 F.3d 947, 1998 U.S. App. LEXIS 26933, 1998 FED App. 319P (6th Cir.), 1998 FED App. 0319P (6th Cir.) (6th Cir. Ohio 1998) **LexisNexis Headnotes HN1{Caution}**

158 F.3d 947 p.961

198. **Cited by:**

Callahan v. Simmons, 1995 U.S. App. LEXIS 3729 (6th Cir. Mich. Feb. 23, 1995){Analysis}

199. **Cited by:**

Akron Ctr. for Reproductive Health v. Slaby, 854 F.2d 852, 1988 U.S. App. LEXIS 11151 (6th Cir. Ohio 1988) **LexisNexis Headnotes HN6, HN10{Warning}**

854 F.2d 852 p.863

200. **Cited by:**

Vinson v. Campbell County Fiscal Court, 820 F.2d 194, 1987 U.S. App. LEXIS 7132 (6th Cir. Ky. 1987) **LexisNexis Headnotes HN2, HN3{Warning}**

820 F.2d 194 p.200

201. **Cited by:**

Hooks v. Hooks, 771 F.2d 935, 1985 U.S. App. LEXIS 22600 (6th Cir. Tenn. 1985) **LexisNexis Headnotes HN2{Caution}**

771 F.2d 935 p.941

202. **Cited in Dissenting Opinion at:**

Loudermill v. Cleveland Bd. of Education, 721 F.2d 550, 1983 U.S. App. LEXIS 15185, 120 L.R.R.M. (BNA) 2647 (6th Cir. Ohio 1983) **LexisNexis Headnotes HN4, HN6 , HN8, HN10{Caution}**

Cited in Dissenting Opinion at:

721 F.2d 550 p.565

Cited by:

721 F.2d 550 p.560

203. **Cited in Dissenting Opinion at:**
Doe v. Staples, 706 F.2d 985, 1983 U.S. App. LEXIS 28196 (6th Cir. Ohio 1983) **LexisNexis**
Headnotes HN1{Caution}

706 F.2d 985 p.992
- 6TH CIRCUIT - U.S. DISTRICT COURTS**
204. **Cited by:**
Smith v. Pezzetti, 2005 U.S. Dist. LEXIS 5690 (E.D. Mich. Apr. 4, 2005) **LexisNexis**
Headnotes HN3{Analysis}

2005 U.S. Dist. LEXIS 5690
205. **Followed by:**
O'Donnell v. Brown, 335 F. Supp. 2d 787, 2004 U.S. Dist. LEXIS 18976 (W.D. Mich. 2004) **LexisNexis**
Headnotes HN2, HN3{Positive}

335 F. Supp. 2d 787 p.810
206. **Cited by:**
Walsh v. Erie County Dep't of Job & Family Servs., 240 F. Supp. 2d 731, 2003 U.S. Dist. LEXIS 774 (N.D. Ohio 2003) **LexisNexis Headnotes HN2**
{Caution}

240 F. Supp. 2d 731 p.751
207. **Cited by:**
Bazzetta v. McGinnis, 148 F. Supp. 2d 813, 2001 U.S. Dist. LEXIS 8819 (E.D. Mich. 2001) **LexisNexis**
Headnotes HN2, HN3{Warning}

148 F. Supp. 2d 813 p.846
208. **Cited by:**
Butler v. Stafford, 1998 U.S. Dist. LEXIS 13299 (W.D. Mich. July 10, 1998) **LexisNexis**
Headnotes HN2{Analysis}

1998 U.S. Dist. LEXIS 13299
209. **Cited by:**
Bartell v. Lohiser, 12 F. Supp. 2d 640, 1998 U.S. Dist. LEXIS 10498 (E.D. Mich. 1998) **LexisNexis**
Headnotes HN2, HN3, HN6, HN8, HN9, HN10{Caution}

12 F. Supp. 2d 640 p.647
210. **Cited by:**
Ropoleski v. Rairigh, 886 F. Supp. 1356, 1995 U.S. Dist. LEXIS 6964 (W.D. Mich. 1995) **LexisNexis**
Headnotes HN2{Cited}

886 F. Supp. 1356 p.1362

211. **Cited by:**
Laplante v. Borth, 1994 U.S. Dist. LEXIS 8551 (W.D. Mich. Apr. 22, 1994) **LexisNexis Headnotes HN2, HN3**
212. **Followed by:**
Akron Center for Reproductive Health v. Rosen, 633 F. Supp. 1123, 1986 U.S. Dist. LEXIS 26447 (N.D. Ohio 1986) **LexisNexis Headnotes HN4, HN6, HN7, HN10 {Warning}**
- Followed by:**
633 F. Supp. 1123 p.1136
- Cited by:**
633 F. Supp. 1123 p.1135
213. **Cited by:**
Doe v. McFaul, 599 F. Supp. 1421, 1984 U.S. Dist. LEXIS 20973 (D. Ohio 1984) **LexisNexis Headnotes HN8{Questioned}**
- 599 F. Supp. 1421 p.1428
214. **Cited by:**
Elam v. Montgomery County, 573 F. Supp. 797, 1983 U.S. Dist. LEXIS 17036 (S.D. Ohio 1983) **LexisNexis Headnotes HN2, HN3{Caution}**
- 573 F. Supp. 797 p.802
573 F. Supp. 797 p.805
215. **Cited by:**
Siereveld v. Conn., 557 F. Supp. 1178, 1983 U.S. Dist. LEXIS 19039 (E.D. Ky. 1983) **LexisNexis Headnotes HN6{Cited}**
- 557 F. Supp. 1178 p.1182

6TH CIRCUIT - U.S. BANKRUPTCY COURTS

216. **Cited by:**
First-Union Nat'l Bank v. Tenn-Fla Partners (In re Tenn-Fla Partners), 170 B.R. 946, 1994 Bankr. LEXIS 1260 (Bankr. W.D. Tenn. 1994) **LexisNexis Headnotes HN7 , HN10{Warning}**
- 170 B.R. 946 p.964
217. **Cited by:**
In re Schewe, 94 B.R. 938, 1989 Bankr. LEXIS 12, 18 Bankr. Ct. Dec. (LRP) 1412, Bankr. L. Rep. (CCH) P72630, 20 Collier Bankr. Cas. 2d (MB) 1411 (Bankr. W.D. Mich. 1989){Caution}
- 94 B.R. 938 p.943
218. **Cited by:**

In re Watkins, 90 B.R. 848, 1988 Bankr. LEXIS 1527, 18 Bankr. Ct. Dec. (LRP) 311, 19 Collier Bankr. Cas. 2d (MB) 678 (Bankr. E.D. Mich. 1988) **LexisNexis Headnotes HN1 , HN10{Caution}**

90 B.R. 848 p.855

7TH CIRCUIT - COURT OF APPEALS

219. **Followed by, Cited in Dissenting Opinion at:**
Crowley v. McKinney, 400 F.3d 965, 2005 U.S. App. LEXIS 4105 (7th Cir. Ill. 2005) **LexisNexis Headnotes HN3, HN9{Positive}**
- Followed by:**
 400 F.3d 965 p.971
- Cited in Dissenting Opinion at:**
 400 F.3d 965 p.975
220. **Cited by:**
Terry v. Richardson, 346 F.3d 781, 2003 U.S. App. LEXIS 20737 (7th Cir. Ill. 2003) **LexisNexis Headnotes HN4{Analysis}**
- 346 F.3d 781 p.786
221. **Cited by:**
Doe v. Heck, 327 F.3d 492, 2003 U.S. App. LEXIS 7144 (7th Cir. Wis. 2003) **LexisNexis Headnotes HN2, HN3{Caution}**
- 327 F.3d 492 p.518
222. **Cited by:**
Martin v. Shawano-Gresham Sch. Dist., 295 F.3d 701, 2002 U.S. App. LEXIS 13245 (7th Cir. Wis. 2002){Caution}
- 295 F.3d 701 p.713
223. **Cited by:**
Morrell v. Mock, 270 F.3d 1090, 2001 U.S. App. LEXIS 23632 (7th Cir. Ill. 2001) **LexisNexis Headnotes HN3{Positive}**
- 270 F.3d 1090 p.1098
224. **Cited by:**
Brokaw v. Mercer County, 235 F.3d 1000, 2000 U.S. App. LEXIS 33124 (7th Cir. Ill. 2000) **LexisNexis Headnotes HN2, HN3, HN6, HN10{Caution}**
- 235 F.3d 1000 p.1018
225. **Cited by:**
Froehlich v. Wisconsin Dep't of Corrections, 196 F.3d 800, 1999 U.S. App. LEXIS 29492 (7th Cir. Wis. 1999) **LexisNexis Headnotes HN2{Analysis}**
- 196 F.3d 800 p.801

226. **Cited by:**
Pena v. Mattox, 84 F.3d 894, 1996 U.S. App. LEXIS 11707 (7th Cir. Ill. 1996) **LexisNexis Headnotes HN3, HN6, HN10**{Caution}
84 F.3d 894 p.898
227. **Cited by:**
Lindley v. Sullivan, 889 F.2d 124, 1989 U.S. App. LEXIS 17252, Unemployment Ins. Rep. (CCH) P15031A (7th Cir. Ill. 1989) **LexisNexis Headnotes HN3**{Caution}
228. **Cited by:**
Liquid Air Corp. v. Rogers, 834 F.2d 1297, 1987 U.S. App. LEXIS 15670, 24 Fed. R. Evid. Serv. (CBC) 254 (7th Cir. Ill. 1987) **LexisNexis Headnotes HN8 , HN10**{Questioned}
834 F.2d 1297 p.1302
229. **Cited by:**
Bergren v. Milwaukee, 811 F.2d 1139, 1987 U.S. App. LEXIS 2240 (7th Cir. Wis. 1987) **LexisNexis Headnotes HN2, HN8**{Positive}
811 F.2d 1139 p.1144
230. **Cited by:**
Darryl H. v. Coler, 801 F.2d 893, 1986 U.S. App. LEXIS 30533, 93 A.L.R. Fed. 501 (7th Cir. Ill. 1986) **LexisNexis Headnotes HN2, HN3**{Caution}
801 F.2d 893 p.901
801 F.2d 893 p.902
231. **Cited by:**
Shondel v. McDermott, 775 F.2d 859, 1985 U.S. App. LEXIS 24407 (7th Cir. Ind. 1985) **LexisNexis Headnotes HN2**{Caution}
775 F.2d 859 p.865
232. **Cited by:**
Hameetman v. Chicago, 776 F.2d 636, 1985 U.S. App. LEXIS 23822 (7th Cir. Ill. 1985) **LexisNexis Headnotes HN2**{Positive}
776 F.2d 636 p.642
233. **Cited by:**
Polovchak v. Meese, 774 F.2d 731, 1985 U.S. App. LEXIS 23568, 11 Immigr. Cas. Rep. A2-154 (7th Cir. Ill. 1985) **LexisNexis Headnotes HN2, HN3, HN4**{Analysis}
774 F.2d 731 p.734

234. **Cited by:**
Mnyofu v. Bd. of Educ. of Rich Twp. High Sch. Dist. 227, 2005 U.S. Dist. LEXIS 26640 (N.D. Ill. Nov. 1, 2005) **LexisNexis Headnotes HN2{Analysis}**

2005 U.S. Dist. LEXIS 26640
235. **Cited by:**
Ty Inc. v. Softbelly's Inc., 2005 U.S. Dist. LEXIS 22060 (N.D. Ill. Sept. 30, 2005) **LexisNexis Headnotes HN6{Analysis}**

2005 U.S. Dist. LEXIS 22060
236. **Cited by:**
Brown v. Mich. City, 2005 U.S. Dist. LEXIS 20447 (N.D. Ind. Sept. 19, 2005) **LexisNexis Headnotes HN2{Cited}**

2005 U.S. Dist. LEXIS 20447
237. **Cited by:**
De La Font v. Beckelman, 264 F. Supp. 2d 650, 2003 U.S. Dist. LEXIS 5607 (N.D. Ill. 2003){Analysis}

264 F. Supp. 2d 650 p.656
238. **Cited by:**
Collins v. Hamilton, 231 F. Supp. 2d 840, 2002 U.S. Dist. LEXIS 22182 (S.D. Ind. 2002) **LexisNexis Headnotes HN2, HN3{Caution}**

231 F. Supp. 2d 840 p.850
239. **Distinguished by:**
Hodgkins v. Peterson, 175 F. Supp. 2d 1132, 2001 U.S. Dist. LEXIS 22978 (S.D. Ind. 2001) **LexisNexis Headnotes HN2, HN3, HN6, HN9{Warning}**

Distinguished by:
175 F. Supp. 2d 1132 p.1162
Cited by:
175 F. Supp. 2d 1132 p.1153
240. **Cited by:**
Deisher v. Mehnert, 2001 U.S. Dist. LEXIS 22363 (S.D. Ill. Sept. 13, 2001) **LexisNexis Headnotes HN2**

2001 U.S. Dist. LEXIS 22363
241. **Cited by:**
Dupuy v. McDonald, 141 F. Supp. 2d 1090, 2001 U.S. Dist. LEXIS 9447 (N.D. Ill. 2001) **LexisNexis Headnotes HN6{Warning}**

141 F. Supp. 2d 1090 p.1136
242. **Distinguished by:**

Hodgkins v. Peterson, 2000 U.S. Dist. LEXIS 20850 (S.D. Ind. Dec. 14, 2000) **LexisNexis Headnotes HN2, HN3, HN6, HN9{Caution}**

2000 U.S. Dist. LEXIS 20850

243. **Cited by:**

Carter ex rel M.C. v. Doyle, 95 F. Supp. 2d 851, 2000 U.S. Dist. LEXIS 5884 (N.D. Ill. 2000) **LexisNexis Headnotes HN2, HN8{Caution}**

95 F. Supp. 2d 851 p.863

244. **Cited by:**

Evans v. Torres, 1999 U.S. Dist. LEXIS 17237 (N.D. Ill. Sept. 28, 1999) **LexisNexis Headnotes HN1 , HN2, HN6, HN10{Analysis}**

1999 U.S. Dist. LEXIS 17237

245. **Cited by:**

Bell by Bell v. City of Chicago, 1998 U.S. Dist. LEXIS 19123 (N.D. Ill. Nov. 30, 1998) **LexisNexis Headnotes HN3{Cited}**

1998 U.S. Dist. LEXIS 19123

246. **Cited by:**

Smith v. McDonald, 1998 U.S. Dist. LEXIS 7621 (N.D. Ill. May 5, 1998) **LexisNexis Headnotes HN3 {Warning}**

1998 U.S. Dist. LEXIS 7621

247. **Cited by:**

Estate of Conner by Conner v. Ambrose, 990 F. Supp. 606, 1997 U.S. Dist. LEXIS 20705 (N.D. Ind. 1997) **LexisNexis Headnotes HN2, HN3{Cited}**

990 F. Supp. 606 p.615

248. **Cited by:**

Evans v. Torres, 1995 U.S. Dist. LEXIS 19472 (N.D. Ill. Dec. 27, 1995) **LexisNexis Headnotes HN1 , HN6, HN10{Caution}**

249. **Distinguished by:**

Pauli v. Board of Educ., 841 F. Supp. 840, 1994 U.S. Dist. LEXIS 289 (C.D. Ill. 1994) **LexisNexis Headnotes HN8, HN10{Cited}**

841 F. Supp. 840 p.844

250. **Cited by:**

La Placa v. Johnson, 1990 U.S. Dist. LEXIS 19195 (N.D. Ill. Nov. 21, 1990) **LexisNexis Headnotes HN3{Caution}**

251. **Distinguished by:**
Millspaugh v. Wabash County Dep't of Public Welfare, 746 F. Supp. 832, 1990 U.S. Dist. LEXIS 12250 (N.D. Ind. 1990) **LexisNexis Headnotes HN10**
{Positive}

746 F. Supp. 832 p.841
252. **Cited by:**
Alexander v. Miramonti, 1990 U.S. Dist. LEXIS 8022 (N.D. Ill. June 28, 1990) **LexisNexis Headnotes HN1**
253. **Cited by:**
Navis v. Fond Du Lac County, 721 F. Supp. 182, 1989 U.S. Dist. LEXIS 10741 (E.D. Wis. 1989) **LexisNexis Headnotes HN3**{Cited}

721 F. Supp. 182 p.187
254. **Cited by:**
Wolff v. Faris, 1989 U.S. Dist. LEXIS 8520 (N.D. Ill. July 19, 1989) **LexisNexis Headnotes HN2** {Caution}
255. **Cited by:**
Hutson v. Bell, 702 F. Supp. 212, 1988 U.S. Dist. LEXIS 14453 (N.D. Ill. 1988) **LexisNexis Headnotes HN2**{Cited}

702 F. Supp. 212 p.213
256. **Cited by:**
Doe v. Bobbitt, 698 F. Supp. 1415, 1988 U.S. Dist. LEXIS 12531 (N.D. Ill. 1988) **LexisNexis Headnotes HN2**{Positive}

698 F. Supp. 1415 p.1419
257. **Distinguished by:**
Landstrom v. Illinois Dep't of Children & Family Services, 699 F. Supp. 1270, 1988 U.S. Dist. LEXIS 12571 (N.D. Ill. 1988) **LexisNexis Headnotes HN2, HN3 , HN10**{Caution}

699 F. Supp. 1270 p.1275
258. **Cited by:**
Landstrom v. Illinois Dep't of Children & Family Services, 1987 U.S. Dist. LEXIS 8624 (N.D. Ill. Sept. 16, 1987) **LexisNexis Headnotes HN3**{Caution}
259. **Cited by:**
Allen v. Bowen, 657 F. Supp. 148, 1987 U.S. Dist. LEXIS 1832 (N.D. Ill. 1987) **LexisNexis Headnotes HN1, HN10**{Analysis}

657 F. Supp. 148 p.151
260. **Cited by:**

JACKSON v. GRIFFIN, 1986 U.S. Dist. LEXIS 24504 (N.D. Ill. June 6, 1986) **LexisNexis Headnotes HN3, HN6, HN8, HN9**{Cited}

261. **Cited by:**
Lindahl v. Bartolomei, 618 F. Supp. 981, 1985 U.S. Dist. LEXIS 15943 (N.D. Ind. 1985){Cited}
618 F. Supp. 981 p.990

262. **Cited by:**
Kaszuk v. Bakery & Confectionary Union, 638 F. Supp. 365, 1985 U.S. Dist. LEXIS 23705 (N.D. Ill. 1985) **LexisNexis Headnotes HN8, HN10**

263. **Cited by:**
Kaszuk v. Bakery & Confectionary Union, 638 F. Supp. 365, 1984 U.S. Dist. LEXIS 22112 (N.D. Ill. 1984){Caution}
638 F. Supp. 365 p.373

264. **Cited by:**
Darryl H. v. Coler, 585 F. Supp. 383, 1984 U.S. Dist. LEXIS 17253 (N.D. Ill. 1984) **LexisNexis Headnotes HN6, HN8, HN9, HN10**{Warning}
585 F. Supp. 383 p.391

8TH CIRCUIT - COURT OF APPEALS

265. **Cited by:**
Swipies v. Kofka, 419 F.3d 709, 2005 U.S. App. LEXIS 16861 (8th Cir. Iowa 2005) **LexisNexis Headnotes HN2**{Analysis}
419 F.3d 709 p.714

266. **Cited by:**
Zakrzewski v. Fox, 87 F.3d 1011, 1996 U.S. App. LEXIS 15766 (8th Cir. Neb. 1996) **LexisNexis Headnotes HN2, HN3**{Caution}
87 F.3d 1011 p.1013

267. **Cited by:**
United States v. C.L.O., 77 F.3d 1075, 1996 U.S. App. LEXIS 3190 (8th Cir. Minn. 1996) **LexisNexis Headnotes HN8**{Positive}
77 F.3d 1075 p.1077

268. **Cited by:**
United States v. Martinez-Amaya, 67 F.3d 678, 1995 U.S. App. LEXIS 28093, 15 Immigr. Cas. Rep. A2-178 (8th Cir. Neb. 1995) **LexisNexis Headnotes HN1, HN10**{Cited}
67 F.3d 678 p.682

269. **Cited in Dissenting Opinion at:**
Goff v. Dailey, 991 F.2d 1437, 1993 U.S. App. LEXIS 9833 (8th Cir. Iowa 1993) **LexisNexis Headnotes HN6, HN8, HN10**{Caution}
- Cited in Dissenting Opinion at:**
991 F.2d 1437 p.1444
- Cited by:**
991 F.2d 1437 p.1441
270. **Cited in Dissenting Opinion at:**
United States v. Twelve Thousand, Three Hundred Ninety Dollars, 956 F.2d 801, 1992 U.S. App. LEXIS 1704 (8th Cir. Mo. 1992) **LexisNexis Headnotes HN1, HN2, HN4, HN6, HN10**{Caution}
- 956 F.2d 801 p.808
271. **Cited by:**
Fitzgerald v. Williamson, 787 F.2d 403, 1986 U.S. App. LEXIS 23403 (8th Cir. 1986) **LexisNexis Headnotes HN1, HN4**{Caution}
- 787 F.2d 403 p.407
272. **Cited by:**
Craik v. Minnesota State University Bd., 731 F.2d 465, 1984 U.S. App. LEXIS 24244, 33 Empl. Prac. Dec. (CCH) P34252, 34 Fair Empl. Prac. Cas. (BNA) 649 (8th Cir. Minn. 1984) **LexisNexis Headnotes HN6, HN8**{Warning}
- 731 F.2d 465 p.470
273. **Cited by:**
Ruffalo v. Civiletti, 702 F.2d 710, 1983 U.S. App. LEXIS 29587 (8th Cir. Mo. 1983) **LexisNexis Headnotes HN3**{Caution}
- 702 F.2d 710 p.715

8TH CIRCUIT - U.S. DISTRICT COURTS

274. **Cited by:**
Helleloid v. Indep. Sch. Dist. No. 361, 149 F. Supp. 2d 863, 2001 U.S. Dist. LEXIS 9463 (D. Minn. 2001) **LexisNexis Headnotes HN2, HN3, HN6, HN10**{Caution}
- 149 F. Supp. 2d 863 p.871
275. **Cited by:**
Goff v. Dailey, 789 F. Supp. 978, 1992 U.S. Dist. LEXIS 12000 (S.D. Iowa 1992) {Questioned}
- 789 F. Supp. 978 p.983
276. **Cited by:**
Baldrige v. Clinton, 139 F.R.D. 119, 1991 U.S. Dist. LEXIS 13144 (E.D. Ark. 1991) **LexisNexis Headnotes HN2, HN3**{Caution}

139 F.R.D. 119 p.128

277. **Cited by:**
In re Scott County Master Docket, 672 F. Supp. 1152, 1987 U.S. Dist. LEXIS 10026 (D. Minn. 1987) **LexisNexis Headnotes HN3{Positive}**
- 672 F. Supp. 1152 p.1164
 672 F. Supp. 1152 p.1165
278. **Cited by:**
In re Scott County Master Docket, 618 F. Supp. 1534, 1985 U.S. Dist. LEXIS 15337 (D. Minn. 1985) **LexisNexis Headnotes HN2{Warning}**
- 618 F. Supp. 1534 p.1546
279. **Cited by:**
Fitzgerald v. Williamson, 601 F. Supp. 92, 1984 U.S. Dist. LEXIS 20860 (E.D. Mo. 1984) **LexisNexis Headnotes HN2{Positive}**
- 601 F. Supp. 92 p.95

9TH CIRCUIT - COURT OF APPEALS

280. **Cited in Concurring Opinion at:**
Tijani v. Willis, 430 F.3d 1241, 2005 U.S. App. LEXIS 27172 (9th Cir. Cal. 2005) **LexisNexis Headnotes HN2, HN3, HN6**
- 2005 U.S. App. LEXIS 27172
281. **Cited by:**
United States v. Juvenile, 347 F.3d 778, 2003 U.S. App. LEXIS 21651, 2003 D.A.R. 11642 (9th Cir. Wash. 2003){*Caution*}
- 347 F.3d 778 p.787
282. **Cited by:**
State of Cal. ex rel. Lockyer v. FERC, 329 F.3d 700, 2003 U.S. App. LEXIS 9388, 2003 Cal. Daily Op. Service 4048, 2003 D.A.R. 5189 (9th Cir. Cal. 2003) **LexisNexis Headnotes HN6 , HN8, HN10{Positive}**
- 329 F.3d 700 p.710
283. **Cited by:**
Cal. State Bd. of Equalization v. Renovizor's Inc. (In re Renovizor's, Inc.) , 282 F.3d 1233, 2002 U.S. App. LEXIS 4131, 2002 Cal. Daily Op. Service 2376 (9th Cir. Cal. 2002) **LexisNexis Headnotes HN1, HN6, HN10{Analysis}**
- 282 F.3d 1233 p.1240
284. **Cited by:**

In re Exxon Valdez, 270 F.3d 1215, 2001 U.S. App. LEXIS 24029, 2001 Cal. Daily Op. Service 9528, 2001 D.A.R. 11915, 2002 A.M.C. 1, 32 Env'tl. L. Rep. 20320, 154 Oil & Gas Rep. 1 (9th Cir. Alaska 2001) **LexisNexis Headnotes HN8, HN10**{Warning}

270 F.3d 1215 p.1232

285. **Cited by:**

Lee v. City of Los Angeles, 250 F.3d 668, 2001 U.S. App. LEXIS 8150, 2001 Cal. Daily Op. Service 3507, 2001 D.A.R. 4351, 56 Fed. R. Evid. Serv. (CBC) 698 (9th Cir. Cal. 2001) **LexisNexis Headnotes HN2**{Caution}

250 F.3d 668 p.685

286. **Cited by:**

Lee v. County of Los Angeles, 240 F.3d 754, 2001 U.S. App. LEXIS 2152, 2001 Cal. Daily Op. Service 1323, 2001 D.A.R. 1677, 49 Fed. R. Serv. 3d (Callaghan) 236 (9th Cir. Cal. 2001){Warning}

240 F.3d 754 p.770

287. **Cited by:**

Mabe v. San Bernardino County, 237 F.3d 1101, 2001 U.S. App. LEXIS 894, 2001 Cal. Daily Op. Service 670, 2001 D.A.R. 879 (9th Cir. Cal. 2001) {Caution}

237 F.3d 1101 p.1107

288. **Cited by:**

California Bd. of Equalization v. Renovizor's, Inc. (In re Renovizor's, Inc.), 236 F.3d 518, 2001 U.S. App. LEXIS 38, 2001 Cal. Daily Op. Service 122, 2001 D.A.R. 149 (9th Cir. 2001) **LexisNexis Headnotes HN6**{Caution}

236 F.3d 518 p.523

289. **Cited by:**

Andreiu v. Reno, 223 F.3d 1111, 2000 U.S. App. LEXIS 22626, 2000 Cal. Daily Op. Service 7489, 2000 D.A.R. 9969 (9th Cir. Cal. 2000) **LexisNexis Headnotes HN1, HN10** {Warning}

223 F.3d 1111 p.1117

290. **Cited by:**

Wallis ex rel. Wallis v. Spencer, 202 F.3d 1126, 1999 U.S. App. LEXIS 35873, 2000 D.A.R. 1455, 2000 D.A.R. 1455C (9th Cir. Cal. 2000){Caution}

202 F.3d 1126 p.1136

291. **Cited by:**

Wallis by & Through Wallis v. Spencer, 193 F.3d 1054, 1999 U.S. App. LEXIS 21950, 99 Cal. Daily Op. Service 7581, 99 D.A.R. 9599, 99 D.A.R. 10267 (9th Cir. Cal. 1999) {Caution}

193 F.3d 1054 p.1065

292. **Cited by:**
Soltero v. City of Compton, 1997 U.S. App. LEXIS 32134 (9th Cir. Cal. Nov. 13, 1997) **LexisNexis Headnotes HN3, HN6, HN10**{Analysis}
293. **Cited by:**
Ram v. Rubin, 118 F.3d 1306, 1997 U.S. App. LEXIS 16227, 97 Cal. Daily Op. Service 5270, 97 D.A.R. 8559 (9th Cir. Haw. 1997) **LexisNexis Headnotes HN3**{Caution}
- 118 F.3d 1306 p.1310
294. **Cited by:**
United States v. \$49,576.00 United States Currency, 116 F.3d 425, 1997 U.S. App. LEXIS 15240, 97 Cal. Daily Op. Service 4960, 97 D.A.R. 8062 (9th Cir. Cal. 1997) **LexisNexis Headnotes HN1, HN7**{Caution}
- 116 F.3d 425 p.428
116 F.3d 425 p.429
295. **Cited by:**
Myers v. County of Ventura, 1997 U.S. App. LEXIS 12022 (9th Cir. Cal. May 22, 1997){Analysis}
296. **Cited by:**
Chaudhary v. O'Neil, 1995 U.S. App. LEXIS 35313 (9th Cir. Cal. Nov. 30, 1995) **LexisNexis Headnotes HN6, HN10**{Analysis}
297. **Cited by:**
Jenks v. Hull, 1995 U.S. App. LEXIS 28184 (9th Cir. Cal. Sept. 28, 1995) **LexisNexis Headnotes HN3**{Analysis}
298. **Cited by:**
Nelson by & Through Nelson v. Carpeneti, 1995 U.S. App. LEXIS 25016 (9th Cir. Alaska Aug. 23, 1995) **LexisNexis Headnotes HN1, HN10**{Analysis}
299. **Cited in Dissenting Opinion at:**
Mason by & Through Marson v. Vasquez, 5 F.3d 1226, 1993 U.S. App. LEXIS 25516, 93 Cal. Daily Op. Service 7470, 93 D.A.R. 12720 (9th Cir. 1993)
{Analysis}
- 5 F.3d 1226 p.1227
300. **Cited in Dissenting Opinion at:**
Lipscomb v. Simmons, 962 F.2d 1374, 1992 U.S. App. LEXIS 7734, 92 Cal. Daily Op. Service 3556, 92 D.A.R. 5636 (9th Cir. Or. 1992) **LexisNexis Headnotes HN1, HN8**
{Positive}

Cited in Dissenting Opinion at:

962 F.2d 1374 p.1386

Cited by:

962 F.2d 1374 p.1378

301. **Distinguished by, Cited in Dissenting Opinion at:**

United States v. Restrepo, 946 F.2d 654, 1991 U.S. App. LEXIS 22996, 91 Cal. Daily Op. Service 8052, 91 D.A.R. 12276 (9th Cir. Alaska 1991) **LexisNexis Headnotes HN6 , HN8{Caution}**

Distinguished by:

946 F.2d 654 p.658

Cited in Dissenting Opinion at:

946 F.2d 654 p.674

302. **Cited in Dissenting Opinion at:**

Flores v. Meese, 942 F.2d 1352, 1991 U.S. App. LEXIS 17896, 11 Immigr. Cas. Rep. A2-323, 91 Cal. Daily Op. Service 6547, 91 D.A.R. 9727 (9th Cir. Cal. 1991) **LexisNexis Headnotes HN8 {Warning}**

942 F.2d 1352 p.1383

303. **Explained by:**

United States v. Meza-Soria, 935 F.2d 166, 1991 U.S. App. LEXIS 11111, 91 Cal. Daily Op. Service 4158, 91 D.A.R. 6469, 9 Immigr. Law & Proc. Rep. A2-72 (9th Cir. Ariz. 1991) **LexisNexis Headnotes HN8, HN10{Caution}**

935 F.2d 166 p.169

304. **Cited by:**

Caldwell v. LeFaver, 928 F.2d 331, 1991 U.S. App. LEXIS 4332, 91 Cal. Daily Op. Service 2033, 91 D.A.R. 3231 (9th Cir. Mont. 1991){*Positive*}

928 F.2d 331 p.333

305. **Cited by:**

Flores v. Meese, 934 F.2d 991, 1990 U.S. App. LEXIS 9910, 8 Immigr. Law & Proc. Rep. A2-53 (9th Cir. Cal. 1990) **LexisNexis Headnotes HN8{Caution}**

934 F.2d 991 p.1008

306. **Cited by:**

Baker v. Racansky, 887 F.2d 183, 1989 U.S. App. LEXIS 14432 (9th Cir. Cal. 1989) {*Caution*}

887 F.2d 183 p.188

307. **Cited by:**

Lipscomb v. Simmons, 884 F.2d 1242, 1989 U.S. App. LEXIS 13436 (9th Cir. Or. 1989) **LexisNexis Headnotes HN2{Warning}**

884 F.2d 1242 p.1244

308. **Cited by:**
Woodrum v. Woodward County, 866 F.2d 1121, 1989 U.S. App. LEXIS 568, 13 Fed. R. Serv. 3d (Callaghan) 390 (9th Cir. Cal. 1989) **LexisNexis Headnotes HN2 , HN3, HN6, HN10{Positive}**

866 F.2d 1121 *p.1124*
309. **Cited by:**
Smith v. Fontana, 818 F.2d 1411, 1987 U.S. App. LEXIS 800 (9th Cir. Cal. 1987) **LexisNexis Headnotes HN3, HN6, HN8, HN9{Warning}**

818 F.2d 1411 *p.1418*
818 F.2d 1411 *p.1419*
310. **Cited by:**
Kelson v. Springfield, 767 F.2d 651, 1985 U.S. App. LEXIS 21030 (9th Cir. Or. 1985) **LexisNexis Headnotes HN2, HN3, HN6, HN9, HN10{Questioned}**

767 F.2d 651 *p.654*
311. **Cited by:**
United States v. F/V Repulse, 688 F.2d 1283, 1982 U.S. App. LEXIS 25252, 18 Env't Rep. Cas. (BNA) 1680, 13 Env'tl. L. Rep. 20554 (9th Cir. Alaska 1982) **LexisNexis Headnotes HN9{Cited}**

688 F.2d 1283 *p.1284*

9TH CIRCUIT - U.S. DISTRICT COURTS

312. **Cited by:**
Harry A. v. Duncan, 351 F. Supp. 2d 1060, 2005 U.S. Dist. LEXIS 1172 (D. Mont. 2005) **LexisNexis Headnotes HN2, HN3, HN6, HN9, HN10{Analysis}**

351 F. Supp. 2d 1060 *p.1068*
313. **Cited by:**
Doggett v. Perez, 348 F. Supp. 2d 1198, 2004 U.S. Dist. LEXIS 27014 (E.D. Wash. 2004) **LexisNexis Headnotes HN2{Analysis}**

348 F. Supp. 2d 1198 *p.1205*
314. **Cited by:**
Gausvik v. Perez, 239 F. Supp. 2d 1067, 2002 U.S. Dist. LEXIS 25704 (E.D. Wash. 2002) **LexisNexis Headnotes HN2{Warning}**

239 F. Supp. 2d 1067 *p.1095*
315. **Cited by:**
Hattley v. Williams, 2000 U.S. Dist. LEXIS 11718 (N.D. Cal. Aug. 9, 2000) **LexisNexis Headnotes HN2, HN3**

2000 U.S. Dist. LEXIS 11718

316. **Cited by:**
Doe v. Tenet, 99 F. Supp. 2d 1284, 2000 U.S. Dist. LEXIS 8844 (W.D. Wash. 2000) **LexisNexis Headnotes HN4**{Warning}
99 F. Supp. 2d 1284 p.1291
317. **Cited by:**
Ploski v. Feder, 1999 U.S. Dist. LEXIS 2229 (N.D. Cal. Mar. 1, 1999){Cited}
1999 U.S. Dist. LEXIS 2229
318. **Cited by:**
Zubiate v. Sonoma County Soc. Servs. Dep't, 1997 U.S. Dist. LEXIS 3816 (N.D. Cal. Mar. 25, 1997) **LexisNexis Headnotes HN3**{Positive}
319. **Cited by:**
Adams v. Pinole Point Steel Co., 1995 U.S. Dist. LEXIS 2036 (N.D. Cal. Feb. 10, 1995){Analysis}
320. **Cited by:**
American-Arab Anti-Discrimination Comm. v. Reno, 883 F. Supp. 1365, 1995 U.S. Dist. LEXIS 3294, 14 Immigr. Cas. Rep. A3-119, 95 D.A.R. 8467 (C.D. Cal. 1995){Warning}
883 F. Supp. 1365 p.1378
321. **Cited by:**
Kruse v. State, 857 F. Supp. 741, 1994 U.S. Dist. LEXIS 9754 (D. Haw. 1994) **LexisNexis Headnotes HN3**{Caution}
857 F. Supp. 741 p.757
322. **Cited by:**
Jenks v. Hull, 1993 U.S. Dist. LEXIS 4706 (N.D. Cal. Apr. 7, 1993) **LexisNexis Headnotes HN2** {Positive}
323. **Cited by:**
Burgess v. City of San Francisco, 1992 U.S. Dist. LEXIS 12489 (N.D. Cal. July 13, 1992) **LexisNexis Headnotes HN2, HN6**{Positive}
324. **Cited by:**
In re Adoption of Olopai, 1990 U.S. Dist. LEXIS 7272 (D. N. Mar. I. Apr. 30, 1990) **LexisNexis Headnotes HN2, HN3**{Cited}
325. **Distinguished by:**
Delahunty v. Hawaii, 677 F. Supp. 1052, 1987 U.S. Dist. LEXIS 12413 (D. Haw. 1987) **LexisNexis Headnotes HN3, HN6, HN7, HN10**{Cited}

Distinguished by:

677 F. Supp. 1052 p.1056

Cited by:

677 F. Supp. 1052 p.1056

677 F. Supp. 1052 p.1057

326. **Cited by:**

Anderson v. Roberts, 659 F. Supp. 19, 1986 U.S. Dist. LEXIS 20375 (C.D. Cal. 1986) **LexisNexis Headnotes HN1, HN2{Cited}**

659 F. Supp. 19 p.23

327. **Cited by:**

United States v. Veon, 538 F. Supp. 237, 1982 U.S. Dist. LEXIS 11907, 10 Fed. R. Evid. Serv. (CBC) 1073 (E.D. Cal. 1982) **LexisNexis Headnotes HN5, HN6, HN10{Caution}**

538 F. Supp. 237 p.247

10TH CIRCUIT - COURT OF APPEALS328. **Cited by:**

Wirsching v. Colorado, 360 F.3d 1191, 2004 U.S. App. LEXIS 2952 (10th Cir. Colo. 2004) **LexisNexis Headnotes HN2{Caution}**

360 F.3d 1191 p.1198

329. **Cited by:**

Roska v. Peterson, 328 F.3d 1230, 2003 U.S. App. LEXIS 8142 (10th Cir. Utah 2003) **LexisNexis Headnotes HN1, HN2, HN3, HN6{Caution}**

328 F.3d 1230 p.1242

328 F.3d 1230 p.1245

330. **Cited by:**

Roska v. Peterson, 304 F.3d 982, 2002 U.S. App. LEXIS 18325 (10th Cir. Utah 2002) **LexisNexis Headnotes HN1, HN2, HN3, HN6{Warning}**

304 F.3d 982 p.993

331. **Cited by:**

Malik v. Arapahoe County Dep't of Social Servs., 191 F.3d 1306, 1999 U.S. App. LEXIS 22208, 1999 Colo. J. C.A.R. 5740 (10th Cir. Colo. 1999) **LexisNexis Headnotes HN3 {Caution}**

191 F.3d 1306 p.1315

332. **Cited by:**

Lytle v. City of Haysville, 138 F.3d 857, 1998 U.S. App. LEXIS 4178, 1998 Colo. J. C.A.R. 1237, 13 I.E.R. Cas. (BNA) 1355 (10th Cir. Kan. 1998) **LexisNexis Headnotes HN8, HN10{Caution}**

138 F.3d 857 p.869

333. **Cited by:**
J.B. v. Washington County, 127 F.3d 919, 1997 U.S. App. LEXIS 27629, 1997 Colo. J. C.A.R. 2210 (10th Cir. Utah 1997) **LexisNexis Headnotes HN3, HN8**
{Caution}

127 F.3d 919 p.925

334. **Cited by:**
Hollingsworth v. Hill, 110 F.3d 733, 1997 U.S. App. LEXIS 6339 (10th Cir. Okla. 1997) **LexisNexis Headnotes HN2, HN3***{Caution}*

110 F.3d 733 p.738

335. **Cited by:**
Martinez v. Mafchir, 35 F.3d 1486, 1994 U.S. App. LEXIS 26975 (10th Cir. N.M. 1994) **LexisNexis Headnotes HN8***{Caution}*

35 F.3d 1486 p.1490

336. **Cited by:**
Tafoya v. Sears Roebuck & Co., 884 F.2d 1330, 1989 U.S. App. LEXIS 13083, CCH Prod. Liab. Rep. P12251 (10th Cir. Colo. 1989) **LexisNexis Headnotes HN1 , HN10***{Questioned}*

884 F.2d 1330 p.1337

337. **Cited by:**
Kickapoo Tribe of Oklahoma v. Rader, 822 F.2d 1493, 1987 U.S. App. LEXIS 8442 (10th Cir. Okla. 1987) **LexisNexis Headnotes HN2, HN6***{Cited}*

822 F.2d 1493 p.1497

338. **Cited by:**
United States v. Schell, 692 F.2d 672, 1982 U.S. App. LEXIS 24865 (10th Cir. Kan. 1982) **LexisNexis Headnotes HN6***{Positive}*

692 F.2d 672 p.676

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339. **Explained by:**
J.R. v. Utah, 261 F. Supp. 2d 1268, 2003 U.S. Dist. LEXIS 7785 (D. Utah 2003) **LexisNexis Headnotes HN3, HN10***{Cited}*

Explained by:
 261 F. Supp. 2d 1268 p.1285

Cited by:
 261 F. Supp. 2d 1268 p.1276

340. **Cited by:**
Malik v. Arapahoe County Dep't of Social Servs., 987 F. Supp. 868, 1997 U.S. Dist. LEXIS 19366 (D. Colo. 1997) **LexisNexis Headnotes HN3{Positive}**
 987 F. Supp. 868 p.881
341. **Cited by:**
J.B. v. Washington County, 905 F. Supp. 979, 1995 U.S. Dist. LEXIS 16956 (D. Utah 1995){*Caution*}
 905 F. Supp. 979 p.986
342. **Cited by:**
Sipka v. Soet, 761 F. Supp. 761, 1991 U.S. Dist. LEXIS 4990 (D. Kan. 1991) **LexisNexis Headnotes HN2{Positive}**
 761 F. Supp. 761 p.766
343. **Cited by:**
Swayne v. L.D.S. Social Services, 670 F. Supp. 1537, 1987 U.S. Dist. LEXIS 8155 (D. Utah 1987) **LexisNexis Headnotes HN3, HN6, HN8, HN9{Analysis}**
 670 F. Supp. 1537 p.1542
344. **Cited by:**
Murr v. Harder, 1987 U.S. Dist. LEXIS 5852 (D. Kan. June 25, 1987) **LexisNexis Headnotes HN2**
345. **Cited by:**
Murr v. Harder, 1987 U.S. Dist. LEXIS 4462 (D. Kan. May 13, 1987) **LexisNexis Headnotes HN2**
346. **Cited by:**
Czikalla v. Malloy, 649 F. Supp. 1212, 1986 U.S. Dist. LEXIS 16784 (D. Colo. 1986) **LexisNexis Headnotes HN2{Caution}**
 649 F. Supp. 1212 p.1214
347. **Cited by:**
MURR v. HARDER, 1986 U.S. Dist. LEXIS 25107 (D. Kan. May 23, 1986) **LexisNexis Headnotes HN2 , HN3**

11TH CIRCUIT - COURT OF APPEALS

348. **Followed by:**
Robertson v. Hecksel, 420 F.3d 1254, 2005 U.S. App. LEXIS 17201, 18 Fla. L. Weekly Fed. C 842 (11th Cir. Fla. 2005) **LexisNexis Headnotes HN1, HN3, HN6, HN10{Analysis}**
Followed by:
 420 F.3d 1254 p.1260
Cited by:
 420 F.3d 1254 p.1257

349. **Cited in Dissenting Opinion at:**
Schiavo ex rel. Schindler v. Schiavo, 404 F.3d 1270, 2005 U.S. App. LEXIS 5073, 18 Fla. L. Weekly Fed. C 378 (11th Cir. Fla. 2005) **LexisNexis Headnotes HN1 , HN10{Analysis}**
404 F.3d 1270 p.1279
350. **Cited by:**
Doe v. O'Brien, 329 F.3d 1286, 2003 U.S. App. LEXIS 8724, 16 Fla. L. Weekly Fed. C 577 (11th Cir. Fla. 2003) **LexisNexis Headnotes HN2{Positive}**
329 F.3d 1286 p.1292
351. **Cited in Dissenting Opinion at:**
Riley v. Camp, 130 F.3d 958, 1997 U.S. App. LEXIS 34309, 11 Fla. L. Weekly Fed. C 836, 11 Fla. L. Weekly Fed. C 843 (11th Cir. Ga. 1997) **LexisNexis Headnotes HN2 {Positive}**
Cited in Dissenting Opinion at:
130 F.3d 958 p.966
Cited by:
130 F.3d 958 p.986
352. **Cited by:**
Jim Walter Resources, Inc. v. Federal Mine Safety & Health Review Com., 920 F.2d 738, 1990 U.S. App. LEXIS 22139, 1991 O.S.H. Dec. (CCH) P29178 (11th Cir. 1990) **LexisNexis Headnotes HN6, HN10{Positive}**
920 F.2d 738 p.746
920 F.2d 738 p.748
353. **Cited by:**
Dykes v. Hosemann, 743 F.2d 1488, 1984 U.S. App. LEXIS 17818 (11th Cir. Fla. 1984) **LexisNexis Headnotes HN2, HN6, HN10{Caution}**
743 F.2d 1488 p.1494
354. **Cited by:**
Doe v. Public Health Trust, 696 F.2d 901, 1983 U.S. App. LEXIS 31160 (11th Cir. Fla. 1983) **LexisNexis Headnotes HN2{Analysis}**
696 F.2d 901 p.909
355. **Cited in Dissenting Opinion at:**
Ford v. Strickland, 696 F.2d 804, 1983 U.S. App. LEXIS 27755 (11th Cir. Fla. 1983) **LexisNexis Headnotes HN6, HN8, HN10{Warning}**
696 F.2d 804 p.879
356. **Cited by:**

Manufacturing Research Corp. v. Graybar Elec. Co., 679 F.2d 1355, 1982 U.S. App. LEXIS 17591, 215 U.S.P.Q. (BNA) 29, 11 Fed. R. Evid. Serv. (CBC) 278 (11th Cir. Fla. 1982){*Caution*}

679 F.2d 1355 p.1361

11TH CIRCUIT - U.S. DISTRICT COURTS

357. **Cited by:**
Womancare of Orlando, Inc. v. Agwunobi, 2005 U.S. Dist. LEXIS 35527 (N.D. Fla. July 18, 2005)
2005 U.S. Dist. LEXIS 35527
358. **Cited by:**
Kenny A. v. Perdue, 356 F. Supp. 2d 1353, 2005 U.S. Dist. LEXIS 1891 (N.D. Ga. 2005){*Analysis*}
- 356 F. Supp. 2d 1353 p.1361
359. **Cited by:**
Kenny A. v. Perdue, 218 F.R.D. 277, 2003 U.S. Dist. LEXIS 21205 (N.D. Ga. 2003) **LexisNexis Headnotes HN1**{*Caution*}
- 218 F.R.D. 277 p.296
360. **Cited by:**
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- 158 F. Supp. 2d 1298 p.1302
361. **Cited by:**
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- 849 F. Supp. 1559 p.1566
362. **Cited by:**
Martin v. Chiles, 763 F. Supp. 1133, 1991 U.S. Dist. LEXIS 6462 (S.D. Fla. 1991) {*Positive*}
- 763 F. Supp. 1133 p.1137
363. **Cited by:**
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- 763 F. Supp. 568 p.572
364. **Cited by:**
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707 F. Supp. 1318 *p.1324*

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365. **Cited by:**

Birl v. Wallis, 619 F. Supp. 481, 1985 U.S. Dist. LEXIS 16254 (M.D. Ala. 1985) **LexisNexis Headnotes HN4, HN6, HN7**{*Analysis*}

619 F. Supp. 481 *p.491*

366. **Cited by:**

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564 F. Supp. 177 *p.183*

367. **Cited by:**

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563 F. Supp. 505 *p.516*

563 F. Supp. 505 *p.517*

11TH CIRCUIT - U.S. BANKRUPTCY COURTS

368. **Cited by:**

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2002 Bankr. LEXIS 1423 *p.15*

369. **Cited by:**

In re Bernstein, 20 B.R. 595, 1982 Bankr. LEXIS 3985, Bankr. L. Rep. (CCH) P68825 (Bankr. M.D. Fla. 1982){*Caution*}

20 B.R. 595 *p.596*

D.C. CIRCUIT - COURT OF APPEALS

370. **Followed by:**

Harbury v. Deutch, 344 U.S. App. D.C. 68, 233 F.3d 596, 2000 U.S. App. LEXIS 31519 (2000) **LexisNexis Headnotes HN1, HN2, HN3, HN10**{*Warning*}

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344 U.S. App. D.C. 68 *p.77*

Cited by:

233 F.3d 596 *p.604*

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371. **Cited by:**

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320 U.S. App. D.C. 150 p.159

372. **Cited by:**

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{Caution}

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373. **Cited by:**

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{Questioned}

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296 U.S. App. D.C. 162 p.167

374. **Cited in Dissenting Opinion at:**

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375. **Cited by:**

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376. **Cited by:**

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880 F.2d 506 p.524

377. **Cited by:**

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712 F.2d 1428 p.1432

378. **Explained by:**

Franz v. United States, 227 U.S. App. D.C. 385, 707 F.2d 582, 1983 U.S. App. LEXIS 28130 (1983) **LexisNexis Headnotes HN2, HN3, HN4, HN5, HN6, HN7**
{Caution}

Explained by:

707 F.2d 582 p.594

707 F.2d 582 p.596

Cited by:

707 F.2d 582 p.594

707 F.2d 582 p.607

707 F.2d 582 p.609

707 F.2d 582 p.610

D.C. CIRCUIT - U.S. DISTRICT COURT379. **Cited by:**

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{Positive}

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380. **Cited by:**

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(D.D.C. 2001) **LexisNexis Headnotes HN1, HN10**
{Positive}

158 F. Supp. 2d 67 p.73

381. **Cited by:**

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753 F. Supp. 373 p.387

FEDERAL CIRCUIT - COURT OF APPEALS382. **Cited by:**

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423 F.3d 1279 p.1283

383. **Cited in Dissenting Opinion at:**

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284 F.3d 1335 p.1363

384. **Cited by:**

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226 F.3d 1299 p.1304

385. **Cited in Dissenting Opinion at:**

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{Positive}

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386. **Cited by:**

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988 F.2d 1187 p.1193

387. **Cited by:**

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781 F.2d 861 p.877

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388. **Cited by:**

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389. **Cited by:**

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83 T.C. 381 p.468

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391. **Cited by:**

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394. **Cited by:**
103 F.R.D. 187, 103 F.R.D. 187
 103 F.R.D. 187 *p.291*
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395. **Cited by:**
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ALABAMA SUPREME COURT

396. **Cited by:**
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 890 So. 2d 114 *p.116*

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 810 So. 2d 700 *p.700*

398. **Cited by:**
Ex parte C.V., 2000 Ala. LEXIS 500 (Ala. Nov. 17, 2000) **LexisNexis Headnotes HN3** {*Warning*}
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399. **Cited by:**
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 575 So. 2d 551 *p.560*

ALABAMA COURT OF CIVIL APPEALS

400. **Cited in Dissenting Opinion at:**
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401. **Cited by:**
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- 912 So. 2d 261 p.264
402. **Explained by:**
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- 871 So. 2d 77 p.94
403. **Cited in Concurring Opinion at:**
J.B. v. Jefferson County Dep't of Human Res., 869 So. 2d 475, 2003 Ala. Civ. App. LEXIS 437 (Ala. Civ. App. 2003) **LexisNexis Headnotes HN1, HN3, HN9**{*Analysis*}
- 869 So. 2d 475 p.486
404. **Cited by:**
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- 890 So. 2d 103 p.108
405. **Cited by:**
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406. **Cited by:**
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- 2002 Ala. Civ. App. LEXIS 263
407. **Cited in Concurring Opinion at:**
L.B.S. v. L.M.S., 826 So. 2d 178, 2002 Ala. Civ. App. LEXIS 67 (Ala. Civ. App. 2002) **LexisNexis Headnotes HN1, HN10**{*Warning*}
- 826 So. 2d 178 p.193
408. **Cited in Dissenting Opinion at:**
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- 823 So. 2d 686 p.692

409. **Cited by:**
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410. **Cited by:**
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412. **Cited in Dissenting Opinion at:**
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413. **Cited in Dissenting Opinion at:**
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414. **Cited by:**
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716 So. 2d 684 p.690
415. **Cited in Dissenting Opinion at:**
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416. **Cited by:**
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Headnotes HN10{Caution}
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417. **Cited by:**
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420. **Cited in Dissenting Opinion at:**
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421. **Cited by:**
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422. **Cited by:**
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423. **Cited by:**
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689 P.2d 472 p.476
424. **Cited in Concurring Opinion at:**
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425. **Followed by:**
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ARIZONA SUPREME COURT

427. **Followed by:**
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428. **Cited by:**
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434. **Cited by:**

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650 P.2d 459 p.460

435. **Cited by:**

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118 P.3d 37 p.40

437. **Cited by:**

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438. **Cited by:**

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207 Ariz. 43 p.49
83 P.3d 43 p.49

439. **Cited by:**
In re Miguel R., 204 Ariz. 328, 63 P.3d 1065, 2003 Ariz. App. LEXIS 29, 394 Ariz. Adv. Rep. 44 (Ariz. Ct. App. 2003) **LexisNexis Headnotes HN8**
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440. **Cited by:**
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441. **Cited by:**
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38 P.3d 41 p.45
442. **Cited by:**
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{Analysis}

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41 P.3d 614 p.617
443. **Cited by:**
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444. **Cited by:**
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979 P.2d 1024 p.1025
445. **Cited by:**
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971 P.2d 1046 p.1051

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193 Ariz. 257 p.259
972 P.2d 241 p.243

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972 P.2d 684 p.687

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Cited in Concurring Opinion at:

945 P.2d 828 p.834

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190 Ariz. 107 p.113

450. **Cited by:**

In re Appeal in Pima County Juvenile Severance Action No. S-120171, 183 Ariz. 546, 905 P.2d 555, 1995 Ariz. App. LEXIS 143, 194 Ariz. Adv. Rep. 28 (Ariz. Ct. App. 1995){Caution}

183 Ariz. 546 p.548
905 P.2d 555 p.557

451. **Cited by:**

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452. **Followed by:**

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Followed by:

183 Ariz. 455 p.460
904 P.2d 1279 p.1284

Cited by:

183 Ariz. 455 p.458
904 P.2d 1279 p.1282

453. **Cited by:**

In re Appeal in Maricopa County Juvenile Action No. JS-501904, 180 Ariz. 348, 884 P.2d 234, 1994 Ariz. App. LEXIS 141, 169 Ariz. Adv. Rep. 34 (Ariz. Ct. App. 1994) **LexisNexis Headnotes HN6, HN10{Caution}**

180 Ariz. 348 p.353
884 P.2d 234 p.239

454. **Cited by:**

In re Guardianship of Mikrut, 175 Ariz. 544, 858 P.2d 689, 1993 Ariz. App. LEXIS 195, 147 Ariz. Adv. Rep. 61 (Ariz. Ct. App. 1993) **LexisNexis Headnotes HN3, HN10 {Positive}**

175 Ariz. 544 p.547
858 P.2d 689 p.692

455. **Cited by:**

In re Appeal in Pima County Juvenile Severance Action No. S-114487, 180 Ariz. 29, 881 P.2d 361, 1993 Ariz. App. LEXIS 147, 144 Ariz. Adv. Rep. 48 (Ariz. Ct. App. 1993) **LexisNexis Headnotes HN3{Warning}**

180 Ariz. 29 p.32
881 P.2d 361 p.364

456. **Cited by:**

In re Appeal in Maricopa County Juvenile Action No. JS-_8441, 175 Ariz. 463, 857 P.2d 1317, 1993 Ariz. App. LEXIS 153, 144 Ariz. Adv. Rep. 61 (Ariz. Ct. App. 1993) **LexisNexis Headnotes HN10{Analysis}**

175 Ariz. 463 p.465
857 P.2d 1317 p.1319

457. **Cited by:**

In re Appeal in Yuma County, 172 Ariz. 50, 833 P.2d 721, 1992 Ariz. App. LEXIS 191, 116 Ariz. Adv. Rep. 34 (Ariz. Ct. App. 1992) **LexisNexis Headnotes HN10 {Caution}**

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833 P.2d 721 p.724

458. **Cited by:**

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171 Ariz. 369 p.377
831 P.2d 368 p.376

459. **Cited by:**

Nation v. Colla, 173 Ariz. 245, 841 P.2d 1370, 1991 Ariz. App. LEXIS 265, 96 Ariz. Adv. Rep. 75 (Ariz. Ct. App. 1991) **LexisNexis Headnotes HN3** {Caution}

173 Ariz. 245 p.253
841 P.2d 1370 p.1378

460. **Cited by:**

In re Appeal in Pima County Juvenile Severance Action, 164 Ariz. 21, 790 P.2d 307, 1990 Ariz. App. LEXIS 130, 58 Ariz. Adv. Rep. 71 (Ariz. Ct. App. 1990) **LexisNexis Headnotes HN1, HN2, HN8, HN10**{Warning}

164 Ariz. 21 p.23
790 P.2d 307 p.309

461. **Cited by:**

In re Appeal in Maricopa County Juvenile Action, 163 Ariz. 153, 786 P.2d 1004, 1989 Ariz. App. LEXIS 268, 45 Ariz. Adv. Rep. 22 (Ariz. Ct. App. 1989) **LexisNexis Headnotes HN6**{Caution}

163 Ariz. 153 p.158
786 P.2d 1004 p.1009

462. **Cited by:**

JV-111701 v. Superior Court, 163 Ariz. 147, 786 P.2d 998, 1989 Ariz. App. LEXIS 264, 44 Ariz. Adv. Rep. 30 (Ariz. Ct. App. 1989) **LexisNexis Headnotes HN6, HN7, HN10**{Analysis}

163 Ariz. 147 p.152
786 P.2d 998 p.1003

463. **Cited by:**

In re Appeal in Maricopa County Juvenile Action, 163 Ariz. 19, 785 P.2d 588, 1989 Ariz. App. LEXIS 245, 43 Ariz. Adv. Rep. 21 (Ariz. Ct. App. 1989) {Warning}

163 Ariz. 19 p.21
785 P.2d 588 p.590

464. **Cited by:**

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163 Ariz. 227 p.229
787 P.2d 126 p.128

465. **Cited by:**

In re Pima County Severance Action, No. S-2397, 161 Ariz. 574, 780 P.2d 407, 1989 Ariz. App. LEXIS 180, 37 Ariz. Adv. Rep. 57 (Ariz. Ct. App. 1989) **LexisNexis Headnotes HN8, HN10**{Caution}

161 Ariz. 574 p.577
780 P.2d 407 p.410

466. **Cited by:**

In re Appeal in Maricopa County Juvenile Action, 159 Ariz. 232, 766 P.2d 105, 1988 Ariz. App. LEXIS 298, 18 Ariz. Adv. Rep. 47 (Ariz. Ct. App. 1988) **LexisNexis Headnotes HN3**{Analysis}

159 Ariz. 232 p.236
766 P.2d 105 p.109

467. **Cited by:**

In re Appeal in Maricopa County, 157 Ariz. 238, 756 P.2d 335, 1988 Ariz. App. LEXIS 37, 2 Ariz. Adv. Rep. 32 (Ariz. Ct. App. 1988) **LexisNexis Headnotes HN2, HN8** {Positive}

157 Ariz. 238 p.241
756 P.2d 335 p.338

468. **Cited by:**

In re Appeal in Maricopa County Juvenile Action, 155 Ariz. 556, 748 P.2d 785, 1988 Ariz. App. LEXIS 2 (Ariz. Ct. App. 1988) **LexisNexis Headnotes HN3 , HN6, HN8, HN9**{Caution}

155 Ariz. 556 p.558
748 P.2d 785 p.787

469. **Cited by:**

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156 Ariz. 588 p.589
754 P.2d 315 p.316

470. **Cited by:**

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744 P.2d 455 p.458

471. **Cited by:**

- In re Appeal in Pima County Severance Action*, 147 Ariz. 88, 708 P.2d 769, 1985 Ariz. App. LEXIS 649 (Ariz. Ct. App. 1985) **LexisNexis Headnotes HN1**, **HN10**{Warning}
- 147 Ariz. 88 p.90
708 P.2d 769 p.771
472. **Cited by:**
In re Appeal in Maricopa County, Juvenile Action, 145 Ariz. 405, 701 P.2d 1213, 1985 Ariz. App. LEXIS 530 (Ariz. Ct. App. 1985) **LexisNexis Headnotes HN1**, **HN6**, **HN10**{Cited}
- 145 Ariz. 405 p.409
701 P.2d 1213 p.1217
473. **Cited by:**
In re Appeal in Maricopa County Juvenile Action, 143 Ariz. 178, 692 P.2d 1027, 1984 Ariz. App. LEXIS 527 (Ariz. Ct. App. 1984) **LexisNexis Headnotes HN1**, **HN2**, **HN10**{Caution}
- 143 Ariz. 178 p.182
692 P.2d 1027 p.1031
474. **Cited by:**
In re Appeal in Maricopa County Juvenile Action, 142 Ariz. 240, 689 P.2d 183, 1984 Ariz. App. LEXIS 464 (Ariz. Ct. App. 1984) **LexisNexis Headnotes HN2**, **HN6**, **HN10**{Cited}
- 142 Ariz. 240 p.242
689 P.2d 183 p.185
475. **Cited in Concurring Opinion at:**
In re Appeal in Maricopa County, 138 Ariz. 305, 674 P.2d 859, 1983 Ariz. App. LEXIS 582 (Ariz. Ct. App. 1983) **LexisNexis Headnotes HN2**, **HN5**, **HN6**, **HN7**, **HN10**{Warning}
- Cited in Concurring Opinion at:**
138 Ariz. 305 p.313
674 P.2d 859 p.867
- Cited by:**
138 Ariz. 305 p.309
674 P.2d 859 p.863
476. **Cited by:**
In re Maricopa County Juvenile Action No. JS-4374, 137 Ariz. 19, 667 P.2d 1345, 1983 Ariz. App. LEXIS 480 (Ariz. Ct. App. 1983) **LexisNexis Headnotes HN8**, **HN10**{Caution}
- 137 Ariz. 19 p.21
667 P.2d 1345 p.1347
477. **Cited by:**

In re Appeal in Pima County Juvenile Action No. S-1182, 136 Ariz. 432, 666 P.2d 532, 1983 Ariz. App. LEXIS 454 (Ariz. Ct. App. 1983) **LexisNexis Headnotes**
HN10 {*Questioned*}

136 Ariz. 432 p.432
666 P.2d 532 p.532

478. **Cited in Concurring Opinion at:**

In re Appeal in Pima County, 135 Ariz. 184, 659 P.2d 1329, 1983 Ariz. App. LEXIS 382 (Ariz. Ct. App. 1983) **LexisNexis Headnotes** **HN1**, **HN10**{*Caution*}

Cited in Concurring Opinion at:

135 Ariz. 184 p.185

Cited by:

659 P.2d 1329 p.1330

479. **Cited by:**

In re Appeal in Pima County, 135 Ariz. 181, 659 P.2d 1326, 1982 Ariz. App. LEXIS 663 (Ariz. Ct. App. 1982) **LexisNexis Headnotes** **HN1**, **HN10**{*Cited*}

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659 P.2d 1326 p.1328

480. **Cited by:**

In re Appeal in Maricopa County Juvenile Action, 134 Ariz. 407, 656 P.2d 1268, 1982 Ariz. App. LEXIS 627 (Ariz. Ct. App. 1982){*Cited*}

134 Ariz. 407 p.408
656 P.2d 1268 p.1269

481. **Cited by:**

In re Appeal in Maricopa County, Juvenile Action No. A-26961, 135 Ariz. 228, 660 P.2d 479, 1982 Ariz. App. LEXIS 661 (Ariz. Ct. App. 1982) **LexisNexis Headnotes**
HN1 , **HN10**{*Analysis*}

135 Ariz. 228 p.229
660 P.2d 479 p.480

482. **Cited in Concurring Opinion at:**

In re Appeal in Maricopa County Juvenile Action etc., 134 Ariz. 105, 654 P.2d 39, 1982 Ariz. App. LEXIS 554 (Ariz. Ct. App. 1982) **LexisNexis Headnotes**
HN9 , **HN10**{*Cited*}

Cited in Concurring Opinion at:

134 Ariz. 105 p.111
654 P.2d 39 p.45

Cited by:

134 Ariz. 105 p.110
654 P.2d 39 p.44

483. **Cited by:**

In re Appeal in Maricopa County Juvenile Action No. JS-4283, 133 Ariz. 598, 653 P.2d 55, 1982 Ariz. App. LEXIS 539 (Ariz. Ct. App. 1982) **LexisNexis Headnotes**
HN1 , HN3, HN10{Cited}

133 Ariz. 598 p.600
653 P.2d 55 p.57

484. **Cited by:**

In re Appeal in Maricopa County, Juvenile Action No. JS-3594, 133 Ariz. 582, 653 P.2d 39, 1982 Ariz. App. LEXIS 535 (Ariz. Ct. App. 1982) **LexisNexis Headnotes**
HN6 , HN10{Caution}

133 Ariz. 582 p.584
653 P.2d 39 p.41

485. **Cited by:**

In re Appeal in Pima County Juvenile Action No. S-983, 133 Ariz. 182, 650 P.2d 484, 1982 Ariz. App. LEXIS 493 (Ariz. Ct. App. 1982) **LexisNexis Headnotes**
HN1 , HN10{Caution}

133 Ariz. 182 p.182
650 P.2d 484 p.484

486. **Cited by:**

In re Appeal in Maricopa County, etc., 132 Ariz. 486, 647 P.2d 184, 1982 Ariz. App. LEXIS 451 (Ariz. Ct. App. 1982) **LexisNexis Headnotes** **HN6, HN10**
{Cited}

132 Ariz. 486 p.487
647 P.2d 184 p.185

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487. **Cited by:**

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347 Ark. 553 p.561
65 S.W.3d 880 p.886

488. **Cited in Dissenting Opinion at:**

J.T. v. Arkansas Dep't of Human Servs., 329 Ark. 243, 947 S.W.2d 761, 1997 Ark. LEXIS 408, 24 Am. Disabilities Dec. 266 (Ark. 1997) **LexisNexis Headnotes**
HN6 , HN10{Caution}

329 Ark. 243 p.259
947 S.W.2d 761 p.769

489. **Cited by:**

Bynum v. Savage, 312 Ark. 137, 847 S.W.2d 705, 1993 Ark. LEXIS 117 (Ark. 1993) **LexisNexis Headnotes** **HN3**{Positive}

312 Ark. 137 p.139
847 S.W.2d 705 p.706

490. **Cited by:**
McKinney v. McKinney, 305 Ark. 13, 805 S.W.2d 66, 1991 Ark. LEXIS 138 (Ark. 1991){*Cited*}

305 Ark. 13 p.14
805 S.W.2d 66 p.67

491. **Cited by:**
Midgett v. Arkansas Dep't of Human Services, 301 Ark. 491, 785 S.W.2d 21, 1990 Ark. LEXIS 126 (Ark. 1990) **LexisNexis Headnotes HN1, HN10**{*Analysis*}

301 Ark. 491 p.493
785 S.W.2d 21 p.22

492. **Cited by:**
Watson v. Dietz, 288 Ark. 111, 702 S.W.2d 407, 1986 Ark. LEXIS 1702 (Ark. 1986) **LexisNexis Headnotes HN1, HN10**{*Cited*}

288 Ark. 111 p.116
702 S.W.2d 407 p.410

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493. **Cited in Concurring Opinion at, Cited in Dissenting Opinion at:**
Coffee v. Zolliecoffer, 2005 Ark. App. LEXIS 792 (Ark. Ct. App. Nov. 9, 2005) **LexisNexis Headnotes HN1**{*Analysis*}

Cited in Concurring Opinion at:
2005 Ark. App. LEXIS 792
Cited in Dissenting Opinion at:
2005 Ark. App. LEXIS 792

494. **Cited by:**
French v. Ark. Dep't of Human Servs., 2005 Ark. App. LEXIS 498 (Ark. Ct. App. June 22, 2005) **LexisNexis Headnotes HN3**

2005 Ark. App. LEXIS 498

495. **Cited by:**
Clark v. Ark. Dep't of Human Servs., 2005 Ark. App. LEXIS 328 (Ark. Ct. App. Apr. 13, 2005)

2005 Ark. App. LEXIS 328

496. **Cited by:**
Dodson v. Donaldson, 10 Ark. App. 64, 661 S.W.2d 425, 1983 Ark. App. LEXIS 911 (1983){*Analysis*}

10 Ark. App. 64 p.73
661 S.W.2d 425 p.429

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497. **Cited in Dissenting Opinion at:**
In re Marriage of Harris, 34 Cal. 4th 210, 17 Cal. Rptr. 3d 842, 96 P.3d 141, 2004 Cal. LEXIS 7670, 2004 Cal. Daily Op. Service 7752, 2004 D.A.R. 10465 (2004) **LexisNexis Headnotes HN1, HN2, HN3, HN5, HN6, HN10**{Caution}
 34 Cal. 4th 210 p.244
 17 Cal. Rptr. 3d 842 p.869
 96 P.3d 141 p.163
498. **Distinguished by, Followed by:**
Renee J. v. Superior Court, 26 Cal. 4th 735, 110 Cal. Rptr. 2d 828, 28 P.3d 876, 2001 Cal. LEXIS 5259, 2001 Cal. Daily Op. Service 7133, 2001 D.A.R. 8755 (2001) **LexisNexis Headnotes HN1, HN3, HN10**{Warning}
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 26 Cal. 4th 735 p.749
 110 Cal. Rptr. 2d 828 p.838
 28 P.3d 876 p.884
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 26 Cal. 4th 735 p.750
 110 Cal. Rptr. 2d 828 p.839
 28 P.3d 876 p.885
499. **Cited by:**
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 26 Cal. 4th 519 p.547
 110 Cal. Rptr. 2d 412 p.434
 28 P.3d 151 p.169
500. **Cited by:**
In re Lucero L., 22 Cal. 4th 1227, 96 Cal. Rptr. 2d 56, 998 P.2d 1019, 2000 Cal. LEXIS 4293, 2000 Cal. Daily Op. Service 4003, 2000 D.A.R. 5333 (2000) **LexisNexis Headnotes HN1, HN3, HN6, HN10**{Caution}
 22 Cal. 4th 1227 p.1247
 96 Cal. Rptr. 2d 56 p.70
 998 P.2d 1019 p.1032
501. **Cited in Dissenting Opinion at:**
California Teachers Assn. v. State of California, 20 Cal. 4th 327, 84 Cal. Rptr. 2d 425, 975 P.2d 622, 1999 Cal. LEXIS 2560, 99 Cal. Daily Op. Service 3376, 99 D.A.R. 4349 (1999) **LexisNexis Headnotes HN5**{Caution}
Cited in Dissenting Opinion at:
 20 Cal. 4th 327 p.359
 84 Cal. Rptr. 2d 425 p.448
 975 P.2d 622 p.645
Cited by:
 20 Cal. 4th 327 p.345

84 Cal. Rptr. 2d 425 p.439
975 P.2d 622 p.636

502. **Cited in Dissenting Opinion at:**
Dawn D. v. Superior Court, 17 Cal. 4th 932, 72 Cal. Rptr. 2d 871, 952 P.2d 1139, 1998 Cal. LEXIS 1686, 98 Cal. Daily Op. Service 2511, 98 D.A.R. 3423 (1998) **LexisNexis Headnotes HN2, HN7, HN9**{*Caution*}
- 17 Cal. 4th 932 p.962
72 Cal. Rptr. 2d 871 p.890
952 P.2d 1139 p.1158
503. **Cited by:**
In re Sade C., 13 Cal. 4th 952, 55 Cal. Rptr. 2d 771, 920 P.2d 716, 1996 Cal. LEXIS 4217, 96 Cal. Daily Op. Service 6346, 96 D.A.R. 10401 (1996) **LexisNexis Headnotes HN2 , HN3, HN6, HN8, HN10**{*Caution*}
- 13 Cal. 4th 952 p.982
55 Cal. Rptr. 2d 771 p.788
920 P.2d 716 p.733
504. **Cited in Dissenting Opinion at:**
In re Bryce C., 12 Cal. 4th 226, 48 Cal. Rptr. 2d 120, 906 P.2d 1275, 1995 Cal. LEXIS 7346, 95 Cal. Daily Op. Service 9868, 95 D.A.R. 17094 (1995) **LexisNexis Headnotes HN3** {*Positive*}
- 12 Cal. 4th 226 p.250
48 Cal. Rptr. 2d 120 p.135
906 P.2d 1275 p.1290
505. **Cited by:**
Alfredo A. v. Superior Court, 6 Cal. 4th 1212, 26 Cal. Rptr. 2d 623, 865 P.2d 56, 1994 Cal. LEXIS 1218, 94 Cal. Daily Op. Service 538, 94 D.A.R. 932 (1994) **LexisNexis Headnotes HN8**{*Caution*}
- 6 Cal. 4th 1212 p.1225
26 Cal. Rptr. 2d 623 p.631
865 P.2d 56 p.64
506. **Cited in Concurring Opinion at:**
Cynthia D. v. Superior Court , 5 Cal. 4th 242, 19 Cal. Rptr. 2d 698, 851 P.2d 1307, 1993 Cal. LEXIS 2496, 93 Cal. Daily Op. Service 3989, 93 D.A.R. 6788 (1993) **LexisNexis Headnotes HN1, HN2, HN3, HN6, HN8, HN9, HN10** {*Caution*}
- Cited in Concurring Opinion at:**
19 Cal. Rptr. 2d 698 p.707
851 P.2d 1307 p.1316
- Cited by:**
19 Cal. Rptr. 2d 698 p.702
851 P.2d 1307 p.1311

507. **Cited by:**
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- 5 Cal. 4th 84 p.98
19 Cal. Rptr. 2d 494 p.503
851 P.2d 776 p.785
508. **Cited by:**
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- 18 Cal. Rptr. 2d 869 p.877
849 P.2d 1330 p.1338
509. **Cited by:**
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- 4 Cal. Rptr. 2d 909 p.915
510. **Cited by:**
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- 51 Cal. 3d 870 p.920
274 Cal. Rptr. 849 p.882
799 P.2d 1282 p.1315
511. **Cited by:**
People v. Rodriguez, 51 Cal. 3d 437, 272 Cal. Rptr. 613, 795 P.2d 783, 1990 Cal. LEXIS 4025 (1990) **LexisNexis Headnotes HN1, HN10{Positive}**
- 51 Cal. 3d 437 p.449
272 Cal. Rptr. 613 p.621
795 P.2d 783 p.791
512. **Cited by:**
In re Malinda S., 51 Cal. 3d 368, 272 Cal. Rptr. 787, 795 P.2d 1244, 1990 Cal. LEXIS 4024 (1990) **LexisNexis Headnotes HN4, HN6, HN7{Warning}**
- 51 Cal. 3d 368 p.383
272 Cal. Rptr. 787 p.795
795 P.2d 1244 p.1252
513. **Cited in Concurring Opinion at:**
In re Laura F., 33 Cal. 3d 826, 191 Cal. Rptr. 464, 662 P.2d 922, 1983 Cal. LEXIS 185 (1983) **LexisNexis Headnotes HN1, HN2, HN3, HN10{Questioned}**

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191 Cal. Rptr. 464 p.476

662 P.2d 922 p.934

Cited by:

33 Cal. 3d 826 p.839

191 Cal. Rptr. 464 p.473

662 P.2d 922 p.931

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132 Cal. App. 4th 212 p.222

33 Cal. Rptr. 3d 337 p.343

515. **Cited by:**

In re Michelle C., 131 Cal. App. 4th 534, 32 Cal. Rptr. 3d 125, 2005 Cal. App. LEXIS 1254 (Cal. App. 4th Dist. 2005) **LexisNexis Headnotes HN2, HN3, HN6, HN9** {Warning}

131 Cal. App. 4th 534 p.545

32 Cal. Rptr. 3d 125 p.130

516. **Cited by:**

In re Michelle C., 130 Cal. App. 4th 664, 30 Cal. Rptr. 3d 363, 2005 Cal. App. LEXIS 999, 2005 Cal. Daily Op. Service 5562, 2005 D.A.R. 7603 (Cal. App. 4th Dist. 2005) {Warning}

130 Cal. App. 4th 664 p.675

30 Cal. Rptr. 3d 363 p.368

517. **Cited by:**

People v. Smith, 127 Cal. App. 4th 896, 26 Cal. Rptr. 3d 50, 2005 Cal. App. LEXIS 394, 2005 Cal. Daily Op. Service 2473, 2005 D.A.R. 3397 (Cal. App. 2d Dist. 2005) **LexisNexis Headnotes HN2**{Warning}

127 Cal. App. 4th 896 p.905

26 Cal. Rptr. 3d 50 p.55

518. **Cited by:**

Cruz v. Superior Court, 121 Cal. App. 4th 646, 17 Cal. Rptr. 3d 368, 2004 Cal. App. LEXIS 1318, 2004 Cal. Daily Op. Service 7379, 2004 D.A.R. 9951 (Cal. App. 4th Dist. 2004){Positive}

121 Cal. App. 4th 646 p.651

17 Cal. Rptr. 3d 368 p.372

519. **Cited by:**

In re Henry V., 119 Cal. App. 4th 522, 14 Cal. Rptr. 3d 496, 2004 Cal. App. LEXIS 915, 2004 Cal. Daily Op. Service 5243, 2004 D.A.R. 7171 (Cal. App. 1st Dist. 2004) **LexisNexis Headnotes HN1, HN10**{Cited}

119 Cal. App. 4th 522 p.529
14 Cal. Rptr. 3d 496 p.500

520. **Cited by:**

In re Isayah C., 118 Cal. App. 4th 684, 13 Cal. Rptr. 3d 198, 2004 Cal. App. LEXIS 720, 2004 Cal. Daily Op. Service 4103, 2004 D.A.R. 5685 (Cal. App. 1st Dist. 2004) **LexisNexis Headnotes HN1, HN2, HN10**{Cited}

118 Cal. App. 4th 684 p.696
13 Cal. Rptr. 3d 198 p.208

521. **Cited by:**

In re Kevin S., 113 Cal. App. 4th 97, 6 Cal. Rptr. 3d 178, 2003 Cal. App. LEXIS 1667, 2003 Cal. Daily Op. Service 9696, 2003 D.A.R. 12171 (Cal. App. 2d Dist. 2003) **LexisNexis Headnotes HN1**{Analysis}

113 Cal. App. 4th 97 p.107
6 Cal. Rptr. 3d 178 p.187

522. **Cited in questionable precedent at:**

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112 Cal. App. 4th 141 p.146
4 Cal. Rptr. 3d 850 p.854

523. **Cited by:**

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106 Cal. App. 4th 533 p.557
131 Cal. Rptr. 2d 122 p.139

524. **Cited in questionable precedent at:**

In re Sade C., 37 Cal. App. 4th 88 (Cal. App. 2d Dist. 2003){Warning}

37 Cal. App. 4th 88 p.109
37 Cal. App. 4th 88 p.112

525. **Cited in questionable precedent at:**

Judith P. v. Superior Court, 102 Cal. App. 4th 535, 126 Cal. Rptr. 2d 14, 2002 Cal. App. LEXIS 4704, 2002 Cal. Daily Op. Service 9961, 2002 D.A.R. 11257 (Cal. App. 3d Dist. 2002) **LexisNexis Headnotes HN2, HN3**{Caution}

102 Cal. App. 4th 535 p.541
126 Cal. Rptr. 2d 14 p.18

526. **Cited in questionable precedent at:**
In re Jesusa V., 97 Cal. App. 4th 878, 118 Cal. Rptr. 2d 683, 2002 Cal. App. LEXIS 3970, 2002 Cal. Daily Op. Service 3303, 2002 D.A.R. 4129 (Cal. App. 2d Dist. 2002) **LexisNexis Headnotes HN2, HN3**{Warning}

97 Cal. App. 4th 878 p.889
118 Cal. Rptr. 2d 683 p.692
527. **Cited by:**
In re Santos Y., 92 Cal. App. 4th 1274, 112 Cal. Rptr. 2d 692, 2001 Cal. App. LEXIS 815, 2001 Cal. Daily Op. Service 8997, 2001 D.A.R. 11209 (Cal. App. 2d Dist. 2001) **LexisNexis Headnotes HN2**{Caution}

92 Cal. App. 4th 1274 p.1314
112 Cal. Rptr. 2d 692 p.724
528. **Cited by:**
Michael P. v. Superior Court, 92 Cal. App. 4th 1036, 113 Cal. Rptr. 2d 11, 2001 Cal. App. LEXIS 797, 2001 Cal. Daily Op. Service 8801, 2001 D.A.R. 10923 (Cal. App. 4th Dist. 2001) **LexisNexis Headnotes HN3**{Analysis}

92 Cal. App. 4th 1036 p.1045
113 Cal. Rptr. 2d 11 p.18
529. **Cited in questionable precedent at:**
In re Santos Y., 90 Cal. App. 4th 1026, 110 Cal. Rptr. 2d 1, 2001 Cal. App. LEXIS 560, 2001 Cal. Daily Op. Service 6179, 2001 D.A.R. 7545 (Cal. App. 2d Dist. 2001) **LexisNexis Headnotes HN2**{Warning}

90 Cal. App. 4th 1026 p.1066
110 Cal. Rptr. 2d 1 p.34
530. **Distinguished by:**
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90 Cal. App. 4th 753 p.762
109 Cal. Rptr. 2d 282 p.288
531. **Cited by:**
People v. Englebrecht, 88 Cal. App. 4th 1236, 106 Cal. Rptr. 2d 738, 2001 Cal. App. LEXIS 348, 2001 Cal. Daily Op. Service 3751, 2001 D.A.R. 4573 (Cal. App. 4th Dist. 2001) **LexisNexis Headnotes HN1, HN2, HN6**{Analysis}

88 Cal. App. 4th 1236 p.1254
106 Cal. Rptr. 2d 738 p.751
532. **Cited by:**

- Adoption of Daniele G.*, 87 Cal. App. 4th 1392, 105 Cal. Rptr. 2d 341, 2001 Cal. App. LEXIS 233, 2001 Cal. Daily Op. Service 2488, 2001 D.A.R. 3071 (Cal. App. 4th Dist. 2001) **LexisNexis Headnotes HN2**{*Caution*}
- 87 Cal. App. 4th 1392 p.1404
105 Cal. Rptr. 2d 341 p.348
533. **Cited by:**
In re Sara D., 87 Cal. App. 4th 661, 104 Cal. Rptr. 2d 909, 2001 Cal. App. LEXIS 199, 2001 Cal. Daily Op. Service 2143, 2001 D.A.R. 2679 (Cal. App. 5th Dist. 2001) **LexisNexis Headnotes HN1, HN2**{*Positive*}
- 87 Cal. App. 4th 661 p.668
104 Cal. Rptr. 2d 909 p.915
534. **Cited by:**
In re Antwon R., 87 Cal. App. 4th 348, 104 Cal. Rptr. 2d 473, 2001 Cal. App. LEXIS 131, 2001 Cal. Daily Op. Service 1663, 2001 D.A.R. 2067 (Cal. App. 4th Dist. 2001) **LexisNexis Headnotes HN8**{*Cited*}
- 87 Cal. App. 4th 348 p.351
104 Cal. Rptr. 2d 473 p.475
535. **Cited by:**
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- 83 Cal. App. 4th 1309 p.1326
100 Cal. Rptr. 2d 455 p.469
536. **Cited by:**
In re James Q., 81 Cal. App. 4th 255, 96 Cal. Rptr. 2d 595, 2000 Cal. App. LEXIS 442, 2000 Cal. Daily Op. Service 4417, 2000 D.A.R. 5949 (Cal. App. 3d Dist. 2000) **LexisNexis Headnotes HN2, HN3**{*Caution*}
- 81 Cal. App. 4th 255 p.263
96 Cal. Rptr. 2d 595 p.601
537. **Cited in questionable precedent at:**
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- 78 Cal. App. 4th 517 p.550
93 Cal. Rptr. 2d 550 p.572
538. **Cited by:**
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78 Cal. App. 4th 262 p.269
92 Cal. Rptr. 2d 701 p.706

539. **Cited by:**

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75 Cal. App. 4th 751 p.756
89 Cal. Rptr. 2d 407 p.412

540. **Distinguished by:**

In re Janee J., 74 Cal. App. 4th 198, 87 Cal. Rptr. 2d 634, 1999 Cal. App. LEXIS 750, 99 Cal. Daily Op. Service 6524, 99 D.A.R. 8333 (Cal. App. 1st Dist. 1999) **LexisNexis Headnotes HN1, HN10**{Positive}

74 Cal. App. 4th 198 p.213
87 Cal. Rptr. 2d 634 p.644

541. **Cited by:**

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74 Cal. App. 4th 43 p.51
87 Cal. Rptr. 2d 569 p.575

542. **Cited by:**

People v. Duke, 74 Cal. App. 4th 23, 87 Cal. Rptr. 2d 547, 1999 Cal. App. LEXIS 741, 99 Cal. Daily Op. Service 6453, 99 D.A.R. 8181 (Cal. App. 4th Dist. 1999) {Positive}

99 Cal. Daily Op. Service 6453 p.6453
99 D.A.R. 8181 p.8181

543. **Cited by:**

In re Zachary D., 70 Cal. App. 4th 1392, 83 Cal. Rptr. 2d 407, 1999 Cal. App. LEXIS 264, 99 Cal. Daily Op. Service 2335, 99 D.A.R. 3043 (Cal. App. 3d Dist. 1999) **LexisNexis Headnotes HN2, HN3, HN6, HN10**{Positive}

70 Cal. App. 4th 1392 p.1399
83 Cal. Rptr. 2d 407 p.411

544. **Cited by:**

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69 Cal. App. 4th 1412 p.1424
82 Cal. Rptr. 2d 318 p.325

545. **Cited by:**
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(Cal. App. 4th Dist. 1998) **LexisNexis Headnotes HN1**{Positive}

67 Cal. App. 4th 914 p.931
79 Cal. Rptr. 2d 389 p.399
546. **Cited by:**
In re Joshua M., 66 Cal. App. 4th 458, 78 Cal. Rptr. 2d 110, 1998 Cal. App. LEXIS 751, 98 Cal. Daily Op. Service 6872, 98 D.A.R. 9470 (Cal. App. 4th Dist. 1998) **LexisNexis Headnotes HN1, HN2**{Caution}

66 Cal. App. 4th 458 p.475
78 Cal. Rptr. 2d 110 p.120
547. **Cited by:**
In re Baby Boy H., 63 Cal. App. 4th 470, 73 Cal. Rptr. 2d 793, 1998 Cal. App. LEXIS 359, 98 Cal. Daily Op. Service 3068, 98 D.A.R. 4179 (Cal. App. 5th Dist. 1998) **LexisNexis Headnotes HN6, HN10**{Positive}

63 Cal. App. 4th 470 p.476
73 Cal. Rptr. 2d 793 p.797
548. **Cited by:**
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(Cal. App. 5th Dist. 1998) **LexisNexis Headnotes HN10**{Analysis}

63 Cal. App. 4th 387 p.394
74 Cal. Rptr. 2d 47 p.51
549. **Cited by:**
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61 Cal. App. 4th 606 p.613
71 Cal. Rptr. 2d 668 p.671
550. **Cited by:**
In re Meranda P., 56 Cal. App. 4th 1143, 65 Cal. Rptr. 2d 913, 1997 Cal. App. LEXIS 615, 97 Cal. Daily Op. Service 6024, 97 D.A.R. 9853 (Cal. App. 5th Dist. 1997) **LexisNexis Headnotes HN2, HN3**{Caution}

56 Cal. App. 4th 1143 p.1152
65 Cal. Rptr. 2d 913 p.917
551. **Cited in questionable precedent at:**
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(Cal. App. 1st Dist. 1996){Analysis}

57 Cal. Rptr. 2d 361 p.378

552. **Cited by:**

Mark A. v. Elizabeth L., 49 Cal. App. 4th 1351, 57 Cal. Rptr. 2d 361, 1996 Cal. App. LEXIS 959, 96 Cal. Daily Op. Service 7464, 96 D.A.R. 12289
(Cal. App. 1st Dist. 1996) **LexisNexis Headnotes HN2**{Warning}

553. **Cited by:**

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{Caution}

46 Cal. App. 4th 1635 p.1662

54 Cal. Rptr. 2d 722 p.737

554. **Cited by:**

Blanca P. v. Superior Court, 45 Cal. App. 4th 1738, 53 Cal. Rptr. 2d 687, 1996 Cal. App. LEXIS 524, 96 Cal. Daily Op. Service 3978, 96 D.A.R. 6356 (Cal. App. 4th Dist. 1996) **LexisNexis Headnotes HN6, HN8, HN10**{Caution}

45 Cal. App. 4th 1738 p.1757

53 Cal. Rptr. 2d 687 p.699

555. **Cited by:**

In re Heraclio A., 43 Cal. App. 4th 719A, 1996 Cal. App. LEXIS 210, 96 Cal. Daily Op. Service 1648, 96 D.A.R. 2747 (Cal. App. 6th Dist. 1996) **LexisNexis Headnotes HN6**
{Positive}

556. **Cited by:**

Janet O. v. Superior Court, 42 Cal. App. 4th 1058, 50 Cal. Rptr. 2d 57, 1996 Cal. App. LEXIS 137, 96 Cal. Daily Op. Service 1163, 96 D.A.R. 1948 (Cal. App. 2d Dist. 1996) **LexisNexis Headnotes HN3, HN9**{Caution}

42 Cal. App. 4th 1058 p.1066

50 Cal. Rptr. 2d 57 p.62

557. **Distinguished by:**

In re Heraclio A., 42 Cal. App. 4th 569, 49 Cal. Rptr. 2d 713, 1996 Cal. App. LEXIS 103, 96 Cal. Daily Op. Service 933, 96 D.A.R. 1419 (Cal. App. 6th Dist. 1996) **LexisNexis Headnotes HN3**{Positive}

42 Cal. App. 4th 569 p.576

49 Cal. Rptr. 2d 713 p.718

558. **Cited by:**

In re Bridget R., 41 Cal. App. 4th 1483, 49 Cal. Rptr. 2d 507, 1996 Cal. App. LEXIS 37, 96 Cal. Daily Op. Service 394, 96 D.A.R. 619 (Cal. App. 2d Dist. 1996) **LexisNexis Headnotes HN3, HN9**{Caution}

41 Cal. App. 4th 1483 *p.1501*
 41 Cal. App. 4th 1483 *p.1503*
 49 Cal. Rptr. 2d 507 *p.523*

559. **Explained by:**

Guardianship of Stephen G., 40 Cal. App. 4th 1418, 47 Cal. Rptr. 2d 409, 1995 Cal. App. LEXIS 1199, 95 Cal. Daily Op. Service 9492, 95 D.A.R. 16401 (Cal. App. 1st Dist. 1995) **LexisNexis Headnotes HN1, HN3, HN6, HN8, HN10**
{Caution}

Explained by:

40 Cal. App. 4th 1418 *p.1426*
 47 Cal. Rptr. 2d 409 *p.414*

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40 Cal. App. 4th 1418 *p.1424*
 40 Cal. App. 4th 1418 *p.1428*
 40 Cal. App. 4th 1418 *p.1430*
 47 Cal. Rptr. 2d 409 *p.413*
 47 Cal. Rptr. 2d 409 *p.416*
 47 Cal. Rptr. 2d 409 *p.417*

560. **Distinguished by:**

In re Paul E., 39 Cal. App. 4th 996, 46 Cal. Rptr. 2d 289, 1995 Cal. App. LEXIS 1037, 95 Cal. Daily Op. Service 8366, 95 D.A.R. 14356, 95 D.A.R. 14357 (Cal. App. 4th Dist. 1995) **LexisNexis Headnotes HN6***{Caution}*

39 Cal. App. 4th 996 *p.1001*
 46 Cal. Rptr. 2d 289 *p.291*

561. **Cited by:**

In re Marquis D., 38 Cal. App. 4th 1813, 46 Cal. Rptr. 2d 198, 1995 Cal. App. LEXIS 1002, 95 Cal. Daily Op. Service 8130, 95 D.A.R. 13933 (Cal. App. 4th Dist. 1995) **LexisNexis Headnotes HN1, HN6, HN10***{Cited}*

38 Cal. App. 4th 1813 *p.1827*
 46 Cal. Rptr. 2d 198 *p.207*

562. **Cited in questionable precedent at:**

In re Sade C., 41 Cal. App. 4th 1642 (Cal. App. 2d Dist. 1995)*{Warning}*

41 Cal. App. 4th 1642 *p.1663*
 41 Cal. App. 4th 1642 *p.1666*

563. **Cited in questionable precedent at:**

In re Sade C., 37 Cal. App. 4th 88, 46 Cal. App. 4th 614, 44 Cal. Rptr. 2d 509, 1995 Cal. App. LEXIS 793, 95 Cal. Daily Op. Service 6393, 95 D.A.R. 10884 (Cal. App. 2d Dist. 1995) **LexisNexis Headnotes HN1, HN6, HN8, HN9, HN10** *{Warning}*

46 Cal. App. 4th 614 *p.635*
 44 Cal. Rptr. 2d 509 *p.523*
 44 Cal. Rptr. 2d 509 *p.525*

564. **Cited in questionable precedent at:**
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 {Warning}
 32 Cal. App. 4th 1225 p.1243
 32 Cal. App. 4th 1225 p.1246
 38 Cal. Rptr. 2d 822 p.833
 38 Cal. Rptr. 2d 822 p.835
565. **Cited by:**
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 {Analysis}
 32 Cal. App. 4th 671 p.685
 38 Cal. Rptr. 2d 534 p.542
566. **Cited by:**
Orange County Social Servs. Agency v. Jill V. (In re Cody W.), 31 Cal. App. 4th 221, 36 Cal. Rptr. 2d 848, 1994 Cal. App. LEXIS 1312, 95 Cal. Daily Op. Service 157 (Cal. App. 4th Dist. 1994) **LexisNexis Headnotes HN1, HN9**{Positive}
 31 Cal. App. 4th 221 p.224
 31 Cal. App. 4th 221 p.226
 36 Cal. Rptr. 2d 848 p.850
 36 Cal. Rptr. 2d 848 p.851
567. **Cited by:**
Guardianship of Diana B., 30 Cal. App. 4th 1766, 36 Cal. Rptr. 2d 447, 1994 Cal. App. LEXIS 1277, 94 Cal. Daily Op. Service 9676, 94 D.A.R. 17949 (Cal. App. 4th Dist. 1994) **LexisNexis Headnotes HN6**{Questioned}
 30 Cal. App. 4th 1766 p.1775
 36 Cal. Rptr. 2d 447 p.452
568. **Cited by:**
Tyler v. Children's Home Society, 29 Cal. App. 4th 511, 35 Cal. Rptr. 2d 291, 1994 Cal. App. LEXIS 1068, 94 Cal. Daily Op. Service 8069, 94 D.A.R. 14877 (Cal. App. 3d Dist. 1994) **LexisNexis Headnotes HN2, HN3, HN6, HN10**
 {Caution}
 29 Cal. App. 4th 511 p.545
 35 Cal. Rptr. 2d 291 p.311
569. **Cited by:**
In re Andrew S., 27 Cal. App. 4th 541, 32 Cal. Rptr. 2d 670, 1994 Cal. App. LEXIS 814, 94 Cal. Daily Op. Service 6081, 94 D.A.R. 11047 (Cal. App. 2d Dist. 1994) **LexisNexis Headnotes HN6, HN10**{Caution}

27 Cal. App. 4th 541 p.548
32 Cal. Rptr. 2d 670 p.674

570. **Cited by:**

In re Daniel G., 25 Cal. App. 4th 1205, 31 Cal. Rptr. 2d 75, 1994 Cal. App. LEXIS 598, 94 Cal. Daily Op. Service 4427, 94 D.A.R. 8149 (Cal. App. 2d Dist. 1994) **LexisNexis Headnotes HN1, HN6, HN10{Caution}**

25 Cal. App. 4th 1205 p.1215
31 Cal. Rptr. 2d 75 p.82

571. **Cited by:**

In re Baby Boy L., 24 Cal. App. 4th 596, 29 Cal. Rptr. 2d 654, 1994 Cal. App. LEXIS 420, 94 Cal. Daily Op. Service 3096, 94 D.A.R. 5846 (Cal. App. 2d Dist. 1994) **LexisNexis Headnotes HN1, HN8, HN10{Caution}**

24 Cal. App. 4th 596 p.606
29 Cal. Rptr. 2d 654 p.660

572. **Cited in questionable precedent at:**

In re Regina V., 22 Cal. App. 4th 711, 27 Cal. Rptr. 2d 515, 1994 Cal. App. LEXIS 121, 94 Cal. Daily Op. Service 1180, 94 D.A.R. 1971 (Cal. App. 2d Dist. 1994) **LexisNexis Headnotes HN10{Warning}**

22 Cal. App. 4th 711 p.715
27 Cal. Rptr. 2d 515 p.517

573. **Cited by:**

Irwin v. City of Hemet, 22 Cal. App. 4th 507, 27 Cal. Rptr. 2d 433, 1994 Cal. App. LEXIS 105, 94 Cal. Daily Op. Service 1080, 94 D.A.R. 1808 (Cal. App. 4th Dist. 1994) **LexisNexis Headnotes HN3{Analysis}**

22 Cal. App. 4th 507 p.518
27 Cal. Rptr. 2d 433 p.437

574. **Cited in questionable precedent at:**

In re Taramay Y., 22 Cal. App. 4th 1666, 28 Cal. Rptr. 2d 262, 1994 Cal. App. LEXIS 189, 94 Cal. Daily Op. Service 1621, 94 D.A.R. 2846 (Cal. App. 4th Dist. 1994) **LexisNexis Headnotes HN1, HN6, HN10{Warning}**

22 Cal. App. 4th 1666 p.1675
28 Cal. Rptr. 2d 262 p.267

575. **Cited by:**

In re Daniel M., 16 Cal. App. 4th 878, 20 Cal. Rptr. 2d 291, 1993 Cal. App. LEXIS 640, 93 Cal. Daily Op. Service 4544, 93 D.A.R. 7643 (Cal. App. 3d Dist. 1993) **LexisNexis Headnotes HN1, HN10{Positive}**

16 Cal. App. 4th 878 p.885
20 Cal. Rptr. 2d 291 p.295

576. **Cited by:**
In re Alexander K., 14 Cal. App. 4th 549, 18 Cal. Rptr. 2d 22, 1993 Cal. App. LEXIS 346, 93 Cal. Daily Op. Service 2438 (Cal. App. 1st Dist. 1993) **LexisNexis Headnotes HN1** {Caution}

14 Cal. App. 4th 549 p.558
18 Cal. Rptr. 2d 22 p.27
577. **Cited by:**
In re Cassandra V., 10 Cal. App. 4th 31, 15 Cal. App. 4th 1377, 12 Cal. Rptr. 2d 532, 1992 Cal. App. LEXIS 1206, 92 Cal. Daily Op. Service 8483, 92 D.A.R. 13969 (Cal. App. 5th Dist. 1992) **LexisNexis Headnotes HN1, HN3, HN10** {Warning}

12 Cal. Rptr. 2d 532 p.535
578. **Cited by:**
In re David F., 9 Cal. App. 4th 1600, 12 Cal. Rptr. 2d 225, 1992 Cal. App. LEXIS 1316, 92 Cal. Daily Op. Service 8190, 92 D.A.R. 13431 (Cal. App. 3d Dist. 1992) **LexisNexis Headnotes HN3, HN9, HN10**{Warning}
579. **Cited in Concurring Opinion at:**
In re Anita G., 9 Cal. App. 4th 1543, 15 Cal. App. 4th 1044, 12 Cal. Rptr. 2d 265, 1992 Cal. App. LEXIS 1179, 92 Cal. Daily Op. Service 8236, 92 D.A.R. 13542 (Cal. App. 4th Dist. 1992) **LexisNexis Headnotes HN1, HN6, HN9, HN10** {Warning}

Cited in Concurring Opinion at:
12 Cal. Rptr. 2d 265 p.273
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580. **Cited by:**
In re Heather B., 9 Cal. App. 4th 535, 11 Cal. Rptr. 2d 891, 1992 Cal. App. LEXIS 1104, 92 Cal. Daily Op. Service 7833, 92 D.A.R. 12687 (Cal. App. 3d Dist. 1992) **LexisNexis Headnotes HN6, HN8, HN9, HN10**{Caution}

9 Cal. App. 4th 535 p.547
11 Cal. Rptr. 2d 891 p.898
581. **Cited by:**
In re Arturo A., 8 Cal. App. 4th 229, 10 Cal. Rptr. 2d 131, 1992 Cal. App. LEXIS 916, 92 Cal. Daily Op. Service 6369, 92 D.A.R. 10061 (Cal. App. 4th Dist. 1992) **LexisNexis Headnotes HN1, HN10**{Caution}

8 Cal. App. 4th 229 p.236
10 Cal. Rptr. 2d 131 p.134
582. **Cited by:**

In re Reylene A., 7 Cal. App. 4th 1822, 10 Cal. Rptr. 2d 121, 1992 Cal. App. LEXIS 887, 92 Cal. Daily Op. Service 6145, 92 D.A.R. 9704 (Cal. App. 2d Dist. 1992) **LexisNexis Headnotes HN1, HN3, HN6, HN8, HN9, HN10**{Warning}

583. **Cited in Concurring Opinion at:**

In re Cristella C., 6 Cal. App. 4th 1363, 8 Cal. Rptr. 2d 342, 1992 Cal. App. LEXIS 685, 92 Cal. Daily Op. Service 4558, 92 D.A.R. 7218 (Cal. App. 4th Dist. 1992) **LexisNexis Headnotes HN1, HN2, HN6, HN8, HN9, HN10**{Caution}

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6 Cal. App. 4th 1363 p.1374

8 Cal. Rptr. 2d 342 p.349

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6 Cal. App. 4th 1363 p.1367

8 Cal. Rptr. 2d 342 p.344

584. **Cited by:**

In re Issac J., 4 Cal. App. 4th 525, 6 Cal. Rptr. 2d 65, 1992 Cal. App. LEXIS 315, 92 Cal. Daily Op. Service 2344, 92 D.A.R. 3399 (Cal. App. 4th Dist. 1992) {Caution}

4 Cal. App. 4th 525 p.539

6 Cal. Rptr. 2d 65 p.74

585. **Cited by:**

In re Basilio T., 4 Cal. App. 4th 155, 5 Cal. Rptr. 2d 450, 1992 Cal. App. LEXIS 261, 92 Cal. Daily Op. Service 1931, 92 D.A.R. 2952 (Cal. App. 4th Dist. 1992) **LexisNexis Headnotes HN3**{Caution}

4 Cal. App. 4th 155 p.169

5 Cal. Rptr. 2d 450 p.459

586. **Cited by:**

Cynthia D. v. Superior Court, 3 Cal. App. 4th 913, 15 Cal. App. 4th 468, 4 Cal. Rptr. 2d 909, 1992 Cal. App. LEXIS 190, 92 Cal. Daily Op. Service 1438, 92 D.A.R. 2329 (Cal. App. 4th Dist. 1992) **LexisNexis Headnotes HN1, HN6, HN10** {Warning}

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879 So. 2d 87 p.92

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Buckner v. Family Servs. of Cent. Fla., Inc., 876 So. 2d 1285, 2004 Fla. App. LEXIS 10982, 29 Fla. L. Weekly D 1695 (Fla. Dist. Ct. App. 5th Dist. 2004) **LexisNexis Headnotes** **HN1 , HN2, HN10**{*Positive*}

876 So. 2d 1285 p.1288

920. **Cited in Dissenting Opinion at:**

Barker v. State, 877 So. 2d 59, 2004 Fla. App. LEXIS 8208, 29 Fla. L. Weekly D 1386 (Fla. Dist. Ct. App. 4th Dist. 2004) **LexisNexis Headnotes** **HN4, HN6, HN7** {*Analysis*}

2004 Fla. App. LEXIS 8208

921. **Cited by:**
C.B. v. Dep't of Children & Families, 874 So. 2d 1246, 2004 Fla. App. LEXIS 8200, 29 Fla. L. Weekly D 1403 (Fla. Dist. Ct. App. 4th Dist. 2004) **LexisNexis Headnotes HN3 {Positive}**

874 So. 2d 1246 p.1250
922. **Cited by:**
R.H. v. Dep't of Children & Family Servs., 860 So. 2d 986, 2003 Fla. App. LEXIS 15468, 28 Fla. L. Weekly D 2359 (Fla. Dist. Ct. App. 3d Dist. 2003) **LexisNexis Headnotes HN3 , HN6, HN10{Positive}**

860 So. 2d 986 p.988
923. **Cited by:**
M.R. v. Dep't of Children & Family Servs. (In re D.S.), 849 So. 2d 411, 2003 Fla. App. LEXIS 10194, 28 Fla. L. Weekly D 1579 (Fla. Dist. Ct. App. 2d Dist. 2003) **LexisNexis Headnotes HN3{Cited}**

849 So. 2d 411 p.413
924. **Cited by:**
F.L. v. Dep't of Children & Families, 849 So. 2d 1114, 2003 Fla. App. LEXIS 10150, 28 Fla. L. Weekly D 1533 (Fla. Dist. Ct. App. 4th Dist. 2003) **LexisNexis Headnotes HN1 , HN10{Warning}**

849 So. 2d 1114 p.1120
925. **Cited by:**
R.P. v. Dep't of Children & Families, 835 So. 2d 1212, 2003 Fla. App. LEXIS 447, 28 Fla. L. Weekly D 269 (Fla. Dist. Ct. App. 4th Dist. 2003) **LexisNexis Headnotes HN6 {Caution}**

835 So. 2d 1212 p.1214
926. **Cited by:**
J.M. v. Dep't of Children & Families, 833 So. 2d 279, 2002 Fla. App. LEXIS 19243, 28 Fla. L. Weekly D 128 (Fla. Dist. Ct. App. 5th Dist. 2002){Analysis}

833 So. 2d 279 p.283
927. **Cited by:**
R.S. v. Dep't of Children & Families, 831 So. 2d 1275, 2002 Fla. App. LEXIS 19050, 28 Fla. L. Weekly D 45 (Fla. Dist. Ct. App. 4th Dist. 2002) **LexisNexis Headnotes HN1 {Positive}**

831 So. 2d 1275 p.1277
928. **Cited by:**

M.M. v. Adoption of J.T.M., 821 So. 2d 1134, 2002 Fla. App. LEXIS 8800, 27 Fla. L. Weekly D 1529 (Fla. Dist. Ct. App. 4th Dist. 2002) **LexisNexis Headnotes**
HN1 , HN10{Positive}

821 So. 2d 1134 p.1137

929. **Cited by:**

K.E. v. Dep't of Children & Families, 816 So. 2d 838, 2002 Fla. App. LEXIS 7212, 27 Fla. L. Weekly D 1230 (Fla. Dist. Ct. App. 5th Dist. 2002) **LexisNexis Headnotes**
HN2 {Analysis}

816 So. 2d 838 p.839

930. **Cited by:**

T.C.B. v. Fla. Dep't of Children & Families, 816 So. 2d 194, 2002 Fla. App. LEXIS 6111, 27 Fla. L. Weekly D 1033 (Fla. Dist. Ct. App. 1st Dist. 2002) **LexisNexis Headnotes**
HN1 , HN3, HN10{Cited}

816 So. 2d 194 p.197

931. **Cited by:**

M.M. v. Adoption of J.T.M., 2002 Fla. App. LEXIS 4988, 27 Fla. L. Weekly D 876 (Fla. Dist. Ct. App. 4th Dist. Apr. 17, 2002) **LexisNexis Headnotes** **HN1, HN10** {Warning}

2002 Fla. App. LEXIS 4988

932. **Cited by:**

P.C. v. Dep't of Children & Families, 805 So. 2d 1072, 2002 Fla. App. LEXIS 951, 27 Fla. L. Weekly D 320 (Fla. Dist. Ct. App. 5th Dist. 2002){Cited}

805 So. 2d 1072 p.1073

933. **Cited by:**

N.S.H. v. Dep't of Children & Family Servs., 803 So. 2d 877, 2002 Fla. App. LEXIS 28, 27 Fla. L. Weekly D 129 (Fla. Dist. Ct. App. 5th Dist. 2002) **LexisNexis Headnotes**
HN1 {Caution}

803 So. 2d 877 p.879

934. **Cited in Concurring Opinion at:**

J.T. v. Dep't of Children & Families, 800 So. 2d 692, 2001 Fla. App. LEXIS 17031, 26 Fla. L. Weekly D 2820 (Fla. Dist. Ct. App. 5th Dist. 2001) **LexisNexis Headnotes**
HN6 , HN10{Analysis}

800 So. 2d 692 p.695

935. **Cited by:**

Dep't of Children & Families v. V.V., 2001 Fla. App. LEXIS 16269, 26 Fla. L. Weekly D 2717 (Fla. Dist. Ct. App. 5th Dist. Nov. 16, 2001){Warning}

2001 Fla. App. LEXIS 16269

936. **Cited in Dissenting Opinion at:**
S.D. v. Dep't of Children & Family Servs., 805 So. 2d 10, 2001 Fla. App. LEXIS 13465, 26 Fla. L. Weekly D 2350 (Fla. Dist. Ct. App. 3d Dist. 2001) **LexisNexis Headnotes HN1 , HN10{Analysis}**

805 So. 2d 10 p.18
937. **Cited by:**
M.J. v. C.S. (In re A.F.S.), 793 So. 2d 91, 2001 Fla. App. LEXIS 11424, 26 Fla. L. Weekly D 2000 (Fla. Dist. Ct. App. 2d Dist. 2001) **LexisNexis Headnotes HN3 {Cited}**

793 So. 2d 91 p.92
938. **Cited by:**
L.L.C. v. Dep't of Children & Families, 790 So. 2d 1239, 2001 Fla. App. LEXIS 11364, 26 Fla. L. Weekly D 1955 (Fla. Dist. Ct. App. 5th Dist. 2001) **LexisNexis Headnotes HN1 , HN10{Analysis}**

790 So. 2d 1239 p.1242
939. **Cited by:**
Achumba v. Neustein, 793 So. 2d 1013, 2001 Fla. App. LEXIS 9187, 26 Fla. L. Weekly D 1659 (Fla. Dist. Ct. App. 5th Dist. 2001) **LexisNexis Headnotes HN9{Caution}**

793 So. 2d 1013 p.1015
940. **Cited by:**
Y.H. v. F.L.H., 784 So. 2d 565, 2001 Fla. App. LEXIS 6636, 26 Fla. L. Weekly D 1221 (Fla. Dist. Ct. App. 1st Dist. 2001) **LexisNexis Headnotes HN2{Caution}**

784 So. 2d 565 p.571
941. **Cited by:**
R.W.W. v. Department of Children & Families (In the Interest of C.W.W.), 788 So. 2d 1020, 2001 Fla. App. LEXIS 2922, 26 Fla. L. Weekly D 683 (Fla. Dist. Ct. App. 2d Dist. 2001) **LexisNexis Headnotes HN1, HN10{Caution}**

788 So. 2d 1020 p.1023
942. **Cited in Concurring Opinion at:**
J.R.S. v. Department of Children & Families (In the Interest of Z.J.S.), 787 So. 2d 875, 2001 Fla. App. LEXIS 1407, 26 Fla. L. Weekly D 505 (Fla. Dist. Ct. App. 2d Dist. 2001){Analysis}

787 So. 2d 875 p.879
943. **Cited by:**

Belair v. Drew, 776 So. 2d 1105, 2001 Fla. App. LEXIS 1283, 26 Fla. L. Weekly D 430 (Fla. Dist. Ct. App. 5th Dist. 2001) **LexisNexis Headnotes HN2{Analysis}**

776 So. 2d 1105 p.1106

944. **Cited in Dissenting Opinion at:**

Pedroza v. State, 773 So. 2d 639, 2000 Fla. App. LEXIS 16342, 25 Fla. L. Weekly D 2868 (Fla. Dist. Ct. App. 5th Dist. 2000){*Caution*}

773 So. 2d 639 p.643

945. **Cited by:**

K.N.B. v. M.C. (In the Interest of N.Z.B.), 779 So. 2d 508, 2000 Fla. App. LEXIS 15998, 25 Fla. L. Weekly D 2817 (Fla. Dist. Ct. App. 2d Dist. 2000) **LexisNexis Headnotes HN3 {Cited}**

779 So. 2d 508 p.511

946. **Cited in Concurring Opinion at:**

Westerheide v. State, 767 So. 2d 637, 2000 Fla. App. LEXIS 12598, 25 Fla. L. Weekly D 2358 (Fla. Dist. Ct. App. 5th Dist. 2000){*Caution*}

767 So. 2d 637 p.661

947. **Cited in Dissenting Opinion at:**

State v. T.M., 761 So. 2d 1140, 2000 Fla. App. LEXIS 5755, 25 Fla. L. Weekly D 1211 (Fla. Dist. Ct. App. 2d Dist. 2000) **LexisNexis Headnotes HN3{Warning}**

Cited in Dissenting Opinion at:

761 So. 2d 1140 p.1151

Cited by:

761 So. 2d 1140 p.1147

948. **Cited by:**

L.J.R. v. T.T., 739 So. 2d 1283, 1999 Fla. App. LEXIS 12179, 24 Fla. L. Weekly D 2129 (Fla. Dist. Ct. App. 1st Dist. 1999) **LexisNexis Headnotes HN9{Positive}**

739 So. 2d 1283 p.1287

949. **Cited by:**

Department of Children & Family Servs. v. Natural Parents of J.B., 736 So. 2d 111, 1999 Fla. App. LEXIS 8347, 24 Fla. L. Weekly D 1461 (Fla. Dist. Ct. App. 4thDist. 1999) **LexisNexis Headnotes HN5{Caution}**

736 So. 2d 111 p.115

950. **Cited in Dissenting Opinion at:**

J.B. v. Department of Children & Family Servs., 734 So. 2d 498, 1999 Fla. App. LEXIS 6330, 24 Fla. L. Weekly D 1189 (Fla. Dist. Ct. App. 1st Dist. 1999) **LexisNexis Headnotes HN3 {Warning}**

734 So. 2d 498 p.503

951. **Cited in Dissenting Opinion at:**
J.B. v. Department of Children & Family Servs., 24 Fla. L. Weekly D 1373 (Fla. Dist. Ct. App. 1st Dist. May 14, 1999){*Analysis*}
- 24 Fla. L. Weekly D 1373 p.1375
952. **Cited by:**
G.T. v. A.E.T., 725 So. 2d 404, 1999 Fla. App. LEXIS 64, 24 Fla. L. Weekly D 118, 82 A.L.R.5th 767 (Fla. Dist. Ct. App. 4th Dist. 1999) **LexisNexis Headnotes HN1 , HN3, HN9, HN10**{*Analysis*}
- 725 So. 2d 404 p.409
953. **Cited by:**
J.S. v. Department of Children & Families (In the Interest of S.S.), 723 So. 2d 344, 1998 Fla. App. LEXIS 15894, 24 Fla. L. Weekly D 18 (Fla. Dist. Ct. App. 2d Dist. 1998) **LexisNexis Headnotes HN3**{*Cited*}
- 723 So. 2d 344 p.347
954. **Cited by:**
Gaines v. Department of Children & Families, 711 So. 2d 190, 1998 Fla. App. LEXIS 5515, 23 Fla. L. Weekly D 1203 (Fla. Dist. Ct. App. 5th Dist. 1998) **LexisNexis Headnotes HN1 , HN10**{*Caution*}
- 711 So. 2d 190 p.191
955. **Cited in Dissenting Opinion at:**
D.B. v. Department of Children & Families, 742 So. 2d 275, 1998 Fla. App. LEXIS 2867, 23 Fla. L. Weekly D 791 (Fla. Dist. Ct. App. 1st Dist. 1998) **LexisNexis Headnotes HN1** {*Cited*}
- 742 So. 2d 275 p.279
956. **Cited by:**
S.Q. v. Department of Health & Rehabilitative Servs., 687 So. 2d 319, 687 So. 2d 327, 1997 Fla. App. LEXIS 335, 22 Fla. L. Weekly D 327, 22 Fla. L. Weekly D 337 (Fla. Dist. Ct. App. 1st Dist. 1997) **LexisNexis Headnotes HN3, HN9** {*Caution*}
957. **Cited by:**
S.Q. v. Department of Health & Rehabilitative Servs., 687 So. 2d 319, 22 Fla. L. Weekly D 327 (Fla. Dist. Ct. App. 1st Dist. 1997){*Analysis*}
- 687 So. 2d 319 p.323
958. **Cited by:**

Kalusin v. Schwadron, 1996 Fla. App. LEXIS 11910, 21 Fla. L. Weekly D 2417 (Fla. Dist. Ct. App. 3d Dist. Nov. 13, 1996){Warning}

1996 Fla. App. LEXIS 11910
21 Fla. L. Weekly D 2417 p.2418

959. **Cited by:**
Lewis v. Department of Health & Rehabilitative Servs., 670 So. 2d 1191, 1996 Fla. App. LEXIS 3358, 21 Fla. L. Weekly D 821 (Fla. Dist. Ct. App. 5th Dist. 1996) **LexisNexis Headnotes HN1, HN2, HN6, HN10**{Caution}
- 670 So. 2d 1191 p.1194
960. **Cited by:**
Hroncich v. Department of Health & Rehabilitative Servs., 667 So. 2d 804, 1995 Fla. App. LEXIS 12431, 20 Fla. L. Weekly D 2630 (Fla. Dist. Ct. App. 5th Dist. 1995) **LexisNexis Headnotes HN1, HN10**{Caution}
- 667 So. 2d 804 p.807
961. **Cited by:**
Beagle v. Beagle, 654 So. 2d 1260, 1995 Fla. App. LEXIS 5247, 20 Fla. L. Weekly D 1202 (Fla. Dist. Ct. App. 1st Dist. 1995) **LexisNexis Headnotes HN2**{Warning}
- 654 So. 2d 1260 p.1266
962. **Cited by:**
Howard v. Department of Health & Rehabilitative Servs., 651 So. 2d 201, 1995 Fla. App. LEXIS 1840, 20 Fla. L. Weekly D 487 (Fla. Dist. Ct. App. 5th Dist. 1995) **LexisNexis Headnotes HN10**{Cited}
- 651 So. 2d 201 p.202
963. **Cited by:**
Howard v. Department of Health & Rehabilitative Servs. (In re L.H.), 647 So. 2d 311, 1994 Fla. App. LEXIS 12279, 19 Fla. L. Weekly D 2622 (Fla. Dist. Ct. App. 5th Dist. 1994) **LexisNexis Headnotes HN10**{Analysis}
- 647 So. 2d 311 p.312
964. **Cited in Concurring Opinion at:**
G.W.B. v. J.S.W. (In re Baby E.A.W.), 647 So. 2d 918, 1994 Fla. App. LEXIS 11522, 19 Fla. L. Weekly D 2494 (Fla. Dist. Ct. App. 4th Dist. 1994) **LexisNexis Headnotes HN1 , HN2, HN9, HN10**{Caution}
- 647 So. 2d 918 p.928
647 So. 2d 918 p.932
647 So. 2d 918 p.938
965. **Cited in Concurring Opinion at:**

Simms v. Department of Health & Rehabilitative Servs., 641 So. 2d 957, 1994 Fla. App. LEXIS 8650, 19 Fla. L. Weekly D 1859 (Fla. Dist. Ct. App. 3d Dist. 1994) **LexisNexis Headnotes HN3**{Positive}

Cited in Concurring Opinion at:

641 So. 2d 957 p.963

Cited by:

641 So. 2d 957 p.961

966. **Cited by:**

Henriquez v. Adoption Ctr., 641 So. 2d 84, 1994 Fla. App. LEXIS 7233, 19 Fla. L. Weekly D 1552 (Fla. Dist. Ct. App. 5th Dist. 1994) **LexisNexis Headnotes HN3** {Analysis}

967. **Cited by:**

G.W.B. v. J.S.W. (In re Baby E.A.W.), 1994 Fla. App. LEXIS 6137, 19 Fla. L. Weekly D 1336 (Fla. Dist. Ct. App. 4th Dist. June 22, 1994){Warning}

19 Fla. L. Weekly D 1336 p.1340

968. **Cited by:**

Department of Health & Rehabilitative Servs. v. Cox, 627 So. 2d 1210, 1993 Fla. App. LEXIS 11982, 18 Fla. L. Weekly D 2551 (Fla. Dist. Ct. App. 2d Dist. 1993) **LexisNexis Headnotes HN2, HN3**{Warning}

627 So. 2d 1210 p.1216

969. **Cited by:**

In the Interest of A.P., 624 So. 2d 340, 1993 Fla. App. LEXIS 9217, 18 Fla. L. Weekly D 1981 (Fla. Dist. Ct. App. 1st Dist. 1993) **LexisNexis Headnotes HN2, HN3**{Cited}

624 So. 2d 340 p.341

970. **Cited in Concurring Opinion at:**

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Cited in Concurring Opinion at:

641 So. 2d 84 p.98

641 So. 2d 84 p.102

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641 So. 2d 84 p.86

971. **Cited by:**

Henriquez v. Adoption Centre Inc., 18 Fla. L. Weekly D 1889 (Fla. Dist. Ct. App. 5th Dist. Aug. 27, 1993){Analysis}

18 Fla. L. Weekly D 1889 p.1889

972. **Cited by:**

Kingsley v. Kingsley, 623 So. 2d 780, 1993 Fla. App. LEXIS 8645, 18 Fla. L. Weekly D 1852 (Fla. Dist. Ct. App. 5th Dist. 1993) **LexisNexis Headnotes HN2, HN3, HN4, HN6 , HN8, HN10**{Caution}

623 So. 2d 780 p.785

623 So. 2d 780 p.787

973. **Cited by:**

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600 So. 2d 487 p.490

974. **Cited by:**

In Interest of S.M.B., 597 So. 2d 848, 1992 Fla. App. LEXIS 3946, 17 Fla. L. Weekly D 839 (Fla. Dist. Ct. App. 1st Dist. 1992) **LexisNexis Headnotes HN2**{Positive}

597 So. 2d 848 p.852

975. **Cited by:**

Williams v. State, 590 So. 2d 526, 1991 Fla. App. LEXIS 12299, 16 Fla. L. Weekly D 3072 (Fla. Dist. Ct. App. 2d Dist. 1991){Cited}

590 So. 2d 526 p.526

976. **Cited by:**

In Interest of J.A.T., 590 So. 2d 524, 1991 Fla. App. LEXIS 12301, 16 Fla. L. Weekly D 3065 (Fla. Dist. Ct. App. 2d Dist. 1991) **LexisNexis Headnotes HN1, HN6, HN10** {Positive}

590 So. 2d 524 p.526

977. **Cited by:**

Villorin v. State, 578 So. 2d 738, 1991 Fla. App. LEXIS 2192, 16 Fla. L. Weekly D 667 (Fla. Dist. Ct. App. 3d Dist. 1991){Analysis}

578 So. 2d 738 p.738

978. **Cited by:**

Vickson v. Department of Health & Rehabilitative Services, 578 So. 2d 737, 1991 Fla. App. LEXIS 1792, 16 Fla. L. Weekly D 640 (Fla. Dist. Ct. App. 5th Dist. 1991) **LexisNexis Headnotes HN10**

578 So. 2d 737 p.738

979. **Cited in Concurring Opinion at:**

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Cited in Concurring Opinion at:

563 So. 2d 655 p.671

Cited by:

563 So. 2d 655 p.661

980. **Cited by:**
Padgett v. Department of Health & Rehabilitative Services, 543 So. 2d 1317, 1989 Fla. App. LEXIS 3061, 14 Fla. L. Weekly 1345 (Fla. Dist. Ct. App. 5th Dist. 1989){Warning}

543 So. 2d 1317 p.1318
981. **Cited by:**
D.J.S. v. Department of Health & Rehabilitative Services, 563 So. 2d 652, 1988 Fla. App. LEXIS 4260, 13 Fla. L. Weekly 2221 (Fla. Dist. Ct. App. 1st Dist. 1988){Warning}

563 So. 2d 652 p.652
982. **Cited by:**
Smith v. Fernandez, 520 So. 2d 654, 1988 Fla. App. LEXIS 607, 13 Fla. L. Weekly 506 (Fla. Dist. Ct. App. 3d Dist. 1988) **LexisNexis Headnotes HN10**{Positive}

520 So. 2d 654 p.655
983. **Cited in Concurring Opinion at:**
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510 So. 2d 623 p.630
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510 So. 2d 623 p.627
510 So. 2d 623 p.629
984. **Cited by:**
In Interest of P.A.D., 498 So. 2d 1342, 1986 Fla. App. LEXIS 11370, 11 Fla. L. Weekly 2612 (Fla. Dist. Ct. App. 1st Dist. 1986) **LexisNexis Headnotes HN2**{Analysis}

498 So. 2d 1342 p.1344
985. **Cited by:**
Darkes v. Department of Health & Rehabilitative Services, 495 So. 2d 873, 1986 Fla. App. LEXIS 10039, 11 Fla. L. Weekly 2140 (Fla. Dist. Ct. App. 5th Dist. 1986) **LexisNexis Headnotes HN6, HN8, HN9, HN10**{Analysis}

495 So. 2d 873 p.874
986. **Cited by:**

- In Interest of R.W.*, 481 So. 2d 548, 1986 Fla. App. LEXIS 5794, 11 Fla. L. Weekly 152 (Fla. Dist. Ct. App. 5th Dist. 1986) **LexisNexis Headnotes HN1, HN10**
{Warning}
481 So. 2d 548 p.549
987. **Cited by:**
In Interest of J.R.C., 480 So. 2d 198, 1985 Fla. App. LEXIS 16956, 11 Fla. L. Weekly 13 (Fla. Dist. Ct. App. 5th Dist. 1985) **LexisNexis Headnotes HN1, HN10**
{Cited}
480 So. 2d 198 p.200
988. **Cited in Concurring Opinion at:**
In Interest of B.W., 479 So. 2d 740, 1985 Fla. App. LEXIS 14746, 10 Fla. L. Weekly 1759 (Fla. Dist. Ct. App. 5th Dist. 1985){Warning}
479 So. 2d 740 p.743
989. **Cited by:**
In Interest of A.D.J., 466 So. 2d 1156, 1985 Fla. App. LEXIS 13166, 10 Fla. L. Weekly 817 (Fla. Dist. Ct. App. 1st Dist. 1985) **LexisNexis Headnotes HN3**{Positive}
466 So. 2d 1156 p.1162
990. **Cited by:**
In Interest of L.T., 464 So. 2d 201, 1985 Fla. App. LEXIS 12438, 10 Fla. L. Weekly 388 (Fla. Dist. Ct. App. 5th Dist. 1985) **LexisNexis Headnotes HN8, HN10**
{Analysis}
464 So. 2d 201 p.202
991. **Cited by:**
Yem v. State, Dep't of Health & Rehabilitative Services, 462 So. 2d 1147, 1984 Fla. App. LEXIS 15170, 9 Fla. L. Weekly 2097 (Fla. Dist. Ct. App. 3d Dist. 1984) **LexisNexis Headnotes HN1, HN10**{Questioned}
462 So. 2d 1147 p.1148
992. **Cited by:**
In Interest of L.R.R., 455 So. 2d 598, 1984 Fla. App. LEXIS 14815, 9 Fla. L. Weekly 1917 (Fla. Dist. Ct. App. 5th Dist. 1984) **LexisNexis Headnotes HN1, HN10**
{Cited}
455 So. 2d 598 p.599
993. **Cited by:**
In Interest of N.L.K., 453 So. 2d 408, 1984 Fla. App. LEXIS 13693 (Fla. Dist. Ct. App. 5th Dist. 1984)
453 So. 2d 408 p.409

994. **Cited by:**
In Interest of A.B., 444 So. 2d 981, 1983 Fla. App. LEXIS 25333 (Fla. Dist. Ct. App. 1st Dist. 1983){*Positive*}
 444 So. 2d 981 p.993
995. **Cited by:**
In re Guardianship of D.A.McW., 429 So. 2d 699, 1983 Fla. App. LEXIS 19513 (Fla. Dist. Ct. App. 4th Dist. 1983) **LexisNexis Headnotes HN3, HN9**
 {*Caution*}
 429 So. 2d 699 p.702
996. **Cited by:**
Hinkle v. Lindsey, 424 So. 2d 983, 1983 Fla. App. LEXIS 18730 (Fla. Dist. Ct. App. 5th Dist. 1983) **LexisNexis Headnotes HN9**{*Analysis*}
- 424 So. 2d 983 p.985
997. **Cited by:**
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- 425 So. 2d 577 p.577
998. **Cited by:**
In Interest of J.L.P., 416 So. 2d 1250, 1982 Fla. App. LEXIS 21093 (Fla. Dist. Ct. App. 4th Dist. 1982) **LexisNexis Headnotes HN1**{*Caution*}
- 416 So. 2d 1250 p.1252

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999. **Distinguished by:**
Williams Gen. Corp. v. Stone, 279 Ga. 428, 614 S.E.2d 758, 2005 Ga. LEXIS 445, 2005 Fulton County D. Rep. 1850 (2005) **LexisNexis Headnotes HN6, HN8**
 {*Analysis*}
- 279 Ga. 428 p.429
 614 S.E.2d 758 p.759
- 1000 **Cited by:**
Clark v. Wade, 273 Ga. 587, 544 S.E.2d 99, 2001 Ga. LEXIS 148, 2001 Fulton County D. Rep. 617 (2001) **LexisNexis Headnotes HN1, HN2, HN10**{*Caution*}
- 273 Ga. 587 p.594
 544 S.E.2d 99 p.104
- 1001 **Cited by:**
Watkins v. Watkins, 266 Ga. 269, 466 S.E.2d 860, 1996 Ga. LEXIS 75, 96 Fulton County D. Rep. 676 (1996) **LexisNexis Headnotes HN2, HN3**{*Analysis*}

266 Ga. 269 p.270
466 S.E.2d 860 p.861

1002 **Cited by:**

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265 Ga. 189 p.192
454 S.E.2d 769 p.772

1003 **Cited by:**

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263 Ga. 861 p.862
440 S.E.2d 165 p.167

1004 **Cited by:**

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386 S.E.2d 155 p.156

1005 **Cited by:**

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251 Ga. 373 p.374
306 S.E.2d 260 p.262

1006 **Cited by:**

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249 Ga. 689 p.692
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1007 **Cited by:**

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249 Ga. 365 p.365
291 S.E.2d 233 p.234

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1008 **Cited by:**

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274 Ga. App. 815 p.819
619 S.E.2d 313 p.318

1009 **Cited by:**

In the Interest of B.N.A., 248 Ga. App. 406, 546 S.E.2d 819, 2001 Ga. App. LEXIS 284, 2001 Fulton County D. Rep. 973 (2001){Cited}

248 Ga. App. 406 p.407
546 S.E.2d 819 p.820

1010 **Cited by:**

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230 Ga. App. 803 p.808
498 S.E.2d 284 p.288

1011 **Cited by:**

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228 Ga. App. 9 p.10
491 S.E.2d 107 p.109
97 Fulton County D. Rep. 3063 p.3064

1012 **Cited by:**

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227 Ga. App. 648 p.654
490 S.E.2d 184 p.191
97 Fulton County D. Rep. 2955 p.2960

1013 **Cited by:**

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226 Ga. App. 251 p.252
485 S.E.2d 827 p.829
97 Fulton County D. Rep. 1832 p.1832

1014 **Cited by:**

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{Positive}

224 Ga. App. 470 p.472
480 S.E.2d 901 p.906
97 Fulton County D. Rep. 389 p.390

1015 **Cited by:**

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{Caution}

207 Ga. App. 883 p.884
429 S.E.2d 291 p.293

1016 **Cited by:**

In Interest of M. A. V., 206 Ga. App. 299, 425 S.E.2d 377, 1992 Ga. App. LEXIS 1614, 92 Fulton County D. Rep. P2892 (1992){Warning}

206 Ga. App. 299 p.302
425 S.E.2d 377 p.379

1017 **Cited by:**

In Interest of C. D. B., 182 Ga. App. 263, 355 S.E.2d 759, 1987 Ga. App. LEXIS 2609 (1987){Analysis}

182 Ga. App. 263 p.265
355 S.E.2d 759 p.761

1018 **Cited by:**

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181 Ga. App. 14 p.15
351 S.E.2d 243 p.245

1019 **Cited by:**

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179 Ga. App. 313 p.314
346 S.E.2d 106 p.107

1020 **Cited by:**

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178 Ga. App. 380 p.383

343 S.E.2d 152 p.153

343 S.E.2d 152 p.155

1021 **Cited by:**

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178 Ga. App. 59 p.59

342 S.E.2d 16 p.16

1022 **Cited by:**

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338 S.E.2d 54 p.55

1023 **Cited by:**

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333 S.E.2d 445 p.448

1024 **Cited by:**

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171 Ga. App. 914 p.917

321 S.E.2d 407 p.410

1025 **Cited by:**

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319 S.E.2d 44 p.45

1026 **Cited by:**

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1027 **Cited by:**

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1028 **Cited by:**

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166 Ga. App. 857 p.860
305 S.E.2d 636 p.638

1029 **Cited by:**

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166 Ga. App. 344 p.344
166 Ga. App. 344 p.345
304 S.E.2d 85 p.86

1030 **Cited by:**

In Interest of T., 164 Ga. App. 517, 298 S.E.2d 33, 1982 Ga. App. LEXIS 3323 (1982) **LexisNexis Headnotes HN5**{Caution}

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1031 **Cited by:**

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297 S.E.2d 510 p.511

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1032 **Cited by:**

Ga. Dkt. No. S95A1595

Ga. Dkt. No. S95A1595

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1033 **Cited by:**

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99 Haw. 522 *p.540*

57 P.3d 447 *p.465*

1034 **Cited by:**

In the Interest of Doe, 95 Haw. 183, 20 P.3d 616, 2001 Haw. LEXIS 143 (Haw. 2001) **LexisNexis Headnotes HN1, HN9, HN10**{*Positive*}

95 Haw. 183 *p.185*

20 P.3d 616 *p.618*

1035 **Cited by:**

In the Interest of Doe, 77 Haw. 109, 883 P.2d 30, 1994 Haw. LEXIS 73 (Haw. 1994) **LexisNexis Headnotes HN3**{*Analysis*}

77 Haw. 109 *p.115*

883 P.2d 30 *p.36*

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1036 **Cited by:**

In the Interest of Doe, 2004 Haw. App. LEXIS 19 (Haw. Ct. App. Jan. 29, 2004) **LexisNexis Headnotes HN2**{*Analysis*}

2004 Haw. App. LEXIS 19

1037 **Followed by:**

In the Interest of Doe, 95 Haw. 201, 20 P.3d 634, 2000 Haw. App. LEXIS 230 (Haw. Ct. App. 2000) **LexisNexis Headnotes HN1, HN3, HN9, HN10**{*Warning*}

Followed by:

95 Haw. 201 *p.228*

20 P.3d 634 *p.661*

Cited by:

95 Haw. 201 *p.227*

20 P.3d 634 *p.660*

IDAHO SUPREME COURT

1038 **Cited by:**

Doe v. Dep't of Health & Welfare, 112 P.3d 799, 2005 Ida. LEXIS 83 (Idaho 2005) **LexisNexis Headnotes HN1, HN10{Cited}**

112 P.3d 799 p.801

1039 **Cited by:**

Ellibee v. Ellibee, 121 Idaho 501, 826 P.2d 462, 1992 Ida. LEXIS 20 (Idaho 1992) **LexisNexis Headnotes HN3, HN10{Caution}**

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826 P.2d 462 p.466

1040 **Cited by:**

In re Aragon, 120 Idaho 606, 818 P.2d 310, 1991 Ida. LEXIS 153 (Idaho 1991) **LexisNexis Headnotes HN1, HN5, HN6, HN10{Analysis}**

120 Idaho 606 p.608

120 Idaho 606 p.609

818 P.2d 310 p.312

818 P.2d 310 p.313

1041 **Cited by:**

In Interest of Bush, 113 Idaho 873, 749 P.2d 492, 1988 Ida. LEXIS 4 (Idaho 1988) **LexisNexis Headnotes HN1, HN2, HN6, HN10{Positive}**

113 Idaho 873 p.875

749 P.2d 492 p.494

1042 **Cited by:**

In Interest of Dayley, 112 Idaho 522, 733 P.2d 743, 1987 Ida. LEXIS 280 (Idaho 1987){Positive}

112 Idaho 522 p.554

733 P.2d 743 p.775

IDAHO COURT OF APPEALS1043 **Cited by:**

Department of Health & Welfare v. Doe (In the Interest of Baby Doe), 130 Idaho 47, 936 P.2d 690, 1997 Ida. App. LEXIS 44 (Idaho Ct. App. 1997) **LexisNexis Headnotes HN1 , HN6, HN9, HN10{Positive}**

130 Idaho 47 p.50

936 P.2d 690 p.693

- 1044 **Cited by:**
.
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{Positive}

123 Idaho 502 p.503
849 P.2d 963 p.964
- 1045 **Cited by:**
.
In re Doe I, Idaho Dkt. No. 19197 (Idaho Ct. App. Aug. 6, 1992)

Idaho Dkt. No. 19197
- 1046 **Cited by:**
.
In Interest of John Doe, 122 Idaho 644, 837 P.2d 319, 1992 Ida. App. LEXIS 202 (Idaho Ct. App. 1992) **LexisNexis Headnotes HN9, HN10**{Analysis}

122 Idaho 644 p.645
837 P.2d 319 p.320
- 1047 **Cited in Concurring Opinion at:**
.
In Interest of Brown, 112 Idaho 901, 736 P.2d 1355, 1987 Ida. App. LEXIS 388 (Idaho Ct. App. 1987) **LexisNexis Headnotes HN1, HN3, HN10**{Cited}

Cited in Concurring Opinion at:
112 Idaho 901 p.905
736 P.2d 1355 p.1359
Cited by:
112 Idaho 901 p.902
736 P.2d 1355 p.1356
- 1048 **Cited by:**
.
Hofmeister v. Bauer, 110 Idaho 960, 719 P.2d 1220, 1986 Ida. App. LEXIS 426 (Idaho Ct. App. 1986) **LexisNexis Headnotes HN1, HN2, HN10**{Caution}

110 Idaho 960 p.963
719 P.2d 1220 p.1223
- 1049 **Cited by:**
.
Thompson v. Thompson, 110 Idaho 93, 714 P.2d 62, 1986 Ida. App. LEXIS 354 (Idaho Ct. App. 1986) **LexisNexis Headnotes HN3, HN10**{Positive}

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714 P.2d 62 p.63

1050 **Cited by:**

In Interest of Cheatwood, 108 Idaho 218, 697 P.2d 1232, 1985 Ida. App. LEXIS 592 (Idaho Ct. App. 1985) **LexisNexis Headnotes HN1, HN10**{Positive}

108 Idaho 218 p.219
697 P.2d 1232 p.1233

1051 **Cited by:**

Thompson v. Thompson, 1985 Ida. App. LEXIS 580 (Idaho Ct. App. Mar. 15, 1985) **LexisNexis Headnotes HN10**

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People v. Lisa M. (In re D.W.), 214 Ill. 2d 289, 827 N.E.2d 466, 2005 Ill. LEXIS 319, 292 Ill. Dec. 937 (2005) **LexisNexis Headnotes HN1, HN3, HN8**{Positive}

214 Ill. 2d 289 p.311
827 N.E.2d 466 p.481
292 Ill. Dec. 937 p.952

1053 **Distinguished by, Cited in Dissenting Opinion at:**

People v. Brenda T. (In re D.T.), 212 Ill. 2d 347, 818 N.E.2d 1214, 2004 Ill. LEXIS 1617, 289 Ill. Dec. 11 (2004) **LexisNexis Headnotes HN1, HN2, HN3, HN6, HN8, HN9, HN10**{Positive}

Distinguished by:

212 Ill. 2d 347 p.361
818 N.E.2d 1214 p.1225
289 Ill. Dec. 11 p.22

Cited in Dissenting Opinion at:

212 Ill. 2d 347 p.370
818 N.E.2d 1214 p.1230
289 Ill. Dec. 11 p.27

Cited by:

212 Ill. 2d 347 p.356
818 N.E.2d 1214 p.1222
289 Ill. Dec. 11 p.19

1054 **Cited by:**

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807 N.E.2d 423 p.436
282 Ill. Dec. 799 p.812

1055 **Cited in Concurring Opinion at:**

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{Positive}

208 Ill. 2d 223 p.256
802 N.E.2d 800 p.820
280 Ill. Dec. 549 p.569

1056 **Cited by:**

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208 Ill. 2d 148 p.165
802 N.E.2d 782 p.792
280 Ill. Dec. 531 p.541

1057 **Cited by:**

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201 Ill. 2d 236 p.245
776 N.E.2d 138 p.144
267 Ill. Dec. 1 p.7

1058 **Cited by:**

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769 N.E.2d 1 p.5
263 Ill. Dec. 799 p.803

1059 **Cited by:**

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198 Ill. 2d 448 p.466
763 N.E.2d 741 p.752
261 Ill. Dec. 492 p.503

1060 **Cited by:**

People v. E.W. (In re H.G.), 197 Ill. 2d 317, 757 N.E.2d 864, 2001 Ill. LEXIS 1068, 259 Ill. Dec. 1 (2001){*Caution*}

197 Ill. 2d 317 p.333
757 N.E.2d 864 p.873
259 Ill. Dec. 1 p.10

1061 **Cited by:**

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763 N.E.2d 251 p.262
261 Ill. Dec. 281 p.292

1062 **Cited by:**

People v. V.D. (In re M.H.), 196 Ill. 2d 356, 751 N.E.2d 1134, 2001 Ill. LEXIS 491, 256 Ill. Dec. 297 (2001) **LexisNexis Headnotes HN2, HN3, HN6, HN8, HN9, HN10** {*Caution*}

196 Ill. 2d 356 p.360
751 N.E.2d 1134 p.1138
256 Ill. Dec. 297 p.301

1063 **Cited by:**

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196 Ill. 2d 181 p.208
752 N.E.2d 1030 p.1045
256 Ill. Dec. 788 p.803

1064 **Cited by:**

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195 Ill. 2d 408 p.423
748 N.E.2d 183 p.192
254 Ill. Dec. 737 p.746

1065 **Cited by:**

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195 Ill. 2d 291 p.301

745 N.E.2d 1233 p.1240
253 Ill. Dec. 699 p.706

1066 **Followed by:**

Lulay v. Lulay, 193 Ill. 2d 455, 739 N.E.2d 521, 2000 Ill. LEXIS 1694, 250 Ill. Dec. 758 (2000) **LexisNexis Headnotes HN2{Caution}**

193 Ill. 2d 455 p.472
739 N.E.2d 521 p.530
250 Ill. Dec. 758 p.767

1067 **Cited in Dissenting Opinion at:**

People v. Maness, 191 Ill. 2d 478, 732 N.E.2d 545, 2000 Ill. LEXIS 831, 247 Ill. Dec. 490 (2000) **LexisNexis Headnotes HN2{Caution}**

191 Ill. 2d 478 p.491
732 N.E.2d 545 p.553
247 Ill. Dec. 490 p.498

1068 **Cited in Dissenting Opinion at:**

In re Kirchner, 164 Ill. 2d 468, 649 N.E.2d 324, 1995 Ill. LEXIS 56, 208 Ill. Dec. 268 (1995) **LexisNexis Headnotes HN6, HN8, HN10{Caution}**

164 Ill. 2d 468 p.546
649 N.E.2d 324 p.360
208 Ill. Dec. 268 p.304

1069 **Cited by:**

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159 Ill. 2d 347 p.359
638 N.E.2d 181 p.186
202 Ill. Dec. 535 p.540

1070 **Cited by:**

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131 Ill. 2d 328 p.344
131 Ill. 2d 328 p.367
546 N.E.2d 533 p.541
546 N.E.2d 533 p.552

1071 **Cited by:**

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124 Ill. 2d 326 p.335
530 N.E.2d 210 p.214

1072 **Cited by:**

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124 Ill. 2d 61 p.78
529 N.E.2d 209 p.217

1073 **Cited by:**

In re Enis, 121 Ill. 2d 124, 520 N.E.2d 362, 1988 Ill. LEXIS 35, 117 Ill. Dec. 201 (1988) **LexisNexis Headnotes HN1, HN2, HN5, HN6, HN10**{*Caution*}

121 Ill. 2d 124 p.128
520 N.E.2d 362 p.365

1074 **Cited by:**

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113 Ill. 2d 173 p.189
497 N.E.2d 984 p.990

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People v. Ti. O. (In re Tr. O.), 2005 Ill. App. LEXIS 1276 (Ill. App. Ct. 2d Dist. Dec. 20, 2005) **LexisNexis Headnotes HN9**{*Analysis*}

2005 Ill. App. LEXIS 1276

1076 **Cited by:**

People v. D.H. (In re A.H.), 359 Ill. App. 3d 173, 833 N.E.2d 915, 2005 Ill. App. LEXIS 696, 295 Ill. Dec. 709 (Ill. App. Ct. 2005) **LexisNexis Headnotes HN1 , HN2, HN6, HN7**{*Analysis*}

359 Ill. App. 3d 173 p.182
833 N.E.2d 915 p.922
295 Ill. Dec. 709 p.716

1077 **Cited by:**

People v. Debra B. (In re G.W.), 357 Ill. App. 3d 1058, 830 N.E.2d 850, 2005 Ill. App. LEXIS 588, 294 Ill. Dec. 438 (Ill. App. Ct. 2005) **LexisNexis Headnotes HN2** {*Analysis*}

357 Ill. App. 3d 1058 p.1062
830 N.E.2d 850 p.854
294 Ill. Dec. 438 p.442

1078 **Cited by:**

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354 Ill. App. 3d 799 p.804
821 N.E.2d 1253 p.1257
290 Ill. Dec. 679 p.683

1079 **Cited by:**

Claggett v. Ronald L.S. (In re R.L.S.), 354 Ill. App. 3d 462, 820 N.E.2d 1201, 2004 Ill. App. LEXIS 1529, 290 Ill. Dec. 134 (Ill. App. Ct. 3d Dist. 2004) **LexisNexis Headnotes HN6{Caution}**

354 Ill. App. 3d 462 p.466
820 N.E.2d 1201 p.1205
290 Ill. Dec. 134 p.138

1080 **Cited by:**

People v. Tonya L. (In re Cornica J.), 351 Ill. App. 3d 557, 814 N.E.2d 618, 2004 Ill. App. LEXIS 951, 286 Ill. Dec. 630 (Ill. App. Ct. 2d Dist. 2004) **LexisNexis Headnotes HN1, HN2, HN3, HN5, HN10{Analysis}**

351 Ill. App. 3d 557 p.565
814 N.E.2d 618 p.625
286 Ill. Dec. 630 p.637

1081 **Cited by:**

People v. Lynette H.F. (In re Jaron Z.), 348 Ill. App. 3d 239, 810 N.E.2d 108, 2004 Ill. App. LEXIS 457, 284 Ill. Dec. 455 (Ill. App. Ct. 2004) **LexisNexis Headnotes HN10 {Positive}**

348 Ill. App. 3d 239 p.256
810 N.E.2d 108 p.122
284 Ill. Dec. 455 p.469

1082 **Cited by:**

People v. Michelle L. (In re Brandon L.), 348 Ill. App. 3d 315, 809 N.E.2d 763, 2004 Ill. App. LEXIS 458, 284 Ill. Dec. 197 (Ill. App. Ct. 2d Dist. 2004) **LexisNexis Headnotes HN1, HN6, HN10{Cited}**

348 Ill. App. 3d 315 p.321
809 N.E.2d 763 p.768

284 Ill. Dec. 197 p.202

1083 **Cited by:**

People v. L.M. (In re D.W.), 344 Ill. App. 3d 30, 799 N.E.2d 410, 2003 Ill. App. LEXIS 1238, 278 Ill. Dec. 692 (Ill. App. Ct. 1st Dist. 2003) **LexisNexis Headnotes HN4**, **HN6**, **HN8**, **HN10**{Warning}

344 Ill. App. 3d 30 p.46

799 N.E.2d 410 p.423

278 Ill. Dec. 692 p.705

1084 **Cited by:**

People v. Mitchell C. (In re Jamarqon C.), 338 Ill. App. 3d 639, 788 N.E.2d 344, 2003 Ill. App. LEXIS 441, 273 Ill. Dec. 35 (Ill. App. Ct. 2d Dist. 2003) **LexisNexis Headnotes HN1**, **HN10**{Analysis}

338 Ill. App. 3d 639 p.646

788 N.E.2d 344 p.350

273 Ill. Dec. 35 p.41

1085 **Distinguished by, Followed by, Explained by:**

People v. B.T. (In re D.T.), 338 Ill. App. 3d 133, 788 N.E.2d 133, 2003 Ill. App. LEXIS 347, 272 Ill. Dec. 829 (Ill. App. Ct. 1st Dist. 2003) **LexisNexis Headnotes HN1**, **HN2**, **HN3**, **HN6**, **HN8**, **HN9**, **HN10**{Warning}

Distinguished by:

338 Ill. App. 3d 133 p.151

788 N.E.2d 133 p.148

272 Ill. Dec. 829 p.844

Followed by:

338 Ill. App. 3d 133 p.154

788 N.E.2d 133 p.151

272 Ill. Dec. 829 p.847

Explained by:

338 Ill. App. 3d 133 p.149

788 N.E.2d 133 p.147

272 Ill. Dec. 829 p.843

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338 Ill. App. 3d 133 p.147

788 N.E.2d 133 p.145

272 Ill. Dec. 829 p.841

1086 **Cited by:**

People v. Quinella W. (In re Tinya W.), 328 Ill. App. 3d 405, 765 N.E.2d 1214, 2002 Ill. App. LEXIS 186, 262 Ill. Dec. 606 (Ill. App. Ct. 2d Dist. 2002) **LexisNexis Headnotes HN10**{Positive}

328 Ill. App. 3d 405 p.410

765 N.E.2d 1214 p.1219
262 Ill. Dec. 606 p.611

1087 **Cited by:**

People v. W.B (In re J.B.), 328 Ill. App. 3d 175, 765 N.E.2d 1093, 2002 Ill. App. LEXIS 131, 262 Ill. Dec. 485 (Ill. App. Ct. 1st Dist. 2002) **LexisNexis Headnotes HN2 , HN3, HN4, HN6, HN8, HN9, HN10**{Warning}

328 Ill. App. 3d 175 p.184
765 N.E.2d 1093 p.1100
262 Ill. Dec. 485 p.492

1088 **Followed by:**

People v. Ferrell (In re M.F.), 326 Ill. App. 3d 1110, 762 N.E.2d 701, 2002 Ill. App. LEXIS 44, 261 Ill. Dec. 132 (Ill. App. Ct. 4th Dist. 2002) **LexisNexis Headnotes HN1** {Caution}

326 Ill. App. 3d 1110 p.1116
762 N.E.2d 701 p.707
261 Ill. Dec. 132 p.138

1089 **Explained by:**

People v. Danielle L. (In re D.L.), 326 Ill. App. 3d 262, 760 N.E.2d 542, 2001 Ill. App. LEXIS 851, 260 Ill. Dec. 125 (Ill. App. Ct. 1st Dist. 2001) **LexisNexis Headnotes HN1, HN10**{Analysis}

326 Ill. App. 3d 262 p.271
760 N.E.2d 542 p.549
260 Ill. Dec. 125 p.132

1090 **Cited by:**

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323 Ill. App. 3d 839 p.839
753 N.E.2d 314 p.322
257 Ill. Dec. 119 p.127

1091 **Cited in Concurring Opinion at:**

People v. Black (In re S.E.), 319 Ill. App. 3d 937, 746 N.E.2d 323, 2001 Ill. App. LEXIS 261, 253 Ill. Dec. 875 (Ill. App. Ct. 4th Dist. 2001) **LexisNexis Headnotes HN2 , HN3**{Caution}

319 Ill. App. 3d 937 p.946
746 N.E.2d 323 p.331
253 Ill. Dec. 875 p.883

1092 **Cited by:**

In re C.M., 319 Ill. App. 3d 344, 744 N.E.2d 916, 2001 Ill. App. LEXIS 59, 253 Ill. Dec. 183 (Ill. App. Ct. 1st Dist. 2001) **LexisNexis Headnotes HN3**
{Caution}

319 Ill. App. 3d 344 p.355
744 N.E.2d 916 p.924
253 Ill. Dec. 183 p.191

1093 **Cited by:**

People v. Rosado (In re J.A.), 316 Ill. App. 3d 553, 736 N.E.2d 678, 2000 Ill. App. LEXIS 754, 249 Ill. Dec. 484 (Ill. App. Ct. 1st Dist. 2000) **LexisNexis Headnotes HN1** {Caution}

316 Ill. App. 3d 553 p.561
736 N.E.2d 678 p.685
249 Ill. Dec. 484 p.491

1094 **Cited by:**

R.R.E. v. R.P. (In re K.L.P.), 316 Ill. App. 3d 110, 735 N.E.2d 1071, 2000 Ill. App. LEXIS 734, 249 Ill. Dec. 246 (Ill. App. Ct. 2d Dist. 2000) **LexisNexis Headnotes HN2** {Caution}

316 Ill. App. 3d 110 p.121
735 N.E.2d 1071 p.1080
249 Ill. Dec. 246 p.255

1095 **Cited by:**

People v. Priscilla E. (In re Vanessa C.), 316 Ill. App. 3d 475, 736 N.E.2d 593, 2000 Ill. App. LEXIS 709, 249 Ill. Dec. 399 (Ill. App. Ct. 1st Dist. 2000) **LexisNexis Headnotes HN2, HN3, HN6, HN8, HN9, HN10**{Caution}

316 Ill. App. 3d 475 p.481
736 N.E.2d 593 p.598
249 Ill. Dec. 399 p.404

1096 **Cited by:**

People v. Huff (In re K.H.), 313 Ill. App. 3d 675, 730 N.E.2d 131, 2000 Ill. App. LEXIS 396, 246 Ill. Dec. 451 (Ill. App. Ct. 4th Dist. 2000) **LexisNexis Headnotes HN1 , HN10**{Caution}

313 Ill. App. 3d 675 p.682
730 N.E.2d 131 p.136
246 Ill. Dec. 451 p.456

1097 **Followed by:**

People v. V.D. (In re M.H.), 313 Ill. App. 3d 205, 729 N.E.2d 86, 2000 Ill. App. LEXIS 274, 246 Ill. Dec. 86 (Ill. App. Ct. 2d Dist. 2000) **LexisNexis Headnotes HN1, HN6 , HN8, HN9, HN10{Caution}**

Followed by:

313 Ill. App. 3d 205 p.213
729 N.E.2d 86 p.93
246 Ill. Dec. 86 p.93

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313 Ill. App. 3d 205 p.211
729 N.E.2d 86 p.92
246 Ill. Dec. 86 p.92

1098 **Cited by:**

People v. Branch (In re D.R.), 307 Ill. App. 3d 478, 718 N.E.2d 664, 1999 Ill. App. LEXIS 641, 241 Ill. Dec. 93 (Ill. App. Ct. 1st Dist. 1999) **LexisNexis Headnotes HN2 , HN6, HN10{Caution}**

307 Ill. App. 3d 478 p.482
718 N.E.2d 664 p.667
241 Ill. Dec. 93 p.96

1099 **Cited in Concurring Opinion at:**

J.H. v. Mellinger, 304 Ill. App. 3d 188, 709 N.E.2d 701, 1999 Ill. App. LEXIS 228, 237 Ill. Dec. 446 (Ill. App. Ct. 4th Dist. 1999) **LexisNexis Headnotes HN1 {Positive}**

304 Ill. App. 3d 188 p.201
709 N.E.2d 701 p.710
237 Ill. Dec. 446 p.455

1100 **Followed by:**

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298 Ill. App. 3d 856 p.863
699 N.E.2d 1109 p.1115
232 Ill. Dec. 924 p.930

1101 **Followed by:**

People v. Ashby (In the Interest of S.A.), 296 Ill. App. 3d 1029, 696 N.E.2d 368, 1998 Ill. App. LEXIS 381, 231 Ill. Dec. 376 (Ill. App. Ct. 4th Dist. 1998) **LexisNexis Headnotes HN1, HN6, HN10{Positive}**

Followed by:

296 Ill. App. 3d 1029 p.1033

696 N.E.2d 368 p.371
231 Ill. Dec. 376 p.379

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296 Ill. App. 3d 1029 p.1031
696 N.E.2d 368 p.370
231 Ill. Dec. 376 p.378

1102 **Cited by:**

People v. Karen P. (In the Interest of J.P.), 294 Ill. App. 3d 991, 692 N.E.2d 338, 1998 Ill. App. LEXIS 91, 229 Ill. Dec. 565 (Ill. App. Ct. 1st Dist. 1998) **LexisNexis Headnotes HN3**{Positive}

294 Ill. App. 3d 991 p.1006
692 N.E.2d 338 p.347
229 Ill. Dec. 565 p.574

1103 **Cited by:**

West v. West, 294 Ill. App. 3d 356, 689 N.E.2d 1215, 1998 Ill. App. LEXIS 46, 228 Ill. Dec. 794 (Ill. App. Ct. 5th Dist. 1998){Positive}

294 Ill. App. 3d 356 p.360
689 N.E.2d 1215 p.1218
228 Ill. Dec. 794 p.797

1104 **Cited by:**

People v. Jones (In re of C.J.), 272 Ill. App. 3d 461, 650 N.E.2d 290, 1995 Ill. App. LEXIS 353, 208 Ill. Dec. 833 (Ill. App. Ct. 3d Dist. 1995) **LexisNexis Headnotes HN2** {Caution}

272 Ill. App. 3d 461 p.464
650 N.E.2d 290 p.293
208 Ill. Dec. 833 p.836

1105 **Cited in Dissenting Opinion at:**

In re Marriage of Siegel, 271 Ill. App. 3d 540, 648 N.E.2d 607, 1995 Ill. App. LEXIS 216, 207 Ill. Dec. 907 (Ill. App. Ct. 2d Dist. 1995) **LexisNexis Headnotes HN2** {Caution}

271 Ill. App. 3d 540 p.546
648 N.E.2d 607 p.613
207 Ill. Dec. 907 p.913

1106 **Cited by:**

People v. W.V. (In re A.S.V.), 268 Ill. App. 3d 549, 644 N.E.2d 500, 1994 Ill. App. LEXIS 1561, 205 Ill. Dec. 944 (Ill. App. Ct. 5th Dist. 1994) **LexisNexis Headnotes HN1** {Analysis}

268 Ill. App. 3d 549 p.556
644 N.E.2d 500 p.505
205 Ill. Dec. 944 p.949

1107 **Cited by:**

In re A.K., 250 Ill. App. 3d 981, 620 N.E.2d 572, 1993 Ill. App. LEXIS 1432, 189 Ill. Dec. 604 (Ill. App. Ct. 4th Dist. 1993){*Caution*}

250 Ill. App. 3d 981 p.995
620 N.E.2d 572 p.582
189 Ill. Dec. 604 p.614

1108 **Cited by:**

In re B.C., 247 Ill. App. 3d 803, 617 N.E.2d 1207, 1993 Ill. App. LEXIS 754, 187 Ill. Dec. 486 (Ill. App. Ct. 3d Dist. 1993) **LexisNexis Headnotes HN1**, **HN2**{*Questioned*}

247 Ill. App. 3d 803 p.806
617 N.E.2d 1207 p.1210
187 Ill. Dec. 486 p.489

1109 **Cited by:**

In re C.A., 236 Ill. App. 3d 594, 603 N.E.2d 1171, 1992 Ill. App. LEXIS 1677, 177 Ill. Dec. 797 (Ill. App. Ct. 1st Dist. 1992) **LexisNexis Headnotes HN3** {*Analysis*}

236 Ill. App. 3d 594 p.624
603 N.E.2d 1171 p.1190
177 Ill. Dec. 797 p.816

1110 **Cited by:**

In re S.J., 233 Ill. App. 3d 88, 598 N.E.2d 456, 1992 Ill. App. LEXIS 1313, 174 Ill. Dec. 259 (Ill. App. Ct. 2d Dist. 1992) **LexisNexis Headnotes HN1**, **HN10**{*Caution*}

233 Ill. App. 3d 88 p.113
598 N.E.2d 456 p.471
174 Ill. Dec. 259 p.274

1111 **Cited by:**

In re Patricia S., 222 Ill. App. 3d 585, 584 N.E.2d 270, 1991 Ill. App. LEXIS 1981, 165 Ill. Dec. 91 (Ill. App. Ct. 1st Dist. 1991) **LexisNexis Headnotes HN2** {*Caution*}

222 Ill. App. 3d 585 p.589
584 N.E.2d 270 p.273
165 Ill. Dec. 91 p.94

1112 **Cited by:**

In re J.B., 192 Ill. App. 3d 837, 549 N.E.2d 716, 1989 Ill. App. LEXIS 1924, 140 Ill. Dec. 65 (Ill. App. Ct. 1st Dist. 1989) **LexisNexis Headnotes HN9**
{Cited}

192 Ill. App. 3d 837 p.839
549 N.E.2d 716 p.718

1113 **Cited by:**

In re A.D.R., 186 Ill. App. 3d 386, 542 N.E.2d 487, 1989 Ill. App. LEXIS 1118, 134 Ill. Dec. 308 (Ill. App. Ct. 4th Dist. 1989) **LexisNexis Headnotes HN2**, **HN3**{Caution}

186 Ill. App. 3d 386 p.390
542 N.E.2d 487 p.489

1114 **Cited by:**

Rosenbaum v. Rosenbaum, 184 Ill. App. 3d 987, 541 N.E.2d 872, 1989 Ill. App. LEXIS 1183, 133 Ill. Dec. 661 (Ill. App. Ct. 1st Dist. 1989){Analysis}

184 Ill. App. 3d 987 p.990
541 N.E.2d 872 p.874

1115 **Cited by:**

In re E.P., 167 Ill. App. 3d 534, 521 N.E.2d 603, 1988 Ill. App. LEXIS 411, 118 Ill. Dec. 321 (Ill. App. Ct. 4th Dist. 1988) **LexisNexis Headnotes HN9**
{Analysis}

167 Ill. App. 3d 534 p.541
521 N.E.2d 603 p.607

1116 **Cited by:**

Bergstrand v. Rock Island Bd. of Education, 161 Ill. App. 3d 180, 514 N.E.2d 256, 1987 Ill. App. LEXIS 3227, 112 Ill. Dec. 790 (Ill. App. Ct. 3d Dist. 1987) **LexisNexis Headnotes HN2**{Cited}

161 Ill. App. 3d 180 p.182
514 N.E.2d 256 p.258

1117 **Cited by:**

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148 Ill. App. 3d 538 p.546

499 N.E.2d 103 p.109

1118 **Cited by:**

In re Enis, 145 Ill. App. 3d 753, 495 N.E.2d 1319, 1986 Ill. App. LEXIS 2533, 99 Ill. Dec. 584 (Ill. App. Ct. 2d Dist. 1986) **LexisNexis Headnotes HN1, HN6 , HN8, HN10{Caution}**

145 Ill. App. 3d 753 p.756
495 N.E.2d 1319 p.1321

1119 **Cited by:**

Nicpon v. Nicpon, 145 Ill. App. 3d 464, 495 N.E.2d 1193, 1986 Ill. App. LEXIS 2500, 99 Ill. Dec. 458 (Ill. App. Ct. 1st Dist. 1986) **LexisNexis Headnotes HN2 {Positive}**

145 Ill. App. 3d 464 p.466
495 N.E.2d 1193 p.1195

1120 **Cited by:**

In re Adoption of Mantzke, 121 Ill. App. 3d 1060, 460 N.E.2d 80, 1984 Ill. App. LEXIS 1505, 77 Ill. Dec. 221 (Ill. App. Ct. 2d Dist. 1984) **LexisNexis Headnotes HN1, HN10 {Analysis}**

460 N.E.2d 80 p.85

1121 **Cited by:**

Feliciano v. Illinois Racing Bd., 110 Ill. App. 3d 997, 443 N.E.2d 261, 1982 Ill. App. LEXIS 2537, 66 Ill. Dec. 578 (Ill. App. Ct. 1st Dist. 1982) **LexisNexis Headnotes HN6, HN8, HN10{Warning}**

110 Ill. App. 3d 997 p.1000
443 N.E.2d 261 p.264

1122 **Cited by:**

In re Custody of Barokas, 109 Ill. App. 3d 536, 440 N.E.2d 1036, 1982 Ill. App. LEXIS 2319, 65 Ill. Dec. 181 (Ill. App. Ct. 1st Dist. 1982) **LexisNexis Headnotes HN1 , HN2, HN3, HN6, HN9{Caution}**

109 Ill. App. 3d 536 p.543
440 N.E.2d 1036 p.1042

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1123 **Cited by:**

In re K.G., 808 N.E.2d 631, 2004 Ind. LEXIS 462 (Ind. 2004) **LexisNexis Headnotes HN8 {Caution}**

808 N.E.2d 631 p.635

1124 **Cited by:**

In re Moore, 453 N.E.2d 971, 1983 Ind. LEXIS 975 (Ind. 1983) **LexisNexis Headnotes HN4 , HN6, HN10**{Caution}

453 N.E.2d 971 p.972

INDIANA COURT OF APPEALS

1125 **Followed in Concurring Opinion at:**

Taylor (In re E.T.), 787 N.E.2d 483, 2003 Ind. App. LEXIS 759 (Ind. Ct. App. 2003) **LexisNexis Headnotes HN3**{Warning}

787 N.E.2d 483 p.488

1126 **Cited by:**

City of Hobart Common Council v. Behavioral Inst. of Ind., LLC, 785 N.E.2d 238, 2003 Ind. App. LEXIS 402 (Ind. Ct. App. 2003) **LexisNexis Headnotes HN6** {Analysis}

785 N.E.2d 238 p.250

1127 **Cited by:**

Tillotson v. Clay County Dep't of Family & Children, 777 N.E.2d 741, 2002 Ind. App. LEXIS 1715 (Ind. Ct. App. 2002) **LexisNexis Headnotes HN2** {Analysis}

777 N.E.2d 741 p.745

1128 **Cited by:**

Sons v. Lake County Office of Family & Children (In re R.S.), 774 N.E.2d 927, 2002 Ind. App. LEXIS 1490 (Ind. Ct. App. 2002) **LexisNexis Headnotes HN9** {Analysis}

774 N.E.2d 927 p.929

1129 **Cited by:**

Crafton v. Gibson, 752 N.E.2d 78, 2001 Ind. App. LEXIS 1184 (Ind. Ct. App. 2001) **LexisNexis Headnotes HN2**{Caution}

752 N.E.2d 78 p.85

1130 **Cited by:**

Ferbert v. Marion County Office of Family & Children (In re T.F.), 743 N.E.2d 766, 2001 Ind. App. LEXIS 193 (Ind. Ct. App. 2001) **LexisNexis Headnotes**
HN6 {Positive}

743 N.E.2d 766 p.770

1131 **Cited by:**

Tavorn v. Marion County Office of Family & Children (In re J.T.), 740 N.E.2d 1261, 2000 Ind. App. LEXIS 2129 (Ind. Ct. App. 2000) **LexisNexis Headnotes**
HN2 , HN8{Caution}

740 N.E.2d 1261 p.1264

1132 **Cited by:**

Phelps v. Porter County Office of Family & Children (In re A.P.), 734 N.E.2d 1107, 2000 Ind. App. LEXIS 1466 (Ind. Ct. App. 2000) **LexisNexis Headnotes**
HN6 , HN10{Caution}

734 N.E.2d 1107 p.1112

1133 **Distinguished by:**

Sightes v. Barker, 684 N.E.2d 224, 1997 Ind. App. LEXIS 1134 (Ind. Ct. App. 1997) *{Positive}*

684 N.E.2d 224 p.230

1134 **Cited by:**

Knott v. Tippecanoe County Dep't of Pub. Welfare (In re V.A.), 632 N.E.2d 752, 1994 Ind. App. LEXIS 432 (Ind. Ct. App. 1994) **LexisNexis Headnotes**
HN3 {Cited}

632 N.E.2d 752 p.755

1135 **Cited by:**

Tipton v. Marion County Dep't of Pub. Welfare, 629 N.E.2d 1262, 1994 Ind. App. LEXIS 189 (Ind. Ct. App. 1994) **LexisNexis Headnotes** **HN1, HN6, HN8, HN9, HN10**
{Caution}

629 N.E.2d 1262 p.1265

1136 **Cited by:**

In re Wardship of R.B., 615 N.E.2d 494, 1993 Ind. App. LEXIS 697 (Ind. Ct. App. 1993) **LexisNexis Headnotes** **HN2{Analysis}**

615 N.E.2d 494 p.497

- 1137 **Cited by:**
.
In re Adoption of Infant M.D., 612 N.E.2d 1068, 1993 Ind. App. LEXIS 406(Ind. Ct. App. 1993) **LexisNexis Headnotes HN2{Cited}**

612 N.E.2d 1068 p.1074
- 1138 **Cited by:**
.
Burke v. Anderson, 612 N.E.2d 559, 1993 Ind. App. LEXIS 365 (Ind. Ct. App. 1993) **LexisNexis Headnotes HN5{Positive}**

612 N.E.2d 559 p.565
- 1139 **Cited by:**
.
In re Termination of Parent Child Relationship of A.C.B., 598 N.E.2d 570, 1992 Ind. App. LEXIS 1348 (Ind. Ct. App. 1992) **LexisNexis Headnotes HN10 {Cited}**

598 N.E.2d 570 p.572
- 1140 **Cited by:**
.
In re M.S., 551 N.E.2d 881, 1990 Ind. App. LEXIS 308 (Ind. Ct. App. 1990) **LexisNexis Headnotes HN3{Caution}**

551 N.E.2d 881 p.883
- 1141 **Cited by:**
.
Bickel v. St. Joseph County Dep't of Public Welfare (In re D.T.), 547 N.E.2d 278, 1989 Ind. App. LEXIS 1223 (Ind. Ct. App. 1989) **LexisNexis Headnotes HN10 {Positive}**

547 N.E.2d 278 p.282
- 1142 **Cited by:**
.
Bailey v. Menzie, 542 N.E.2d 1015, 1989 Ind. App. LEXIS 815 (Ind. Ct. App. 1989) **LexisNexis Headnotes HN2{Analysis}**

542 N.E.2d 1015 p.1019
- 1143 **Cited by:**
.
Stewart v. Stewart, 521 N.E.2d 956, 1988 Ind. App. LEXIS 344, 86 A.L.R.4th 191 (Ind. Ct. App. 1988) **LexisNexis Headnotes HN6, HN7, HN9{Caution}**

521 N.E.2d 956 p.961

- 1144 **Cited by:**
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In re Guardianship of Thompson, 502 N.E.2d 916, 1986 Ind. App. LEXIS 3356 (Ind. Ct. App. 1986) **LexisNexis Headnotes HN6, HN8, HN10**{Warning}
502 N.E.2d 916 p.923
- 1145 **Cited by:**
.
Pitts v. Johnson County Dep't of Public Welfare, 491 N.E.2d 1013, 1986 Ind. App. LEXIS 2510 (Ind. Ct. App. 1986) **LexisNexis Headnotes HN3, HN6, HN8, HN9**{Analysis}
491 N.E.2d 1013 p.1016
- 1146 **Cited by:**
.
In re Wardship of M.H., 490 N.E.2d 1119, 1985 Ind. App. LEXIS 3125 (Ind. Ct. App. 1985) **LexisNexis Headnotes HN1, HN10**{Cited}
490 N.E.2d 1119 p.1122
- 1147 **Cited by:**
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In re Lozier, 453 N.E.2d 345, 1983 Ind. App. LEXIS 3344 (Ind. Ct. App. 1983) **LexisNexis Headnotes HN1, HN6, HN10**{Caution}
453 N.E.2d 345 p.346
- 1148 **Cited by:**
.
In re S, 446 N.E.2d 632, 1983 Ind. App. LEXIS 2748 (Ind. Ct. App. 1983) **LexisNexis Headnotes HN1 , HN10**{Caution}
446 N.E.2d 632 p.636
- 1149 **Cited by:**
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Van Hoosier v. Grant County Dep't of Public Welfare, 443 N.E.2d 350, 1982 Ind. App. LEXIS 1544 (Ind. Ct. App. 1982) **LexisNexis Headnotes HN10** {Caution}
443 N.E.2d 350 p.351
- 1150 **Cited by:**
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433 N.E.2d 847 p.848

- 1151 **Cited by:**
.
J.E.B. v. K.C. (In re S.A.J.B.), 679 N.W.2d 645, 2004 Iowa Sup. LEXIS 165 (Iowa 2004) **LexisNexis Headnotes HN2{Analysis}**
679 N.W.2d 645 p.649
- 1152 **Cited by:**
.
Santi v. Santi, 633 N.W.2d 312, 2001 Iowa Sup. LEXIS 145 (Iowa 2001){*Caution*}
633 N.W.2d 312 p.317
- 1153 **Cited by:**
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In the Interest of A.M.H., 516 N.W.2d 867, 1994 Iowa Sup. LEXIS 126 (Iowa 1994) **LexisNexis Headnotes HN2{Positive}**
516 N.W.2d 867 p.870
- 1154 **Cited by:**
.
In Interest of M.M.S., 502 N.W.2d 4, 1993 Iowa Sup. LEXIS 158 (Iowa 1993) **LexisNexis Headnotes HN1{Positive}**
502 N.W.2d 4 p.8
- 1155 **Cited by:**
.
In Interest of B.G.C., 496 N.W.2d 239, 1992 Iowa Sup. LEXIS 346 (Iowa 1992) **LexisNexis Headnotes HN2{Caution}**
496 N.W.2d 239 p.244
- 1156 **Cited by:**
.
In Interest of N.M., 491 N.W.2d 153, 1992 Iowa Sup. LEXIS 354 (Iowa 1992) **LexisNexis Headnotes HN3{Positive}**
491 N.W.2d 153 p.156
- 1157 **Cited by:**
.
In re A.Y.H., 483 N.W.2d 820, 1992 Iowa Sup. LEXIS 76 (Iowa 1992) **LexisNexis Headnotes HN2 , HN6, HN8{Analysis}**
483 N.W.2d 820 p.823
- 1158 **Cited by:**
.

In Interest of D.J.R., 454 N.W.2d 838, 1990 Iowa Sup. LEXIS 92 (Iowa 1990) **LexisNexis Headnotes HN1, HN2, HN3, HN8, HN9, HN10**{Positive}

454 N.W.2d 838 p.841

454 N.W.2d 838 p.844

1159 **Cited by:**

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1250 **Cited by:**

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872 A.2d 662 p.668

1365 **Cited by:**

McDermott v. Dougherty, 385 Md. 320, 869 A.2d 751, 2005 Md. LEXIS 105 (2005) **LexisNexis Headnotes HN2, HN6, HN10{Positive}**

385 Md. 320 p.344
869 A.2d 751 p.765

1366 **Cited by:**

In re Samone H., 385 Md. 282, 869 A.2d 370, 2005 Md. LEXIS 40 (2005) **LexisNexis Headnotes HN2 , HN3{Positive}**

385 Md. 282 p.299

869 A.2d 370 p.380

1367 **Followed by:**

In re Yve S., 373 Md. 551, 819 A.2d 1030, 2003 Md. LEXIS 152 (2003) **LexisNexis Headnotes HN2 , HN3**{Positive}

Followed by:

373 Md. 551 p.608

819 A.2d 1030 p.1064

Cited by:

373 Md. 551 p.566

819 A.2d 1030 p.1039

1368 **Criticized by, Distinguished by:**

Shurupoff v. Vockroth, 372 Md. 639, 814 A.2d 543, 2003 Md. LEXIS 1 (2003) **LexisNexis Headnotes HN1, HN2, HN3, HN6, HN8, HN10**{Caution}

Criticized by:

372 Md. 639 p.659

814 A.2d 543 p.555

Distinguished by:

372 Md. 639 p.657

814 A.2d 543 p.554

Cited by:

372 Md. 639 p.650

814 A.2d 543 p.550

1369 **Cited by:**

In re Adoption/Guardianship No. 6Z000045, 372 Md. 104, 812 A.2d 271, 2002 Md. LEXIS 934 (2002) **LexisNexis Headnotes HN2, HN3, HN6, HN10**{Analysis}

372 Md. 104 p.115

812 A.2d 271 p.277

1370 **Followed by:**

Coleman v. Anne Arundel County Police Dep't, 369 Md. 108, 797 A.2d 770, 2002 Md. LEXIS 229 (2002) **LexisNexis Headnotes HN1, HN6, HN10**{Positive}

Followed by:

369 Md. 108 p.146

797 A.2d 770 p.793

Cited by:

369 Md. 108 p.134

797 A.2d 770 p.786

1371 **Followed by:**

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1372 **Cited by:**

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1373 **Cited by:**

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358 Md. 1 p.6

746 A.2d 379 p.381

1374 **Cited by:**

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344 Md. 458 p.490

687 A.2d 681 p.697

1375 **Cited by:**

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335 Md. 99 p.113

642 A.2d 201 p.208

1376 **Cited by:**

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334 Md. 512 p.527

639 A.2d 1076 p.1084

1377 **Cited by:**

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329 Md. 188 p.207
618 A.2d 744 p.754

1378 **Cited by:**

In re Adoption/Guardianship No. 87A262, 323 Md. 12, 590 A.2d 165, 1991 Md. LEXIS 99 (1991) **LexisNexis Headnotes HN10**{Caution}

323 Md. 12 p.16
590 A.2d 165 p.166

1379 **Cited by:**

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311 Md. 620 p.625
537 A.2d 224 p.226

1380 **Cited by:**

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499 A.2d 1261 p.1297

1381 **Cited by:**

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296 Md. 190 p.195
461 A.2d 1077 p.1080

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1382 **Cited by:**

In re Blessen H., 163 Md. App. 1, 877 A.2d 161, 2005 Md. App. LEXIS 83 (2005) **LexisNexis Headnotes HN6, HN10**{Caution}

163 Md. App. 1 p.15
877 A.2d 161 p.169

1383 **Cited by:**

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160 Md. App. 581 p.594

864 A.2d 1066 p.1074

1384 **Cited by:**

In re Adoption/Guardianship of Genara A., 152 Md. App. 725, 834 A.2d 185, 2003 Md. App. LEXIS 131 (2003) **LexisNexis Headnotes HN3**{Cited}

152 Md. App. 725 p.734
834 A.2d 185 p.190

1385 **Cited by:**

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147 Md. App. 99 p.107
807 A.2d 789 p.794

1386 **Cited by:**

In re Adoption/Guardianship No. T00032005, 141 Md. App. 570, 786 A.2d 64, 2001 Md. App. LEXIS 191 (2001) **LexisNexis Headnotes HN2, HN3, HN6, HN8, HN9** {Caution}

141 Md. App. 570 p.580
786 A.2d 64 p.70

1387 **Distinguished by:**

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772 A.2d 1209 p.1223

1388 **Cited by:**

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138 Md. App. 570 p.587
772 A.2d 1277 p.1287

1389 **Cited by:**

Coleman v. Anne Arundel County Police Dep't, 136 Md. App. 419, 766 A.2d 169, 2001 Md. App. LEXIS 16, 6 Wage & Hour Cas. 2d (BNA) 1337 (2001) {Caution}

1390 **Cited by:**

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133 Md. App. 401 p.411

758 A.2d 552 p.558

1391 **Cited by:**

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131 Md. App. 588 p.605

750 A.2d 624 p.634

1392 **Cited by:**

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131 Md. App. 449 p.458

749 A.2d 231 p.236

1393 **Cited by:**

In re Adoption/Guardianship No. 6Z980001, 131 Md. App. 187, 748 A.2d 1020, 2000 Md. App. LEXIS 53 (2000){Positive}

131 Md. App. 187 p.197

748 A.2d 1020 p.1026

1394 **Cited by:**

In re Adoption/Guardianship No. 6Z970003, 127 Md. App. 33, 731 A.2d 467, 1999 Md. App. LEXIS 117 (1999) **LexisNexis Headnotes HN1, HN2, HN3, HN10 {Warning}**

127 Md. App. 33 p.46

731 A.2d 467 p.475

1395 **Cited by:**

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712 A.2d 597 p.602

1396 **Cited by:**

In re Adoption/Guardianship No. 94339058/CAD, 120 Md. App. 88, 706 A.2d 144, 1998 Md. App. LEXIS 52 (1998){*Positive*}

120 Md. App. 88 *p.97*
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1397 **Cited by:**

In re Adoption/Guardianship No. 95195062/CAD, 116 Md. App. 443, 696 A.2d 1102, 1997 Md. App. LEXIS 121 (1997) **LexisNexis Headnotes HN3, HN6, HN8, HN9** {*Analysis*}

116 Md. App. 443 *p.454*
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1398 **Cited by:**

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115 Md. App. 285 *p.297*
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1399 **Cited by:**

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683 A.2d 1133 *p.1137*

1400 **Cited by:**

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103 Md. App. 1 *p.10*
651 A.2d 891 *p.897*

1401 **Cited by:**

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96 Md. App. 668 *p.700*
626 A.2d 1010 *p.1026*

1402 **Cited by:**

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96 Md. App. 313 p.320
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1403 **Cited by:**

In re Adoption No. 2428 in Circuit Court, 81 Md. App. 133, 567 A.2d 139, 1989 Md. App. LEXIS 211 (1989) **LexisNexis Headnotes HN8, HN9**{Analysis}

81 Md. App. 133 p.148
567 A.2d 139 p.146

1404 **Cited by:**

In re Adoption No. 09598 in Circuit Court, 77 Md. App. 511, 551 A.2d 143, 1989 Md. App. LEXIS 4 (1989) **LexisNexis Headnotes HN1, HN6, HN10**{Caution}

77 Md. App. 511 p.518
551 A.2d 143 p.146

1405 **Cited by:**

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76 Md. App. 488 p.501
547 A.2d 636 p.642

1406 **Cited by:**

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76 Md. App. 357 p.370
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1407 **Cited by:**

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536 A.2d 724 p.724

1408 **Cited by:**

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74 Md. App. 107 p.119

1409 **Cited by:**

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63 Md. App. 684 p.696
493 A.2d 1083 p.1089

1410 **Cited by:**

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56 Md. App. 83 p.95
466 A.2d 885 p.892

1411 **Cited by:**

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56 Md. App. 1 p.6
466 A.2d 58 p.61

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1412 **Cited in Dissenting Opinion at:**

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833 N.E.2d 575 p.586

Cited by:

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833 N.E.2d 575 p.581

1413 **Cited by:**

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823 N.E.2d 356 p.361

1414 **Cited by:**

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795 N.E.2d 534 p.544

1415 **Cited by:**

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757 N.E.2d 1097 p.1101

1416 **Cited by:**

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755 N.E.2d 721 p.726

1417 **Cited by:**

Adoption of Vito, 431 Mass. 550, 728 N.E.2d 292, 2000 Mass. LEXIS 252 (2000) **LexisNexis Headnotes HN1, HN10**{Caution}

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728 N.E.2d 292 p.296

1418 **Cited by:**

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712 N.E.2d 77 p.82

1419 **Cited in Dissenting Opinion at:**

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711 N.E.2d 886 p.898

1420 **Cited in Dissenting Opinion at:**

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711 N.E.2d 165 p.177

1421 **Cited in Dissenting Opinion at:**

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428 Mass. 90 p.107
697 N.E.2d 512 p.522

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1422 **Cited by:**

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427 Mass. 1201 *p.1203*
691 N.E.2d 911 *p.913*

1423 **Cited by:**

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629 N.E.2d 1308 *p.1311*

1424 **Cited by:**

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1425 **Cited by:**

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1426 **Cited by:**

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556 N.E.2d 993 *p.996*

1427 **Cited by:**

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524 N.E.2d 826 *p.827*

1428 **Cited by:**

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1429 **Cited by:**

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493 N.E.2d 197 p.204

1430 **Cited by:**

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487 N.E.2d 1358 p.1365

1431 **Cited by:**

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479 N.E.2d 148 p.151

1432 **Cited by:**

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392 Mass. 738 p.741
467 N.E.2d 866 p.868

1433 **Cited by:**

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392 Mass. 719 p.725
467 N.E.2d 1286 p.1291

1434 **Cited by:**

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392 Mass. 704 p.712
467 N.E.2d 851 p.857

1435 **Cited by:**

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392 Mass. 696 p.697
467 N.E.2d 861 p.863

1436 **Cited by:**

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391 Mass. 572 p.574
463 N.E.2d 324 p.326

1437 **Cited by:**

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461 N.E.2d 186 p.187

1438 **Cited by:**

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1439 **Cited by:**

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389 Mass. 793 p.794
452 N.E.2d 497 p.499

1440 **Cited by:**

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389 Mass. 755 p.766
452 N.E.2d 483 p.490

1441 **Cited by:**

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388 Mass. 398 p.405
446 N.E.2d 1369 p.1373

1442 **Cited by:**

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387 Mass. 258 p.274
439 N.E.2d 741 p.750

1443 **Cited by:**

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386 Mass. 741 p.747
438 N.E.2d 38 p.43

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53 Mass. App. Ct. 670 p.674
761 N.E.2d 536 p.541

1445 **Cited by:**

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53 Mass. App. Ct. 431 p.436
759 N.E.2d 747 p.752

1446 **Cited by:**

Adoption of Edmund, 50 Mass. App. Ct. 526, 739 N.E.2d 274, 2000 Mass. App. LEXIS 994 (2000) **LexisNexis Headnotes HN1, HN2, HN4, HN6, HN9, HN10**{*Positive*}

50 Mass. App. Ct. 526 p.529
739 N.E.2d 274 p.276

- 1447 **Cited by:**
.
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46 Mass. App. Ct. 134 p.139
704 N.E.2d 200 p.204
- 1448 **Followed by:**
.
Adoption of Nadia, 42 Mass. App. Ct. 304, 676 N.E.2d 1165, 1997 Mass. App. LEXIS 49 (1997){Positive}

42 Mass. App. Ct. 304 p.305
676 N.E.2d 1165 p.1166
- 1449 **Cited by:**
.
Adoption of Katharine, 42 Mass. App. Ct. 25, 674 N.E.2d 256, 1997 Mass. App. LEXIS 5 (1997) **LexisNexis Headnotes HN1, HN10**{Caution}

42 Mass. App. Ct. 25 p.27
674 N.E.2d 256 p.258
- 1450 **Cited by:**
.
Adoption of Gabrielle, 39 Mass. App. Ct. 484, 657 N.E.2d 1281, 1995 Mass. App. LEXIS 850 (1995){Cited}

39 Mass. App. Ct. 484 p.484
657 N.E.2d 1281 p.1282
- 1451 **Cited by:**
.
Adoption of Pearl, 34 Mass. App. Ct. 308, 610 N.E.2d 337, 1993 Mass. App. LEXIS 374 (1993) **LexisNexis Headnotes HN9**{Cited}

34 Mass. App. Ct. 308 p.313
610 N.E.2d 337 p.341
- 1452 **Cited by:**
.
Adoption of Jenna, 33 Mass. App. Ct. 739, 604 N.E.2d 1325, 1992 Mass. App. LEXIS 982 (1992) **LexisNexis Headnotes HN1**{Positive}

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604 N.E.2d 1325 p.1328
- 1453 **Cited by:**
.
Adoption of Carlos, 31 Mass. App. Ct. 233, 576 N.E.2d 701, 1991 Mass. App. LEXIS 594 (1991){Warning}

31 Mass. App. Ct. 233 p.239
576 N.E.2d 701 p.704

1454 **Cited by:**

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31 Mass. App. Ct. 906 *p.907*
574 N.E.2d 1016 *p.1018*

1455 **Cited by:**

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29 Mass. App. Ct. 343 *p.354*
560 N.E.2d 708 *p.714*

1456 **Cited by:**

Adoption of Gwendolyn, 29 Mass. App. Ct. 130, 558 N.E.2d 10, 1990 Mass. App. LEXIS 461 (1990) **LexisNexis Headnotes HN10**{*Caution*}

29 Mass. App. Ct. 130 *p.132*
558 N.E.2d 10 *p.11*

1457 **Cited by:**

Adoption of George, 27 Mass. App. Ct. 265, 537 N.E.2d 1251, 1989 Mass. App. LEXIS 258 (1989){*Positive*}

27 Mass. App. Ct. 265 *p.266*
537 N.E.2d 1251 *p.1253*

1458 **Cited by:**

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26 Mass. App. Ct. 869 *p.872*
534 N.E.2d 7 *p.9*

1459 **Cited by:**

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23 Mass. App. Ct. 191 *p.193*
499 N.E.2d 1234 *p.1236*

1460 **Cited by:**

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22 Mass. App. Ct. 91 *p.93*
491 N.E.2d 283 *p.285*

1461 **Cited by:**

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21 Mass. App. Ct. 1 p.8

483 N.E.2d 473 p.477

1462 **Cited by:**

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20 Mass. App. Ct. 566 p.567

481 N.E.2d 516 p.517

1463 **Cited by:**

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19 Mass. App. Ct. 333 p.333

474 N.E.2d 192 p.193

1464 **Cited by:**

Petition of Catholic Charitable Bureau of Archdiocese, Inc. etc., 18 Mass. App. Ct. 656, 469 N.E.2d 1277, 1984 Mass. App. LEXIS 1701 (1984){Warning}

18 Mass. App. Ct. 656 p.657

469 N.E.2d 1277 p.1278

1465 **Cited by:**

Petitions of Department of Social Services to Dispense with Consent to Adoption, 18 Mass. App. Ct. 120, 463 N.E.2d 1187, 1984 Mass. App. LEXIS 1462 (1984) **LexisNexis Headnotes HN10**{Positive}

18 Mass. App. Ct. 120 p.120

463 N.E.2d 1187 p.1189

1466 **Cited by:**

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17 Mass. App. Ct. 993 p.993

459 N.E.2d 140 p.140

1467 **Cited by:**

Custody of Minor (No. 3), 16 Mass. App. Ct. 998, 454 N.E.2d 924, 1983 Mass. App. LEXIS 1478 (1983) **LexisNexis Headnotes HN1, HN10**{Cited}

16 Mass. App. Ct. 998 *p.1001*
454 N.E.2d 924 *p.927*

1468 **Cited by:**

Petition of Department of Social Services to Dispense with Consent to Adoption, 16 Mass. App. Ct. 607, 453 N.E.2d 1236, 1983 Mass. App. LEXIS 1451 (1983) **LexisNexis Headnotes HN3, HN8**{Warning}

16 Mass. App. Ct. 607 *p.608*
453 N.E.2d 1236 *p.1237*

1469 **Cited by:**

Petition of Department of Social Services, 16 Mass. App. Ct. 965, 452 N.E.2d 1159, 1983 Mass. App. LEXIS 1431 (1983){Positive}

16 Mass. App. Ct. 965 *p.965*
452 N.E.2d 1159 *p.1159*

1470 **Cited by:**

Custody of a Minor, 16 Mass. App. Ct. 923, 450 N.E.2d 184, 1983 Mass. App. LEXIS 1363 (1983) **LexisNexis Headnotes HN1, HN10**{Cited}

16 Mass. App. Ct. 923 *p.924*
450 N.E.2d 184 *p.185*

1471 **Cited by:**

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15 Mass. App. Ct. 975 *p.975*
446 N.E.2d 746 *p.746*

1472 **Cited by:**

Petition of Department of Social Services to Dispense with Consent to Adoption, 15 Mass. App. Ct. 161, 444 N.E.2d 399, 1983 Mass. App. LEXIS 1175 (1983) {Positive}

15 Mass. App. Ct. 161 *p.163*
444 N.E.2d 399 *p.400*

1473 **Cited by:**

Petition of Department of Social Services to Dispense with Consent to Adoption, 15 Mass. App. Ct. 916, 443 N.E.2d 905, 1983 Mass. App. LEXIS 1166 (1983) {Analysis}

15 Mass. App. Ct. 916 p.917
443 N.E.2d 905 p.905

1474 **Cited by:**

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14 Mass. App. Ct. 1013 p.1014
441 N.E.2d 768 p.770

1475 **Cited by:**

Freeman v. Chaplic, 14 Mass. App. Ct. 493, 440 N.E.2d 1185, 1982 Mass. App. LEXIS 1459 (1982){Warning}

14 Mass. App. Ct. 493 p.497
440 N.E.2d 1185 p.1188

1476 **Cited by:**

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439 N.E.2d 848 p.852

1477 **Cited by:**

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13 Mass. App. Ct. 1088 p.1088
436 N.E.2d 172 p.172

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1478 **Cited in Dissenting Opinion at:**

DeRose v. DeRose, 469 Mich. 320, 666 N.W.2d 636, 2003 Mich. LEXIS 1712 (2003) {Analysis}

469 Mich. 320 p.344
666 N.W.2d 636 p.648

1479 **Cited in Dissenting Opinion at:**

In re Trejo, 462 Mich. 341, 612 N.W.2d 407, 2000 Mich. LEXIS 1383 (2000) **LexisNexis Headnotes HN1, HN3, HN10**{Positive}

462 Mich. 341 p.374
612 N.W.2d 407 p.422

1480 **Cited in Dissenting Opinion at:**

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459 Mich. 624 p.655
593 N.W.2d 520 p.533

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593 N.W.2d 520 p.523

1481 **Cited in Concurring Opinion at:**

In re Brock, 442 Mich. 101, 499 N.W.2d 752, 1993 Mich. LEXIS 1081 (1993) **LexisNexis Headnotes HN3, HN6**{Positive}

Cited in Concurring Opinion at:

442 Mich. 101 p.121
499 N.W.2d 752 p.762

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442 Mich. 101 p.113
499 N.W.2d 752 p.758

1482 **Cited by:**

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441 Mich. 23 p.46
490 N.W.2d 568 p.579

1483 **Cited by:**

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397 N.W.2d 768 p.769

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1484 **Cited by:**

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1485 **Cited by:**

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- 1486 **Cited by:**
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- 1487 **Cited by:**
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- 1488 **Cited by:**
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- 1489 **Cited by:**
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- 1490 **Cited by:**
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- 1491 **Cited by:**
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- 1492 **Cited by:**
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- 1493 **Cited by:**
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- 1494 **Cited in Dissenting Opinion at:**
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242 Mich. App. 188 *p.219*
617 N.W.2d 745 *p.760*

- 1495 **Cited in Dissenting Opinion at:**
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2000 Mich. App. LEXIS 179
- 1496 **Cited by:**
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- 1497 **Cited in Concurring Opinion at:**
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241 Mich. App. 133 p.141
613 N.W.2d 748 p.751
- 1498 **Cited by:**
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{Warning}
239 Mich. App. 161 p.176
607 N.W.2d 408 p.415
- 1499 **Cited by:**
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- 1500 **Cited by:**
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233 Mich. App. 498 p.504
592 N.W.2d 791 p.794
- 1501 **Cited by:**
.
In re JOHNSON, 1998 Mich. App. LEXIS 512 (Mich. Ct. App. Sept. 25, 1998) **LexisNexis Headnotes HN6, HN8, HN10**
- 1502 **Cited by:**
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1503 **Cited by:**

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1504 **Cited by:**

In re Snyder, 223 Mich. App. 85, 566 N.W.2d 18, 1997 Mich. App. LEXIS 141 (1997) **LexisNexis Headnotes HN1, HN6, HN10{Positive}**

223 Mich. App. 85 p.89
566 N.W.2d 18 p.20

1505 **Cited by:**

Martin v. Children's Aid Soc'y, 215 Mich. App. 88, 544 N.W.2d 651, 1996 Mich. App. LEXIS 9 (1996) **LexisNexis Headnotes HN8{Positive}**

215 Mich. App. 88 p.94
544 N.W.2d 651 p.654

1506 **Cited by:**

In re Vasquez, 199 Mich. App. 44, 501 N.W.2d 231, 1993 Mich. App. LEXIS 143 (1993) **LexisNexis Headnotes HN6{Positive}**

199 Mich. App. 44 p.47
501 N.W.2d 231 p.234

1507 **Cited by:**

In re Brock, 193 Mich. App. 652, 485 N.W.2d 110, 1992 Mich. App. LEXIS 158 (1992) **LexisNexis Headnotes HN3, HN6{Warning}**

193 Mich. App. 652 p.661
485 N.W.2d 110 p.114

1508 **Cited by:**

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172 Mich. App. 81 p.90
431 N.W.2d 835 p.839

1509 **Cited by:**

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423 N.W.2d 327 p.331

1510 **Cited by:**

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157 Mich. App. 148 p.153
403 N.W.2d 111 p.113

1511 **Cited by:**

In re Freiburger, 153 Mich. App. 251, 395 N.W.2d 300, 1986 Mich. App. LEXIS 2790 (1986) **LexisNexis Headnotes HN1, HN10**{*Caution*}

153 Mich. App. 251 p.265
395 N.W.2d 300 p.306

1512 **Cited by:**

In re Draper, 150 Mich. App. 789, 389 N.W.2d 179, 1986 Mich. App. LEXIS 2549 (1986) **LexisNexis Headnotes HN1**{*Caution*}

150 Mich. App. 789 p.803
389 N.W.2d 179 p.186

1513 **Cited by:**

In re Render, 145 Mich. App. 344, 377 N.W.2d 421, 1985 Mich. App. LEXIS 2898 (1985) **LexisNexis Headnotes HN1, HN10**{*Caution*}

145 Mich. App. 344 p.348
377 N.W.2d 421 p.423

1514 **Cited by:**

In re McDuel, 142 Mich. App. 479, 369 N.W.2d 912, 1985 Mich. App. LEXIS 2728 (1985) **LexisNexis Headnotes HN10**{*Questioned*}

142 Mich. App. 479 p.488
369 N.W.2d 912 p.917

1515 **Cited by:**

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133 Mich. App. 526 p.536

351 N.W.2d 225 p.229

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1516 **Cited in Dissenting Opinion at:**

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649 N.W.2d 166 p.178
6 No. 33 Minn. Lawyer 6 p.8

1517 **Cited by:**

State by Humphrey v. Alpine Air Prods., Inc., 500 N.W.2d 788, 1993 Minn. LEXIS 347 (Minn. 1993) **LexisNexis Headnotes HN10**{Positive}

500 N.W.2d 788 p.791

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1518 **Cited by:**

State v. Green, 2005 Minn. App. Unpub. LEXIS 190, 9 No. 35 Minn. Lawyer 38 (2005){Cited}

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1519 **Cited by:**

Paulson v. Paulson (In re Custody of D.M.P.), 2004 Minn. App. LEXIS 1089 (Minn. Ct. App. Sept. 21, 2004){Analysis}

2004 Minn. App. LEXIS 1089

1520 **Cited by:**

Granville v. Minneapolis Pub. Sch., 668 N.W.2d 227, 2003 Minn. App. LEXIS 1102, 7 No. 36 Minn. Lawyer 3 (2003){Positive}

668 N.W.2d 227 p.233
7 No. 36 Minn. Lawyer 3 p.3

1521 **Cited by:**

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1522 **Cited by:**

In re Welfare of M. H., 595 N.W.2d 223, 1999 Minn. App. LEXIS 706, 3 No. 25 Minn. Lawyer 8 (1999) **LexisNexis Headnotes HN1, HN10**{Positive}

595 N.W.2d 223 p.227
3 No. 25 Minn. Lawyer 8 p.9

1523 **Cited by:**

In re M.W., 1998 Minn. App. LEXIS 1167 (Minn. Ct. App. Oct. 20, 1998) **LexisNexis Headnotes HN1 , HN10**{Cited}

1524 **Cited by:**

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1525 **Cited by:**

In re Welfare of A.G., 1998 Minn. App. LEXIS 472 (Minn. Ct. App. Apr. 28, 1998) **LexisNexis Headnotes HN1, HN2, HN10**{Cited}

1526 **Cited by:**

In re Welfare of J. N., 1993 Minn. App. LEXIS 1087 (Minn. Ct. App. Nov. 9, 1993) **LexisNexis Headnotes HN6, HN8, HN9, HN10**{Positive}

1527 **Cited by:**

State by Humphrey v. Alpine Air Products, Inc., 490 N.W.2d 888, 1992 Minn. App. LEXIS 966, 1992-2 Trade Cas. (CCH) P69966 (Minn. Ct. App. 1992) **LexisNexis Headnotes HN8 , HN10**{Caution}

490 N.W.2d 888 p.893

1528 **Cited by:**

In re Welfare of Hillstrom, 363 N.W.2d 871, 1985 Minn. App. LEXIS 3959 (Minn. Ct. App. 1985) **LexisNexis Headnotes HN10**{Cited}

363 N.W.2d 871 p.876

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1529 **Cited by:**

Zeman v. Stanford, 789 So. 2d 798, 2001 Miss. LEXIS 130 (Miss. 2001){Caution}

789 So. 2d 798 p.803

1530 **Cited by:**

S.R.B.R. v. Harrison County Dep't of Human Servs., 798 So. 2d 437, 2001 Miss. LEXIS 70 (Miss. 2001) **LexisNexis Headnotes HN1, HN10{Positive}**

798 So. 2d 437 p.443

1531 **Cited by:**

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798 So. 2d 417 p.422

1532 **Cited in Dissenting Opinion at:**

G.Q.A. v. Harrison County Dep't of Human Servs., 771 So. 2d 331, 2000 Miss. LEXIS 214 (Miss. 2000) **LexisNexis Headnotes HN3{Positive}**

Cited in Dissenting Opinion at:

771 So. 2d 331 p.340

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1533 **Cited by:**

S.N.C. v. J.R.D., 755 So. 2d 1077, 2000 Miss. LEXIS 21 (Miss. 2000) **LexisNexis Headnotes HN1 , HN10{Caution}**

755 So. 2d 1077 p.1081

1534 **Distinguished by:**

J. R. T. v. Harrison County Family Court, 749 So. 2d 105, 1999 Miss. LEXIS 366 (Miss. 1999) **LexisNexis Headnotes HN6{Cited}**

749 So. 2d 105 p.108

1535 **Cited by:**

T.A.P. v. Mississippi Dep't of Human Servs., 742 So. 2d 1095, 1999 Miss. LEXIS 206 (Miss. 1999) **LexisNexis Headnotes HN9{Caution}**

742 So. 2d 1095 p.1103

1536 **Cited by:**

G.R. v. Department of Human Servs. (In the Interest of V.R.), 725 So. 2d 241, 1998 Miss. LEXIS 612 (Miss. 1998){Positive}

725 So. 2d 241 p.247

- 1537 **Explained by:**
.
Humphrey v. Pannell, 710 So. 2d 392, 1998 Miss. LEXIS 145 (Miss. 1998) **LexisNexis Headnotes HN1 , HN6, HN10**{Analysis}
710 So. 2d 392 p.399
- 1538 **Cited by:**
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693 So. 2d 912 p.915
- 1539 **Cited by:**
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614 So. 2d 377 p.385
- 1540 **Cited by:**
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582 So. 2d 414 p.417
- 1541 **Cited by:**
.
In re Estate of Ford, 552 So. 2d 1065, 1989 Miss. LEXIS 471 (Miss. 1989) **LexisNexis Headnotes HN1, HN10**{Analysis}
552 So. 2d 1065 p.1067
- 1542 **Cited by:**
.
G.M.R. v. H.E.S., 489 So. 2d 498, 1986 Miss. LEXIS 2467 (Miss. 1986) **LexisNexis Headnotes HN10** {Positive}
489 So. 2d 498 p.500
- 1543 **Cited by:**
.
Luttrell v. Kneisly, 427 So. 2d 1384, 1983 Miss. LEXIS 2500 (Miss. 1983) **LexisNexis Headnotes HN6, HN8, HN10**{Caution}
427 So. 2d 1384 p.1387

1544 **Cited by:**

De La Oliva v. Lowndes County Dep't of Public Welfare, 423 So. 2d 1328, 1982 Miss. LEXIS 2384 (Miss. 1982) **LexisNexis Headnotes HN6, HN8, HN9, HN10 {Caution}**

423 So. 2d 1328 p.1330

1545 **Cited by:**

Natural Father v. United Methodist Children's Home, 418 So. 2d 807, 1982 Miss. LEXIS 2118 (Miss. 1982) **LexisNexis Headnotes HN1, HN5, HN6, HN8, HN10 {Positive}**

418 So. 2d 807 p.809

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Loomis v. Bugg, 872 So. 2d 694, 2004 Miss. App. LEXIS 376 (Miss. Ct. App. 2004) **LexisNexis Headnotes HN3{Analysis}**

872 So. 2d 694 p.696

MISSOURI SUPREME COURT1547 **Cited by:**

S.M.H. v. T.H., 160 S.W.3d 355, 2005 Mo. LEXIS 56 (Mo. 2005) **LexisNexis Headnotes HN3 {Caution}**

160 S.W.3d 355 p.372

1548 **Cited by:**

In the Interest of K.A.W., 133 S.W.3d 1, 2004 Mo. LEXIS 43 (Mo. 2004) **LexisNexis Headnotes HN2 , HN3{Caution}**

133 S.W.3d 1 p.12

1549 **Cited by:**

In the Interest of M.D.R., 124 S.W.3d 469, 2004 Mo. LEXIS 8 (Mo. 2004) **LexisNexis Headnotes HN2 , HN3, HN6, HN10{Caution}**

124 S.W.3d 469 p.472

1550 **Distinguished by:**

Blakely v. Blakely, 83 S.W.3d 537, 2002 Mo. LEXIS 72 (Mo. 2002) **LexisNexis Headnotes HN1 {Caution}**

Distinguished by:

83 S.W.3d 537 p.542

Cited by:

83 S.W.3d 537 p.541

1551 **Cited by:**

Rodriguez v. Suzuki Motor Corp., 936 S.W.2d 104, 1996 Mo. LEXIS 90, CCH Prod. Liab. Rep. P14837 (Mo. 1996) **LexisNexis Headnotes HN6**{Caution}

936 S.W.2d 104 p.110

1552 **Cited by:**

Herndon v. Tuhey, 857 S.W.2d 203, 1993 Mo. LEXIS 72 (Mo. 1993) **LexisNexis Headnotes HN1** {Caution}

857 S.W.2d 203 p.207

1553 **Cited by:**

Menaugh v. Resler Optometry, Inc., 799 S.W.2d 71, 1990 Mo. LEXIS 114 (Mo. 1990){Warning}

799 S.W.2d 71 p.76

1554 **Cited by:**

A.G. v. R.M.D., 730 S.W.2d 543, 1987 Mo. LEXIS 295 (Mo. 1987) **LexisNexis Headnotes HN9** {Questioned}

730 S.W.2d 543 p.546

1555 **Cited by:**

In re Adoption of W.B.L., 681 S.W.2d 452, 1984 Mo. LEXIS 278 (Mo. 1984) **LexisNexis Headnotes HN8** {Positive}

681 S.W.2d 452 p.454

1556 **Cited by:**

C.L.P. v. Pate, 673 S.W.2d 18, 1984 Mo. LEXIS 256 (Mo. 1984) **LexisNexis Headnotes HN1 , HN2, HN10**{Positive}

673 S.W.2d 18 p.21

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In the Interest of W.B. v. L.B., 162 S.W.3d 517, 2005 Mo. App. LEXIS 741 (Mo. Ct. App. 2005) **LexisNexis Headnotes HN2, HN3, HN4, HN6, HN10**{Cited}

162 S.W.3d 517 p.522

1558 **Cited in Concurring Opinion at:**

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 320 Mont. 268 p.270
 87 P.3d 408 p.411

1588 **Cited in Dissenting Opinion at:**

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 316 Mont. 13 p.21
 68 P.3d 788 p.794

1589 **Cited by:**

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1590 **Cited by:**

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1591 **Cited by:**

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852 P.2d 127 p.129

1595 **Cited by:**

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833 P.2d 1063 p.1066

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819 P.2d 152 p.155

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1598 **Cited by:**

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{Warning}

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1599 **Cited by:**

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{Positive}

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{Analysis}

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1613 **Cited by:**

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1614 **Followed by:**

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1615 **Cited by:**

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575 N.W.2d 133 p.138

1616 **Followed by:**

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1618 **Cited in Dissenting Opinion at:**

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1622 **Cited by:**

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1623 **Cited in Concurring Opinion at:**

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1624 **Cited by:**

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1626 **Cited by:**

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1627 **Cited by:**

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1628 **Cited by:**

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1638 **Cited in Dissenting Opinion at:**

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1642 **Cited by:**

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1643 **Cited by:**

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54 P.3d 56 p.58

1648 Cited in Dissenting Opinion at:

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1652 **Cited in Dissenting Opinion at:**

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1657 **Cited by:**

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1659 **Cited by:**

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1660 **Cited by:**

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1661 **Cited by:**

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1663 **Cited by:**

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{Positive}

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1664 **Cited by:**

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{Positive}

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1666 **Cited by:**

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1667 **Cited by:**

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{Caution}

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852 A.2d 1093 p.1099

- 1669 **Cited in Dissenting Opinion at:**
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- 1671 **Cited by:**
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748 A.2d 558 p.563
- 1672 **Cited in Dissenting Opinion at:**
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- 1673 **Cited by:**
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736 A.2d 1277 p.1281
- 1674 **Cited by:**
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1676 **Cited by:**

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1677 **Cited in Dissenting Opinion at:**

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1679 **Cited by:**

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1683 **Cited by:**

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1684 **Cited by:**

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1685 **Cited by:**

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1686 **Cited by:**

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{Analysis}

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1687 **Cited by:**

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{Warning}

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1688 **Cited by:**

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1689 **Cited by:**

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1690 **Cited by:**

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1692 **Cited by:**

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1693 **Cited by:**

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1694 **Cited by:**

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1695 **Cited by:**

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HN2 , HN3, HN4, HN6, HN8{*Caution*}

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1696 **Cited by:**

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HN8 {*Analysis*}

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1697 **Cited by:**

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1698 **Cited by:**

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HN2 , HN7{*Analysis*}

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1699 **Cited by:**

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HN1 , HN10{*Analysis*}

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1700 **Cited by:**

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1701 **Cited by:**

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769 A.2d 1071 p.1076

1702 **Cited by:**

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1703 **Cited by:**

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1705 **Cited by:**

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1706 **Cited by:**

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- 1707 **Cited in Dissenting Opinion at:**
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- Cited in Dissenting Opinion at:**
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- 1708 **Cited by:**
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- 1709 **Followed by:**
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- 1710 **Cited in Concurring Opinion at:**
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- Cited in Concurring Opinion at:**
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- 1711 **Cited by:**
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- 308 N.J. Super. 432 *p.441*
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- 1712 **Cited by:**
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HN2 , HN3, HN8{Warning}

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1713 **Cited by:**

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HN9 {Warning}

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1714 **Followed by:**

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HN8 {Warning}

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1716 **Cited by:**

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1717 **Cited by:**

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1718 **Cited by:**

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1719 **Cited in Concurring Opinion at:**

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1720 **Cited by:**

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1721 **Cited by:**

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1722 **Cited by:**

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1723 **Cited by:**

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- 1724 **Cited by:**
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- 1728 **Cited by:**
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- 1729 **Cited by:**
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- 1730 **Cited by:**
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1731 **Cited by:**

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1732 **Cited by:**

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1733 **Explained by:**

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1734 **Cited by:**

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1816 **Cited by:**

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{Analysis}

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1837 **Cited by:**

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1839 **Cited by:**

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1847 **Cited by:**

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1852 **Cited by:**

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1861 **Followed by:**

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1863 **Cited by:**

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1864 **Cited by:**

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1865 **Cited by:**

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1866 **Cited by:**

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1868 **Cited by:**

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1869 **Cited by:**

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1871 **Cited by:**

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1872 **Cited by:**

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1874 **Cited by:**

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1875 **Cited by:**

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1877 **Cited by:**

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1879 **Cited by:**

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142 Misc. 2d 912 p.913
538 N.Y.S.2d 915 p.916

1880 **Cited by:**

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141 Misc. 2d 905 p.918
535 N.Y.S.2d 676 p.684

1881 **Cited by:**

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141 Misc. 2d 641 p.650
534 N.Y.S.2d 64 p.69

1882 **Cited by:**

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1883 **Cited by:**

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137 Misc. 2d 1016 p.1018
523 N.Y.S.2d 369 p.371

1884 **Cited by:**

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138 Misc. 2d 212 p.217
524 N.Y.S.2d 121 p.124
524 N.Y.S.2d 121 p.125

1885 **Cited by:**

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135 Misc. 2d 265 p.267
514 N.Y.S.2d 865 p.867

1886 **Cited by:**

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131 Misc. 2d 942 p.946
502 N.Y.S.2d 570 p.572

1887 **Cited by:**

In re Lucy M., 132 Misc. 2d 251, 503 N.Y.S.2d 667, 1986 N.Y. Misc. LEXIS 2677 (N.Y. Fam. Ct. 1986) **LexisNexis Headnotes HN3**{Caution}

132 Misc. 2d 251 p.253
503 N.Y.S.2d 667 p.668

1888 **Cited by:**

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130 Misc. 2d 599 p.602
497 N.Y.S.2d 597 p.600

1889 **Cited by:**

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129 Misc. 2d 956 p.957
494 N.Y.S.2d 800 p.801

1890 **Cited by:**

In re T. G., 128 Misc. 2d 914, 491 N.Y.S.2d 901, 1985 N.Y. Misc. LEXIS 3025 (N.Y. Fam. Ct. 1985) **LexisNexis Headnotes HN6, HN10**{Caution}

128 Misc. 2d 914 p.916
491 N.Y.S.2d 901 p.904

1891 **Cited in Concurring Opinion at:**

In re Vunk, 127 Misc. 2d 828, 487 N.Y.S.2d 490, 1985 N.Y. Misc. LEXIS 2745 (N.Y. Fam. Ct. 1985) **LexisNexis Headnotes HN1, HN10**{Cited}

Cited in Concurring Opinion at:
487 N.Y.S.2d 490 p.492

Cited by:
127 Misc. 2d 828 p.831

1892 **Cited by:**

Commissioner of Social Services on behalf of Riddle v. Rapp, 127 Misc. 2d 835, 487 N.Y.S.2d 477, 1985 N.Y. Misc. LEXIS 2746 (N.Y. Fam. Ct. 1985) **LexisNexis Headnotes HN1, HN10**{Cited}

127 Misc. 2d 835 p.841
487 N.Y.S.2d 477 p.482

1893 **Cited by:**

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126 Misc. 2d 1063 p.1065
485 N.Y.S.2d 183 p.185

1894 **Cited by:**

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126 Misc. 2d 162 p.168
481 N.Y.S.2d 293 p.298

1895 **Cited by:**

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125 Misc. 2d 420 p.422
479 N.Y.S.2d 661 p.663

1896 **Cited by:**

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125 Misc. 2d 164 p.167
479 N.Y.S.2d 319 p.322

1897 **Cited by:**

In re Susan, 124 Misc. 2d 443, 476 N.Y.S.2d 452, 1984 N.Y. Misc. LEXIS 3220 (N.Y. Fam. Ct. 1984){Cited}

124 Misc. 2d 443 p.445
476 N.Y.S.2d 452 p.455

1898 **Cited by:**

In re Daley, 123 Misc. 2d 139, 473 N.Y.S.2d 114, 1984 N.Y. Misc. LEXIS 2967 (N.Y. Sur. Ct. 1984) **LexisNexis Headnotes HN2, HN3**{Cited}

123 Misc. 2d 139 p.140
473 N.Y.S.2d 114 p.115

1899 **Cited by:**

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123 Misc. 2d 41 p.43
472 N.Y.S.2d 576 p.578

1900 **Cited by:**

In re Lambert, 119 Misc. 2d 326, 462 N.Y.S.2d 791, 1983 N.Y. Misc. LEXIS 3507 (N.Y. Fam. Ct. 1983) **LexisNexis Headnotes HN10**{Cited}

119 Misc. 2d 326 p.329
462 N.Y.S.2d 791 p.793

- 1901 **Cited by:**
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In re Tanise B., 119 Misc. 2d 30, 462 N.Y.S.2d 537, 1983 N.Y. Misc. LEXIS 3455 (N.Y. Fam. Ct. 1983) **LexisNexis Headnotes HN6, HN8, HN9**{*Analysis*}

119 Misc. 2d 30 p.33
462 N.Y.S.2d 537 p.540
- 1902 **Cited by:**
.
In re Adoption of G. F. C., 118 Misc. 2d 705, 461 N.Y.S.2d 949, 1983 N.Y. Misc. LEXIS 3386 (N.Y. Sur. Ct. 1983) **LexisNexis Headnotes HN3**{*Analysis*}

118 Misc. 2d 705 p.712
461 N.Y.S.2d 949 p.954
- 1903 **Cited by:**
.
In re Madeline R., 117 Misc. 2d 14, 457 N.Y.S.2d 714, 1982 N.Y. Misc. LEXIS 4009 (N.Y. Fam. Ct. 1982) **LexisNexis Headnotes HN1, HN10**{*Caution*}

117 Misc. 2d 14 p.20
457 N.Y.S.2d 714 p.718
- 1904 **Cited by:**
.
In re S., 115 Misc. 2d 177, 453 N.Y.S.2d 1007, 1982 N.Y. Misc. LEXIS 3655 (N.Y. Fam. Ct. 1982) **LexisNexis Headnotes HN1, HN10**{*Analysis*}

115 Misc. 2d 177 p.178
453 N.Y.S.2d 1007 p.1008
- 1905 **Cited by:**
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In re C., 115 Misc. 2d 130, 453 N.Y.S.2d 572, 1982 N.Y. Misc. LEXIS 3644 (N.Y. Sur. Ct. 1982) **LexisNexis Headnotes HN6, HN8, HN9, HN10**{*Positive*}

115 Misc. 2d 130 p.134
453 N.Y.S.2d 572 p.575
- 1906 **Cited by:**
.
In re C., 115 Misc. 2d 78, 453 N.Y.S.2d 348, 1982 N.Y. Misc. LEXIS 3633 (N.Y. Sur. Ct. 1982) **LexisNexis Headnotes HN6, HN9, HN10**{*Cited*}

115 Misc. 2d 78 p.80
453 N.Y.S.2d 348 p.349
- 1907 **Cited by:**
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In re H., 114 Misc. 2d 475, 451 N.Y.S.2d 983, 1982 N.Y. Misc. LEXIS 3500 (N.Y. Fam. Ct. 1982) **LexisNexis Headnotes HN6, HN10**{*Questioned*}

114 Misc. 2d 475 p.477
451 N.Y.S.2d 983 p.984

1908 **Cited by:**

In re Adoption of L., 113 Misc. 2d 904, 450 N.Y.S.2d 269, 1982 N.Y. Misc. LEXIS 3399 (N.Y. Sur. Ct. 1982) **LexisNexis Headnotes HN1, HN9, HN10**{Cited}

113 Misc. 2d 904 p.906
450 N.Y.S.2d 269 p.271

1909 **Cited by:**

In re M., 113 Misc. 2d 287, 451 N.Y.S.2d 553, 1982 N.Y. Misc. LEXIS 3293 (N.Y. Fam. Ct. 1982){Caution}

113 Misc. 2d 287 p.294
451 N.Y.S.2d 553 p.557

NORTH CAROLINA SUPREME COURT

1910 **Cited by:**

In re R.T.W., 359 N.C. 539, 614 S.E.2d 489, 2005 N.C. LEXIS 646 (2005){Positive}

359 N.C. 539 p.543
614 S.E.2d 489 p.492

1911 **Cited by:**

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359 N.C. 303 p.307
608 S.E.2d 751 p.754

1912 **Cited by:**

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354 N.C. 57 p.63
550 S.E.2d 499 p.503

1913 **Cited by:**

Peace v. Employment Sec. Comm'n, 349 N.C. 315, 507 S.E.2d 272, 1998 N.C. LEXIS 728, 14 I.E.R. Cas. (BNA) 1080 (1998) **LexisNexis Headnotes HN4** {Positive}

349 N.C. 315 p.322
507 S.E.2d 272 p.277

- 1914 **Cited by:**
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Price v. Howard, 346 N.C. 68, 484 S.E.2d 528, 1997 N.C. LEXIS 207 (1997) **LexisNexis Headnotes HN1, HN6, HN10{Caution}**

346 N.C. 68 p.76
484 S.E.2d 528 p.532
- 1915 **Cited by:**
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345 N.C. 443 p.449
480 S.E.2d 685 p.689
- 1916 **Cited by:**
.
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337 N.C. 344 p.352
446 S.E.2d 17 p.22
- 1917 **Cited by:**
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In re Ballard, 311 N.C. 708, 319 S.E.2d 227, 1984 N.C. LEXIS 1761 (1984) **LexisNexis Headnotes HN6, HN8, HN9, HN10{Caution}**

311 N.C. 708 p.716
319 S.E.2d 227 p.232
- 1918 **Cited by:**
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In re Montgomery, 311 N.C. 101, 316 S.E.2d 246, 1984 N.C. LEXIS 1716 (1984) **LexisNexis Headnotes HN2, HN3, HN6, HN9, HN10{Positive}**

311 N.C. 101 p.106
316 S.E.2d 246 p.250
- 1919 **Cited by:**
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In re Moore, 306 N.C. 394, 293 S.E.2d 127, 1982 N.C. LEXIS 1454 (1982) **LexisNexis Headnotes HN3 {Caution}**

306 N.C. 394 p.416
293 S.E.2d 127 p.139

- 1920 **Cited by:**
.
In re R.A.L., 2005 N.C. App. LEXIS 2577 (N.C. Ct. App. Dec. 6, 2005) **LexisNexis Headnotes HN6 , HN10{Analysis}**
2005 N.C. App. LEXIS 2577
- 1921 **Cited by:**
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In re J.B., 616 S.E.2d 264, 2005 N.C. App. LEXIS 1589 (N.C. Ct. App. 2005) **LexisNexis Headnotes HN3, HN6{Positive}**
616 S.E.2d 264 p.276
- 1922 **Cited in Dissenting Opinion at:**
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In re C.L.C., 615 S.E.2d 704, 2005 N.C. App. LEXIS 1316 (N.C. Ct. App. 2005) **LexisNexis Headnotes HN6, HN10{Positive}**
615 S.E.2d 704 p.713
- 1923 **Cited in Dissenting Opinion at:**
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In re D.M., 615 S.E.2d 669, 2005 N.C. App. LEXIS 1263 (N.C. Ct. App. 2005) **LexisNexis Headnotes HN6, HN10{Positive}**
615 S.E.2d 669 p.671
- 1924 **Cited by:**
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613 S.E.2d 40 p.42
- 1925 **Cited by:**
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In re L.D.B., 168 N.C. App. 206, 617 S.E.2d 288, 2005 N.C. App. LEXIS 165 (2005) **LexisNexis Headnotes HN2{Cited}**
168 N.C. App. 206 p.208
617 S.E.2d 288 p.289
- 1926 **Cited by:**
.
In re H.D., 2004 N.C. App. LEXIS 2292 (N.C. Ct. App. Dec. 21, 2004) **LexisNexis Headnotes HN3 {Warning}**
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1927 **Cited by:**

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2004 N.C. App. LEXIS 138

1928 **Followed by:**

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153 N.C. App. 565 p.573
571 S.E.2d 65 p.71

1929 **Cited by:**

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1930 **Cited by:**

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1931 **Cited by:**

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144 N.C. App. 187 p.196
547 S.E.2d 835 p.841

1932 **Cited by:**

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457 S.E.2d 746 p.751

1933 **Cited by:**

In re Quevedo, 106 N.C. App. 574, 419 S.E.2d 158, 1992 N.C. App. LEXIS 560 (1992) **LexisNexis Headnotes HN6**{Caution}

106 N.C. App. 574 p.580
419 S.E.2d 158 p.160

1934 **Cited by:**

In re Murphy, 105 N.C. App. 651, 414 S.E.2d 396, 1992 N.C. App. LEXIS 297 (1992) **LexisNexis Headnotes HN2, HN3{Caution}**

105 N.C. App. 651 p.653

414 S.E.2d 396 p.397

1935 **Cited by:**

In re McMahon, 98 N.C. App. 92, 389 S.E.2d 632, 1990 N.C. App. LEXIS 306 (1990) **LexisNexis Headnotes HN6{Cited}**

98 N.C. App. 92 p.94

389 S.E.2d 632 p.633

1936 **Cited by:**

In re Montgomery, 77 N.C. App. 709, 336 S.E.2d 136, 1985 N.C. App. LEXIS 4394 (1985) **LexisNexis Headnotes HN1, HN10{Analysis}**

77 N.C. App. 709 p.711

336 S.E.2d 136 p.138

1937 **Cited by:**

In re Clark, 72 N.C. App. 118, 323 S.E.2d 754, 1984 N.C. App. LEXIS 3993 (1984) **LexisNexis Headnotes HN9{Positive}**

72 N.C. App. 118 p.123

323 S.E.2d 754 p.757

1938 **Cited by:**

In re Webb, 70 N.C. App. 345, 320 S.E.2d 306, 1984 N.C. App. LEXIS 3684 (1984) **LexisNexis Headnotes HN3{Positive}**

70 N.C. App. 345 p.350

320 S.E.2d 306 p.310

1939 **Cited by:**

In re Ballard, 63 N.C. App. 580, 306 S.E.2d 150, 1983 N.C. App. LEXIS 3196 (1983) **LexisNexis Headnotes HN1, HN10{Warning}**

63 N.C. App. 580 p.591

306 S.E.2d 150 p.156

1940 **Cited by:**

In re Montgomery, 62 N.C. App. 343, 303 S.E.2d 324, 1983 N.C. App. LEXIS 2953 (1983) **LexisNexis Headnotes HN8, HN10**{Warning}

62 N.C. App. 343 p.348
303 S.E.2d 324 p.326

1941 **Cited by:**

In re Allen, 58 N.C. App. 322, 293 S.E.2d 607, 1982 N.C. App. LEXIS 2763 (1982){Caution}

58 N.C. App. 322 p.325
293 S.E.2d 607 p.609

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1942 **Cited in Dissenting Opinion at:**

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701 N.W.2d 402 p.411

1943 **Cited by:**

K.E.L. v. S.S.M. (In re S.A.L.), 2002 ND 178, 652 N.W.2d 912, 2002 N.D. LEXIS 220 (2002) **LexisNexis Headnotes HN1, HN2, HN3, HN10**{Cited}

652 N.W.2d 912 p.915

1944 **Cited in Concurring Opinion at:**

Berg v. Berg, 2002 ND 69, 642 N.W.2d 899, 2002 N.D. LEXIS 84 (2002) **LexisNexis Headnotes HN3**{Positive}

642 N.W.2d 899 p.909

1945 **Cited by:**

Dvorak v. S.H. (In re M.S.), 2001 ND 68, 624 N.W.2d 678, 2001 N.D. LEXIS 79 (2001) **LexisNexis Headnotes HN1, HN10**{Caution}

2001 ND 68
624 N.W.2d 678 p.683

1946 **Cited by:**

Renault v. North Dakota Workers Compensation Bureau, 1999 ND 187, 601 N.W.2d 580, 1999 N.D. LEXIS 207 (1999) **LexisNexis Headnotes HN1, HN10**{Cited}

1999 ND 187
601 N.W.2d 580 p.585

1947 **Cited by:**

Hoff v. Berg, 1999 ND 115, 595 N.W.2d 285, 1999 N.D. LEXIS 93 (1999) **LexisNexis Headnotes HN3** {Caution}

1999 ND 115
595 N.W.2d 285 p.288

1948 **Distinguished by:**

Dvorak v. Dvorak, 1998 ND 134, 580 N.W.2d 586, 1998 N.D. LEXIS 135 (1998) **LexisNexis Headnotes HN10**{Analysis}

1998 ND 134
580 N.W.2d 586 p.591

1949 **Cited by:**

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559 N.W.2d 826 p.830

1950 **Cited by:**

M.L.L. v. Wessman (In re J.S.P.L.), 532 N.W.2d 653, 1995 N.D. LEXIS 98 (N.D. 1995) **LexisNexis Headnotes HN3**{Positive}

532 N.W.2d 653 p.662

1951 **Explained by:**

W.J.M. v. J.B. (In re J.W.M.), 532 N.W.2d 372, 1995 N.D. LEXIS 93 (N.D. 1995) **LexisNexis Headnotes HN1, HN2, HN3, HN10**{Warning}

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532 N.W.2d 372 p.377

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532 N.W.2d 372 p.375

1952 **Cited by:**

In Interest of V.J.R., 387 N.W.2d 499, 1986 N.D. LEXIS 322 (N.D. 1986) **LexisNexis Headnotes HN9 , HN10**{Cited}

387 N.W.2d 499 p.501

1953 **Cited by:**

In Interest of S., 325 N.W.2d 654, 1982 N.D. LEXIS 329 (N.D. 1982) **LexisNexis Headnotes HN3** {Cited}

325 N.W.2d 654 p.659

OHIO SUPREME COURT

1954 **Cited in Dissenting Opinion at:**

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Cited in Dissenting Opinion at:

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98 Ohio St. 3d 238 p.241

1956 **Cited by:**

In re Hoffman, 97 Ohio St. 3d 92, 2002 Ohio 5368, 776 N.E.2d 485, 2002 Ohio LEXIS 2572 (2002) **LexisNexis Headnotes HN1, HN3**{Caution}

97 Ohio St. 3d 92 p.95
776 N.E.2d 485 p.487

1957 **Cited by:**

Zivich v. Mentor Soccer Club, 82 Ohio St. 3d 367, 1998 Ohio 389, 696 N.E.2d 201, 1998 Ohio LEXIS 1832 (1998) **LexisNexis Headnotes HN2**{Warning}

82 Ohio St. 3d 367 p.372
696 N.E.2d 201 p.206

1958 **Cited by:**

Howard v. Catholic Social Servs., 70 Ohio St. 3d 141, 1994 Ohio 219, 637 N.E.2d 890, 1994 Ohio LEXIS 1831 (1994) **LexisNexis Headnotes HN3**{Caution}

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637 N.E.2d 890 p.894

1959 **Cited by:**

In re Adoption of Sunderhaus, 63 Ohio St. 3d 127, 585 N.E.2d 418, 1992 Ohio LEXIS 228 (1992) **LexisNexis Headnotes HN4{Caution}**

63 Ohio St. 3d 127 p.132
585 N.E.2d 418 p.421

1960 **Cited by:**

In re Murray, 52 Ohio St. 3d 155, 556 N.E.2d 1169, 1990 Ohio LEXIS 286 (1990) **LexisNexis Headnotes HN3{Caution}**

52 Ohio St. 3d 155 p.157
556 N.E.2d 1169 p.1171

1961 **Cited by:**

In re Adoption of Bovett, 33 Ohio St. 3d 102, 515 N.E.2d 919, 1987 Ohio LEXIS 423 (1987) **LexisNexis Headnotes HN1{Caution}**

33 Ohio St. 3d 102 p.104
515 N.E.2d 919 p.922

1962 **Cited by:**

In re Schmidt, 25 Ohio St. 3d 331, 25 Ohio B. 386, 496 N.E.2d 952, 1986 Ohio LEXIS 734 (1986) **LexisNexis Headnotes HN1, HN10{Caution}**

25 Ohio St. 3d 331 p.335
496 N.E.2d 952 p.956

1963 **Cited in Concurring Opinion at:**

In re Adoption of Gibson, 23 Ohio St. 3d 170, 23 Ohio B. 336, 492 N.E.2d 146, 1986 Ohio LEXIS 622 (1986) **LexisNexis Headnotes HN1, HN6, HN10 {Caution}**

Cited in Concurring Opinion at:
492 N.E.2d 146 p.147

Cited by:
23 Ohio St. 3d 170 p.172

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2064 **Cited by:**

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2066 **Cited by:**

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2067 **Cited by:**

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2069 **Cited by:**

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2070 **Cited by:**

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2071 **Cited by:**

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2072 **Cited by:**

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2073 **Cited by:**

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2148 **Cited in Concurring Opinion at:**

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- 2152 **Cited by:**
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2158 **Cited by:**

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2159 **Cited by:**

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2161 **Cited in Concurring Opinion at:**

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2191 **Cited by:**

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2192 **Cited by:**

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2194 **Cited by:**

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2195 **Cited by:**

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2196 **Cited by:**

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2197 **Cited by:**

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124 Ohio App. 3d 136 p.141
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2198 **Cited by:**

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2199 **Followed by:**

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2203 **Cited by:**

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2205 **Cited by:**

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2206 **Cited in Concurring Opinion at:**

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2209 **Cited by:**

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2210 **Cited by:**

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2213 **Cited by:**

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2215 **Cited by:**

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- 2228 **Cited by:**
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2232 **Cited by:**

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- 2241 **Cited by:**
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- 2243 **Cited by:**
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- 2244 **Cited by:**
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- 2245 **Cited by:**
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- 2257 **Cited by:**
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468 N.E.2d 93 p.95

2318 **Cited by:**

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2320 **Cited by:**

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2327 **Cited by:**

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2328 **Cited by:**

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2331 **Cited by:**

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2333 **Cited in Dissenting Opinion at:**

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2334 **Cited by:**

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2335 **Cited in Concurring Opinion at:**

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{Positive}

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2338 **Cited by:**

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2339 **Cited by:**

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2340 **Cited by:**

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2341 **Cited by:**

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OKLAHOMA COURT OF APPEALS

2343 **Followed by:**

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66 P.3d 1004 p.1007

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2346 **Cited by:**

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OKLAHOMA COURT OF CIVIL APPEALS

2347 **Followed by:**

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2348 **Cited by:**

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2349 **Cited by:**

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2351 **Cited by:**

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2352 **Cited by:**

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2353 **Cited by:**

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2355 **Cited by:**

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2356 **Cited by:**

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2357 Cited by:

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2358 Cited by:

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2359 Cited by:

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2363 **Cited by:**

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{Positive}

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14 P.3d 73 p.76

2364 **Distinguished by:**

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2366 **Cited by:**

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2368 **Cited by:**

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2370 **Cited by:**

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2371 **Cited by:**

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2372 **Cited by:**

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2374 **Cited by:**

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2375 **Cited by:**

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- 2376 **Cited by:**
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- 2377 **Cited by:**
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- 2379 **Cited by:**
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- 2381 **Cited by:**
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58 Ore. App. 622 p.627
650 P.2d 113 p.116
- 2382 **Cited by:**
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In re Rodriguez, 58 Ore. App. 531, 648 P.2d 1360, 1982 Ore. App. LEXIS 3227 (1982) **LexisNexis Headnotes HN1, HN8, HN9, HN10**{*Analysis*}
58 Ore. App. 531 p.532
648 P.2d 1360 p.1361

2383 **Cited by:**

In re Eals, 58 Ore. App. 384, 648 P.2d 417, 1982 Ore. App. LEXIS 3822 (1982) **LexisNexis Headnotes HN10**

58 Ore. App. 384 p.385

648 P.2d 417 p.417

2384 **Cited by:**

In re Farrell, 58 Ore. App. 258, 648 P.2d 401, 1982 Ore. App. LEXIS 3105 (1982) **LexisNexis Headnotes HN5, HN7, HN10{Positive}**

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648 P.2d 401 p.403

2385 **Cited by:**

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2388 **Cited by:**

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2390 **Cited in Dissenting Opinion at:**

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2391 **Cited by:**

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2392 **Cited by:**

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2393 **Cited by:**

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2394 **Cited by:**

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2395 **Cited by:**

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HN1 , HN10{Positive}

512 Pa. 517 p.520
517 A.2d 1244 p.1245

2396 **Cited by:**

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512 Pa. 334 p.346
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2397 **Cited by:**

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2401 **Cited by:**

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2402 **Cited by:**

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2403 **Cited by:**

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2404 **Cited in Concurring Opinion at:**

In re T.R., 502 Pa. 165, 465 A.2d 642, 1983 Pa. LEXIS 669 (1983) **LexisNexis Headnotes HN1 , HN2, HN6, HN8, HN9, HN10{Caution}**

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2405 **Cited by:**

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2407 **Cited by:**

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856 A.2d 847 *p.854*

2408 **Explained by:**

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851 A.2d 967 *p.974*

2409 **Cited by:**

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832 A.2d 457 *p.460*

2410 **Cited by:**

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2411 **Followed by:**

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{*Caution*}

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812 A.2d 659 *p.670*

2412 **Followed by:**

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2413 **Cited by:**

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2414 **Cited by:**

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2415 **Cited by:**

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2416 **Cited by:**

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2417 **Cited in Dissenting Opinion at:**

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2418 **Cited in Dissenting Opinion at:**

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2419 **Cited by:**

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2420 **Cited by:**

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2421 **Cited in Concurring Opinion at:**

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2422 **Cited by:**

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2423 **Cited in Dissenting Opinion at:**

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719 A.2d 763 p.773

2424 **Followed by:**

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719 A.2d 327 p.329

2425 **Cited by:**

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2426 **Distinguished by:**

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2427 **Cited by:**

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2428 **Cited by:**

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2429 **Cited by:**

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2431 **Cited by:**

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2432 **Cited by:**

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2433 **Cited by:**

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- 2434 **Cited by:**
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- 2436 **Cited by:**
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- 2437 **Cited by:**
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- 2438 **Cited by:**
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- 2439 **Cited by:**
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- 2440 **Cited by:**
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2441 **Cited by:**

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2442 **Cited in Concurring Opinion at:**

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2444 **Cited by:**

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2445 **Cited by:**

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2447 **Cited in Concurring Opinion at:**

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2450 **Cited in Concurring Opinion at:**

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2452 **Cited by:**

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2453 **Cited by:**

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2456 **Cited by:**

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2457 **Cited by:**

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2458 **Cited by:**

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2466 **Cited by:**

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2467 **Cited in Concurring Opinion at:**

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2469 **Cited by:**

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2476 **Cited by:**

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2479 **Cited by:**

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2812 **Cited in Dissenting Opinion at:**

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2813 **Followed by:**

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115 S.W.3d 534 p.547

2814 **Cited by:**

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113 S.W.3d 340 p.352

2815 **Cited in Dissenting Opinion at:**

In the Interest of J.F.C., 96 S.W.3d 256, 2002 Tex. LEXIS 215, 46 Tex. Sup. Ct. J. 328 (Tex. 2002) **LexisNexis Headnotes HN1, HN3, HN4, HN6, HN10**{Caution}

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2816 **Followed by, Cited in Concurring Opinion at:**

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2817 **Cited by:**

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2819 **Cited by:**

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2822 **Cited by:**

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2823 **Cited by:**

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2825 **Cited by:**

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2826 **Cited in Concurring Opinion at:**

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2827 **Cited in Concurring Opinion at:**

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171 S.W.3d 502 p.506

2828 **Cited in Concurring Opinion at:**

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169 S.W.3d 740 p.746

2829 **Cited by:**

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169 S.W.3d 685 p.695

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2833 **Followed by:**

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168 S.W.3d 875 p.881

2834 **Cited by:**

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2835 **Cited by:**

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2836 **Cited by:**

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- 2839 **Cited by:**
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160 S.W.3d 673 p.678
- 2841 **Cited by:**
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- 2842 **Cited by:**
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- 2843 **Cited by:**
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- 2844 **Cited by:**
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- 2845 **Cited by:**
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- 2846 **Cited by:**
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- 2847 **Cited by:**
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154 S.W.3d 200 p.212
- 2848 **Cited by:**
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- 2849 **Cited by:**
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- 2850 **Cited by:**
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- 2852 **Cited by:**
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- 2853 **Cited by:**
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155 S.W.3d 382 p.416
- 2854 **Cited by:**
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- 2855 **Cited by:**
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148 S.W.3d 509 p.523
- 2856 **Cited by:**
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- 2857 **Followed by:**
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2858 **Cited by:**

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2859 **Cited by:**

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2860 **Cited by:**

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2861 **Cited by:**

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2862 **Cited by:**

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2863 **Cited in Dissenting Opinion at:**

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137 S.W.3d 814 p.827

2864 **Cited by:**

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2004 Tex. App. LEXIS 4150

2865 **Cited by:**

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2866 **Cited by:**

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2867 **Cited by:**

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142 S.W.3d 363 p.368

2868 **Cited by:**

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138 S.W.3d 420 p.424

2869 **Cited by:**

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2870 **Cited by:**

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131 S.W.3d 632 p.636

2871 **Cited by:**

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131 S.W.3d 618 p.627

2872 **Cited by:**

In the Interest of K.A.S., 131 S.W.3d 215, 2004 Tex. App. LEXIS 1140 (Tex. App. Fort Worth 2004) **LexisNexis Headnotes HN3, HN6, HN8, HN9, HN10** {Positive}

131 S.W.3d 215 p.220

2873 **Cited by:**

In the Interest of R.W., 129 S.W.3d 732, 2004 Tex. App. LEXIS 1160 (Tex. App. Fort Worth 2004) **LexisNexis Headnotes HN6, HN8, HN9, HN10**{Positive}

129 S.W.3d 732 p.736

2874 **Cited by:**

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128 S.W.3d 707 p.714

2875 **Cited by:**

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2003 Tex. App. LEXIS 10180

2876 **Cited by:**

In re N. H., 122 S.W.3d 391, 2003 Tex. App. LEXIS 10126 (Tex. App. Texarkana 2003) {Positive}

122 S.W.3d 391 p.396

2877 **Cited by:**

In the Interest of C.A.J., 122 S.W.3d 888, 2003 Tex. App. LEXIS 9928 (Tex. App. Fort Worth 2003) **LexisNexis Headnotes HN9**{Positive}

122 S.W.3d 888 p.891

2878 **Cited by:**

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120 S.W.3d 502 p.504

2879 **Cited by:**

In the Interest of J.T.G., 121 S.W.3d 117, 2003 Tex. App. LEXIS 8867 (Tex. App. Fort Worth 2003) **LexisNexis Headnotes HN3, HN6, HN8, HN9, HN10** {Positive}

121 S.W.3d 117 p.123

2880 **Cited by:**

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124 S.W.3d 237 p.244

2881 **Cited by:**

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2882 **Cited by:**

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129 S.W.3d 573 p.577

2883 **Cited by:**

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114 S.W.3d 641 p.643

2884 **Cited by:**

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111 S.W.3d 324 p.327

2885 **Cited by:**

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111 S.W.3d 707 p.714

2886 **Cited by:**

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In re W.E.C., 110 S.W.3d 231, 2003 Tex. App. LEXIS 4772 (Tex. App. Fort Worth 2003) **LexisNexis Headnotes HN3, HN6, HN8, HN9, HN10**{*Positive*}
110 S.W.3d 231 p.236

2887 **Cited in Concurring Opinion at:**

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108 S.W.3d 508 p.529

2888 **Cited by:**

In the Interest of R.R., 2003 Tex. App. LEXIS 4283 (Tex. App. San Antonio May 21, 2003) **LexisNexis Headnotes HN2, HN3, HN6, HN8, HN9**{Positive}

2003 Tex. App. LEXIS 4283

2889 **Cited by:**

In re J.R.K., 104 S.W.3d 341, 2003 Tex. App. LEXIS 3944 (Tex. App. Dallas 2003) **LexisNexis Headnotes HN1, HN5, HN10**{Analysis}

104 S.W.3d 341 p.342

2890 **Cited by:**

In the Interest of U.P., 105 S.W.3d 222, 2003 Tex. App. LEXIS 3279 (Tex. App. Houston 14th Dist. 2003){Positive}

105 S.W.3d 222 p.229

2891 **Cited by:**

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2892 **Cited by:**

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101 S.W.3d 771 p.775

2893 **Cited by:**

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105 S.W.3d 52 p.57

2894 **Followed by:**

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2003 Tex. App. LEXIS 1775

2895 **Cited by:**

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2003 Tex. App. LEXIS 1440

2896 **Cited by:**

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2003 Tex. App. LEXIS 1383

2897 **Cited by:**

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98 S.W.3d 753 p.756

2898 **Cited by:**

In re R.M., 2003 Tex. App. LEXIS 1182 (Tex. App. Houston 14th Dist. Feb. 6, 2003) **LexisNexis Headnotes HN1, HN10**{Cited}

2003 Tex. App. LEXIS 1182

2899 **Cited by:**

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99 S.W.3d 295 p.297

2900 **Cited by:**

In the Interest of U.P., 2003 Tex. App. LEXIS 599 (Tex. App. Houston 14th Dist. Jan. 23, 2003){Warning}

2003 Tex. App. LEXIS 599

2901 **Cited by:**

In the Interest of C.D.B., 94 S.W.3d 306, 2002 Tex. App. LEXIS 8613 (Tex. App. Corpus Christi 2002){Cited}

94 S.W.3d 306 p.308

2902 **Cited by:**

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2002 Tex. App. LEXIS 8213

2903 **Cited by:**

In the Interest of M.G., 2002 Tex. App. LEXIS 8187 (Tex. App. Dallas Nov. 20, 2002) **LexisNexis Headnotes HN10**{Caution}

2002 Tex. App. LEXIS 8187

2904 **Cited by:**

In re E.A.G., 2002 Tex. App. LEXIS 8104 (Tex. App. Houston 14th Dist. Nov. 14, 2002) **LexisNexis Headnotes HN1, HN3, HN10**

2002 Tex. App. LEXIS 8104

2905 **Cited by:**

In the Interest of K.M.B., 91 S.W.3d 18, 2002 Tex. App. LEXIS 7982 (Tex. App. Fort Worth 2002){Caution}

91 S.W.3d 18 p.23

2906 **Distinguished by, Followed by:**

In re K.L., 91 S.W.3d 1, 2002 Tex. App. LEXIS 7815 (Tex. App. Fort Worth 2002) **LexisNexis Headnotes HN1, HN2, HN3, HN6, HN8, HN9**{Positive}

Distinguished by:

91 S.W.3d 1 p.9

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91 S.W.3d 1 p.10

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91 S.W.3d 1 p.4

2907 **Cited by:**

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89 S.W.3d 679 p.686

2908 **Cited by:**

In the Interest of B.S.W., 87 S.W.3d 766, 2002 Tex. App. LEXIS 6729 (Tex. App. Texarkana 2002) **LexisNexis Headnotes HN9**{Caution}

87 S.W.3d 766 p.770

2909 **Cited in Concurring Opinion at:**

In the Interest of E.L.T., 93 S.W.3d 372, 2002 Tex. App. LEXIS 6677 (Tex. App. Houston 14th Dist. 2002) **LexisNexis Headnotes HN1, HN2, HN3, HN10**
{Analysis}

93 S.W.3d 372 p.377

2910 **Cited by:**

In the Interest of D.S., 82 S.W.3d 743, 2002 Tex. App. LEXIS 4855 (Tex. App. Corpus Christi 2002) **LexisNexis Headnotes HN2**{Positive}

82 S.W.3d 743 p.746

2911 **Cited by:**

In the Interest of V.B., 2002 Tex. App. LEXIS 4507 (Tex. App. Houston 14th Dist. June 20, 2002) **LexisNexis Headnotes HN1, HN10**{Analysis}

2002 Tex. App. LEXIS 4507

2912 **Cited by:**

In the Interest of J.M.M., 80 S.W.3d 232, 2002 Tex. App. LEXIS 4235 (Tex. App. Fort Worth 2002) **LexisNexis Headnotes HN3, HN6, HN8, HN9, HN10**
{Caution}

80 S.W.3d 232 p.238

2913 **Distinguished by:**

Bates v. Tesar, 81 S.W.3d 411, 2002 Tex. App. LEXIS 4130 (Tex. App. El Paso 2002) **LexisNexis Headnotes HN3**{Caution}

81 S.W.3d 411 p.436

2914 **Cited by:**

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2915 **Cited by:**

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78 S.W.3d 594 p.596

2916 **Cited by:**

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2917 **Distinguished by:**

In the Interest of M.S., 73 S.W.3d 537, 2002 Tex. App. LEXIS 2622 (Tex. App. Beaumont 2002) **LexisNexis Headnotes HN6, HN8**{Warning}

73 S.W.3d 537 p.542

2918 **Cited by:**

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2919 **Cited by:**

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2920 **Cited by:**

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69 S.W.3d 838 p.841

2921 **Cited by:**

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2922 **Cited in Dissenting Opinion at:**

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75 S.W.3d 73 p.81

2923 **Cited by:**

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2924 **Cited by:**

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76 S.W.3d 36 p.46

2925 **Cited by:**

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61 S.W.3d 789 p.793

2926 **Cited by:**

In the Interest of A.R.R., 61 S.W.3d 691, 2001 Tex. App. LEXIS 7549 (Tex. App. Fort Worth 2001){*Warning*}

61 S.W.3d 691 p.697

2927 **Cited by:**

In the Interest of D.M., 58 S.W.3d 801, 2001 Tex. App. LEXIS 6713 (Tex. App. Fort Worth 2001){*Positive*}

58 S.W.3d 801 p.806

2928 **Cited by:**

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56 S.W.3d 863 p.866

2929 **Cited by:**

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56 S.W.3d 203 p.210

2930 **Followed by:**

In the Interest of J.F.C., 57 S.W.3d 66, 2001 Tex. App. LEXIS 4788 (Tex. App. Waco 2001) **LexisNexis Headnotes HN1, HN2, HN6, HN10**{*Warning*}

57 S.W.3d 66 p.71

- 2931 **Cited by:**
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In the Interest of A.V., 57 S.W.3d 51, 2001 Tex. App. LEXIS 4769 (Tex. App. Waco 2001) **LexisNexis Headnotes HN4**{*Questioned*}
57 S.W.3d 51 p.56
- 2932 **Cited by:**
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2001 Tex. App. LEXIS 3375
- 2933 **Cited by:**
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- 2934 **Cited by:**
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- 2935 **Cited by:**
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In the Interest of A.P. , 42 S.W.3d 248, 2001 Tex. App. LEXIS 1329 (Tex. App. Waco 2001) **LexisNexis Headnotes HN1, HN2, HN6, HN8, HN10**{*Caution*}
42 S.W.3d 248 p.255
- 2936 **Cited by:**
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34 S.W.3d 625 p.629
- 2937 **Cited by:**
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- 2938 **Cited in Concurring Opinion at:**
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22 S.W.3d 85 p.96

- 2939 **Cited by:**
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- 2940 **Cited by:**
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- 2941 **Cited by:**
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991 S.W.2d 318 p.319
- 2942 **Cited by:**
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979 S.W.2d 804 p.808
- 2943 **Cited by:**
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- 2944 **Cited in Concurring Opinion at:**
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2946 **Cited by:**

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2947 **Cited by:**

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2948 **Cited by:**

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911 S.W.2d 437 p.439

2949 **Cited by:**

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899 S.W.2d 772 p.776

2950 **Cited by:**

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2951 **Cited by:**

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2952 **Cited by:**

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869 S.W.2d 574 p.576

- 2953 **Cited by:**
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846 S.W.2d 65 p.67
- 2954 **Cited by:**
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830 S.W.2d 187 p.195
- 2955 **Cited by:**
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828 S.W.2d 65 p.79
- 2956 **Cited by:**
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819 S.W.2d 591 p.592
- 2957 **Cited by:**
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814 S.W.2d 153 p.155
- 2958 **Cited by:**
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- 2959 **Cited by:**
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- 2960 **Cited by:**
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2961 **Cited by:**

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801 S.W.2d 538 p.539

2962 **Cited by:**

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794 S.W.2d 521 p.523

2963 **Cited by:**

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793 S.W.2d 79 p.80

2964 **Cited by:**

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787 S.W.2d 601 p.602

2965 **Cited by:**

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774 S.W.2d 801 p.804

2966 **Cited in Concurring Opinion at:**

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728 S.W.2d 73 p.92

2967 **Cited by:**

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726 S.W.2d 241 p.244

2968 **Cited by:**

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747 S.W.2d 814 p.815

2969 **Cited by:**

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2970 **Cited by:**

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2971 **Cited by:**

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2972 **Cited by:**

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690 S.W.2d 605 p.610

2973 **Cited by:**

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677 S.W.2d 826 p.830

2974 **Cited by:**

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665 S.W.2d 184 p.186

2975 **Cited by:**

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2976 **Cited by:**

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632 S.W.2d 390 p.399

2977 **Cited by:**

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632 S.W.2d 216 p.218

UTAH SUPREME COURT

2978 **Cited by:**

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2979 **Cited by:**

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63 P.3d 607 p.617

2980 **Distinguished by:**

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26 P.3d 212 p.216

2981 **Cited by:**

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737 P.2d 170 p.172

2982 **Cited by:**

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734 P.2d 458 p.461

2983 **Cited by:**

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716 P.2d 284 p.287

2984 **Cited by:**

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714 P.2d 1121 p.1126

2985 **Cited by:**

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2986 **Cited in Dissenting Opinion at:**

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68 P.3d 1021 p.1031

2987 **Cited by:**

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53 P.3d 958 p.962

2988 **Followed by, Cited in Dissenting Opinion at:**

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2002 UT App 72

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2989 **Cited by:**

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385 Utah Adv. 9 p.12

2990 **Cited by:**

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938 P.2d 298 p.301
316 Utah Adv. 38 p.39

2991 **Followed by:**

P.O. v. S.G. (In re B.O.), 927 P.2d 202, 1996 Utah App. LEXIS 102, 302 Utah Adv. 43 (Utah Ct. App. 1996) **LexisNexis Headnotes HN6, HN9{Analysis}**

927 P.2d 202 p.207

2992 **Cited by:**

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856 P.2d 363 p.367

2993 **Cited by:**

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823 P.2d 474 p.476

2994 **Cited by:**

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808 P.2d 1131 p.1135

2995 **Cited by:**

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783 P.2d 565 p.569

2996 **Cited by:**

In re N.H.B., 769 P.2d 844, 1989 Utah App. LEXIS 24, 102 Utah Adv. 48 (Utah Ct. App. 1989){Caution}

769 P.2d 844 p.848

2997 **Cited by:**

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750 P.2d 1234 p.1236

2998 **Cited by:**

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736 P.2d 1031 p.1033

736 P.2d 1031 p.1035

VERMONT SUPREME COURT

2999 **Cited in Concurring Opinion at:**

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176 Vt. 314 p.321

848 A.2d 275 p.281

3000 **Followed by:**

Wood ex rel. Eddy v. Eddy, 175 Vt. 608, 2003 VT 67, 833 A.2d 1243, 2003 Vt. LEXIS 156 (2003) **LexisNexis Headnotes HN3**{Positive}

2003 VT 67

175 Vt. 608 p.610

833 A.2d 1243 p.1245

3001 **Cited in Dissenting Opinion at:**

Boisvert v. Harrington, 173 Vt. 285, 796 A.2d 1102, 2002 Vt. LEXIS 6 (2002) **LexisNexis Headnotes HN3, HN9{Positive}**

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796 A.2d 1102 p.1110

3002 **Cited by:**

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782 A.2d 1208 p.1216

3003 **Cited by:**

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3004 **Cited by:**

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682 A.2d 477 p.483

3005 **Followed by, Cited in Concurring Opinion at:**

Mullin v. Phelps, 162 Vt. 250, 647 A.2d 714, 1994 Vt. LEXIS 59 (1994) **LexisNexis Headnotes HN1 , HN3, HN6, HN8, HN9, HN10{Caution}**

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162 Vt. 250 p.263
162 Vt. 250 p.267
647 A.2d 714 p.722
647 A.2d 714 p.724

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162 Vt. 250 p.271
647 A.2d 714 p.726

3006 **Cited by:**

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161 Vt. 46 p.51
633 A.2d 695 p.698

3007 **Cited by:**

In re M.M., 159 Vt. 517, 621 A.2d 1276, 1993 Vt. LEXIS 10 (1993){*Cited*}

159 Vt. 517 p.524
621 A.2d 1276 p.1281

3008 **Cited by:**

In re T.E., 155 Vt. 172, 582 A.2d 160, 1990 Vt. LEXIS 170 (1990) **LexisNexis Headnotes HN1 , HN6, HN8, HN10**{*Cited*}

155 Vt. 172 p.175
582 A.2d 160 p.162

3009 **Cited by:**

In re R.B., 152 Vt. 415, 566 A.2d 1310, 1989 Vt. LEXIS 174 (1989) **LexisNexis Headnotes HN10** {*Caution*}

152 Vt. 415 p.424
566 A.2d 1310 p.1314

3010 **Cited by:**

In re C.L., 151 Vt. 480, 563 A.2d 241, 1989 Vt. LEXIS 97 (1989) **LexisNexis Headnotes HN1 , HN10**{*Caution*}

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563 A.2d 241 p.247

3011 **Cited by:**

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148 Vt. 282 p.284
532 A.2d 566 p.568

3012 **Cited by:**

In re M.B., 147 Vt. 41, 509 A.2d 1014, 1986 Vt. LEXIS 353 (1986) **LexisNexis Headnotes HN6** {*Positive*}

147 Vt. 41 p.44
509 A.2d 1014 p.1016

3013 **Cited by:**

In re D.P., 147 Vt. 26, 510 A.2d 967, 1986 Vt. LEXIS 355 (1986){*Caution*}

147 Vt. 26 p.32
510 A.2d 967 p.970

3014 **Cited by:**

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499 A.2d 23 p.30

3015 **Cited by:**

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468 A.2d 563 p.565

3016 **Cited by:**

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467 A.2d 121 p.123

3017 **Cited by:**

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256 Va. 19 p.28
501 S.E.2d 417 p.422

3019 **Cited by:**

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292 S.E.2d 342 p.347

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46 Va. App. 257 p.274
616 S.E.2d 765 p.774

3021 **Cited by:**

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3022 **Cited by:**

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3023 **Cited in Dissenting Opinion at:**

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586 S.E.2d 290 p.298

3024 **Cited by:**

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35 Va. App. 648 p.662
547 S.E.2d 531 p.538

3025 **Cited by:**

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531 S.E.2d 50 p.56

3026 **Cited by:**

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24 Va. App. 778 p.782
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3027 **Cited by:**

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16 Va. App. 821 p.829

433 S.E.2d 500 p.505

3028 **Cited by:**

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14 Va. App. 423 p.437

417 S.E.2d 881 p.890

3029 **Cited by:**

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9 Va. App. 411 p.413

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3031 **Cited by:**

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28 Va. Cir. 411 p.439

3032 **Cited by:**

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25 Va. Cir. 81 p.86

3033 **Cited by:**

In re Adoption of A.R.M., 1990 Va. Cir. LEXIS 217, 20 Va. Cir. 301 (1990) **LexisNexis Headnotes HN1, HN6, HN10{Cited}**

20 Va. Cir. 301 *p.308*

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3034 **Followed by, Cited in Dissenting Opinion at:**

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29 P.3d 689 *p.691*

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29 P.3d 689 *p.700*

3035 **Cited in Dissenting Opinion at:**

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969 P.2d 21 *p.34*

Cited by:

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3036 **Cited by:**

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924 P.2d 21 *p.27*

3037 **Cited in Dissenting Opinion at:**

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904 P.2d 1132 *p.1142*

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3038 **Cited by:**

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836 P.2d 200 p.211

3039 **Cited by:**

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789 P.2d 96 p.98

3040 **Cited by:**

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3041 **Cited by:**

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3042 **Cited by:**

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3043 **Cited by:**

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3044 **Cited by:**

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117 P.3d 1179 *p.1181*

3045 **Cited by:**

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128 Wn. App. 108 *p.116*
114 P.3d 1215 *p.1219*

3046 **Cited by:**

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124 Wn. App. 935 *p.941*
104 P.3d 29 *p.32*

3047 **Distinguished by:**

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125 Wn. App. 813 *p.823*
105 P.3d 44 *p.49*

3048 **Cited by:**

In re Welfare of Angelo H., 124 Wn. App. 578, 102 P.3d 822, 2004 Wash. App. LEXIS 2972 (2004) **LexisNexis Headnotes HN10**{*Positive*}

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102 P.3d 822 *p.826*

3049 **Cited by:**

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121 Wn. App. 36 *p.63*
86 P.3d 1234 *p.1248*

3050 **Followed by:**

In re K.S., 2002 Wash. App. LEXIS 2266 (Wash. Ct. App. Sept. 16, 2002) **LexisNexis Headnotes HN2**, **HN3, HN6**{*Analysis*}

2002 Wash. App. LEXIS 2266

3051 **Cited by:**

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{Analysis}

2002 Wash. App. LEXIS 1685

3052 **Cited by:**

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108 Wn. App. 149 p.154
29 P.3d 1275 p.1279

3053 **Cited by:**

State v. Ancira, 107 Wn. App. 650, 27 P.3d 1246, 2001 Wash. App. LEXIS 1739 (2001){Caution}

107 Wn. App. 650 p.653
27 P.3d 1246 p.1247

3054 **Cited by:**

In re Marriage of Henches, 2000 Wash. App. LEXIS 2146 (Wash. Ct. App. Nov. 6, 2000) **LexisNexis Headnotes HN2**{Positive}

3055 **Cited by:**

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3056 **Cited by:**

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3057 **Cited by:**

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101 Wn. App. 60 p.71
6 P.3d 11 p.17

3058 **Cited by:**

Nguyen v. Department of Health, 99 Wn. App. 96, 994 P.2d 216, 1999 Wash. App. LEXIS 2015 (1999) **LexisNexis Headnotes HN9**{Warning}

99 Wn. App. 96 p.103
994 P.2d 216 p.220

3059 **Followed by:**

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98 Wn. App. 91 p.94
988 P.2d 488 p.490

3060 **Cited by:**

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982 P.2d 670 p.674

3061 **Cited by:**

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94 Wn. App. 511 p.526
973 P.2d 474 p.483

3062 **Cited by:**

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968 P.2d 424 p.429

3063 **Cited by:**

McDaniel v. Coles, 1998 Wash. App. LEXIS 988 (Wash. Ct. App. June 29, 1998) {Analysis}

3064 **Cited by:**

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3065 **Cited by:**

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3066 **Cited by:**

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3067 **Cited by:**

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940 P.2d 698 p.700

3068 **Cited by:**

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3069 **Followed by:**

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81 Wn. App. 264 p.267
913 P.2d 844 p.845

3070 **Cited by:**

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896 P.2d 720 p.725

3071 **Cited by:**

In re the Welfare of D.M., Wash. & Wash. App. Dkts. No. 32846-8-I (Wash. Ct. App. Apr. 17, 1995)

Wash. & Wash. App. Dkts. No. 32846-8-I

3072 **Cited by:**

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880 P.2d 88 p.94

3073 **Followed by:**

In re Welfare of S.E., 63 Wn. App. 244, 820 P.2d 47, 1991 Wash. App. LEXIS 401 (1991) **LexisNexis Headnotes HN6**{Positive}

63 Wn. App. 244 p.249
820 P.2d 47 p.49
820 P.2d 47 p.50

3074 **Cited by:**

In re C.R.B., 62 Wn. App. 608, 814 P.2d 1197, 1991 Wash. App. LEXIS 318 (1991) **LexisNexis Headnotes HN3, HN6**{Caution}

62 Wn. App. 608 p.615
814 P.2d 1197 p.1202

3075 **Cited by:**

In re A.V.D., 62 Wn. App. 562, 815 P.2d 277, 1991 Wash. App. LEXIS 311 (1991) **LexisNexis Headnotes HN2, HN3**{Positive}

62 Wn. App. 562 p.567
815 P.2d 277 p.280

3076 **Cited by:**

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803 P.2d 24 p.33

3077 **Cited by:**

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765 P.2d 307 p.312

3078 **Cited by:**

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765 P.2d 30 p.34

3079 **Cited by:**

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3080 **Cited by:**

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737 P.2d 280 p.282

3081 **Cited by:**

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731 P.2d 537 p.539

3082 **Cited by:**

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719 P.2d 127 p.128

3083 **Cited by:**

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660 P.2d 315 p.318

3084 **Cited by:**

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656 P.2d 1103 p.1104

3085 **Cited by:**

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32 Wn. App. 865 p.868
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3086 **Cited by:**

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649 P.2d 858 p.859

3087 **Cited by:**

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644 P.2d 150 p.154

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3088 **Cited by:**

John P.W. ex rel. Adam W. v. Dawn D.O., 214 W. Va. 702, 591 S.E.2d 260, 2003 W. Va. LEXIS 153 (2003) **LexisNexis Headnotes HN2**{Cited}

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591 S.E.2d 260 p.266

3089 **Cited by:**

State ex rel. Brandon L. v. Moats, 209 W. Va. 752, 551 S.E.2d 674, 2001 W. Va. LEXIS 87 (2001) **LexisNexis Headnotes HN2, HN3**{Caution}

209 W. Va. 752 p.760
551 S.E.2d 674 p.682

3090 **Cited by:**

Sale v. Goldman, 208 W. Va. 186, 539 S.E.2d 446, 2000 W. Va. LEXIS 105 (2000) **LexisNexis Headnotes HN8**{Analysis}

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539 S.E.2d 446 p.454

3091 **Cited by:**

State ex rel. Jeanette H. v. Pancake, 207 W. Va. 154, 529 S.E.2d 865, 2000 W. Va. LEXIS 16 (2000) **LexisNexis Headnotes HN3**{Positive}

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529 S.E.2d 865 p.873

3092 **Cited by:**

In re Jonathan G., 198 W. Va. 716, 482 S.E.2d 893, 1996 W. Va. LEXIS 237 (1996) **LexisNexis Headnotes HN6, HN8, HN9**{Positive}

198 W. Va. 716 p.728
482 S.E.2d 893 p.905

3093 **Cited by:**

Moore v. Goode, 180 W. Va. 78, 375 S.E.2d 549, 1988 W. Va. LEXIS 144 (1988) **LexisNexis Headnotes HN2, HN6**{Positive}

180 W. Va. 78 p.83
375 S.E.2d 549 p.555

3094 **Cited by:**

In the Interest of Betty J.W., 179 W. Va. 605, 371 S.E.2d 326, 1988 W. Va. LEXIS 97 (1988) **LexisNexis Headnotes HN3**{Analysis}

179 W. Va. 605 p.608
371 S.E.2d 326 p.329

3095 **Cited by:**

State ex rel. West Va. Dep't of Human Servs. v. Cheryl M., 177 W. Va. 688, 356 S.E.2d 181, 1987 W. Va. LEXIS 511 (1987) **LexisNexis Headnotes HN2, HN3, HN9, HN10**{Caution}

177 W. Va. 688 p.691
356 S.E.2d 181 p.184

3096 **Cited by:**

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172 W. Va. 47 p.51
303 S.E.2d 685 p.689

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3097 **Cited by:**

Shaw v. Leatherberry, 2005 WI 163, 706 N.W.2d 299, 2005 Wisc. LEXIS 949 (2005) **LexisNexis Headnotes HN6, HN8, HN10**{Analysis}

2005 WI 163

3098 **Cited by:**

Brown County v. Shannon R. (In re Daniel R.S.), 2005 WI 160, 706 N.W.2d 269, 2005 Wisc. LEXIS 946 (2005) **LexisNexis Headnotes HN2, HN3, HN6, HN10** {Positive}

2005 WI 160

3099 **Cited in Concurring Opinion at:**

Dane County Dep't of Human Servs. v. P.P. (In re Diana P.), 2005 WI 32, 279 Wis. 2d 169, 694 N.W.2d 344, 2005 Wisc. LEXIS 142 (2005) **LexisNexis Headnotes HN1 , HN3, HN10**{Positive}

2005 WI 32

279 Wis. 2d 169 p.199

694 N.W.2d 344 p.359

3100 **Cited in Dissenting Opinion at:**

Monroe County Dep't of Human Servs. v. Kelli B. (In re Zachary B.), 2004 WI 48, 271 Wis. 2d 51, 678 N.W.2d 831, 2004 Wisc. LEXIS 248 (2004) **LexisNexis Headnotes HN3 , HN9**{Positive}

2004 WI 48

271 Wis. 2d 51 p.93

678 N.W.2d 831 p.849

3101 **Followed by:**

Steven V. v. Kelly H. (In re Alexander V.), 2004 WI 47, 271 Wis. 2d 1, 678 N.W.2d 856, 2004 Wisc. LEXIS 249 (2004) **LexisNexis Headnotes HN1, HN2, HN3 , HN6, HN7, HN10**{Caution}

Followed by:

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271 Wis. 2d 1 p.24

678 N.W.2d 856 p.867

Cited by:

271 Wis. 2d 1 p.7

678 N.W.2d 856 p.858

3102 **Cited in Concurring Opinion at, Cited in Dissenting Opinion at:**

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2003 WI 61
 262 Wis. 2d 217 p.250
 663 N.W.2d 734 p.750

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 262 Wis. 2d 217 p.253
 663 N.W.2d 734 p.752

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3103 **Cited by:**

Sheboygan County HHS v. Julie A.B. (In re Prestin T.B.), 2002 WI 95, 255 Wis. 2d 170, 648 N.W.2d 402, 2002 Wisc. LEXIS 498 (2002) **LexisNexis Headnotes HN3 {Positive}**

255 Wis. 2d 170 p.184
 648 N.W.2d 402 p.408

3104 **Cited by:**

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LEXSEE 1982 U.S. LEXIS 89

**SANTOSKY ET AL. v. KRAMER, COMMISSIONER, ULSTER COUNTY
DEPARTMENT OF SOCIAL SERVICES, ET AL.**

No. 80-5889

SUPREME COURT OF THE UNITED STATES

455 U.S. 745; 102 S. Ct. 1388; 71 L. Ed. 2d 599; 1982 U.S. LEXIS 89; 50 U.S.L.W. 4333

**November 10, 1981, Argued
March 24, 1982, Decided**

PRIOR HISTORY:

CERTIORARI TO THE APPELLATE DIVISION, SUPREME COURT OF NEW YORK, THIRD JUDICIAL DEPARTMENT.

DISPOSITION:

75 App. Div. 2d 910, 427 N. Y. S. 2d 319, vacated and remanded.

CASE SUMMARY:

PROCEDURAL POSTURE: The court granted certiorari on a decision from the Appellate Division, Supreme Court of New York, Third Judicial Department, which affirmed the permanent termination of petitioners' parental rights and rejected petitioners' assertion that the preponderance of the evidence standard in N.Y. Fam. Ct. Act § 622 was unconstitutional.

OVERVIEW: After incidents reflecting parental neglect, respondent removed petitioners' biological children from petitioners' home. Petitioners' parental rights were later terminated. The court of appeals rejected petitioners' argument that the "fair preponderance of the evidence" standard in N.Y. Fam. Ct. Act. § 622 was unconstitutional. The court held that before a state could sever completely and irrevocably the rights of parents in their natural child, due process required that the state support its allegations by at least clear and convincing evidence. The court found that the "fair preponderance of the evidence" standard was inconsistent with due process because the private interest in parental rights affected was substantial and the countervailing governmental interest favoring the preponderance standard was comparatively slight. The court held that a clear and convincing evidence standard adequately conveyed to the factfinder the level of subjective certainty about his factual conclusions necessary to satisfy due pro-

cess, and that determination of the precise burden equal to or greater than that standard was a matter of state law properly left to state legislatures and state courts.

OUTCOME: The court found that a clear and convincing standard was necessary to protect petitioners' due process rights, and vacated and remanded so that a hearing could be conducted under a constitutionally proper standard.

CORE TERMS: termination, standard of proof, parental rights, factfinding, permanent neglect, custody, removal, risk of error, factfinder, terminate, temporary, clear and convincing evidence, fair preponderance, fundamental fairness, termination proceeding, neglected, Fourteenth Amendment, termination of parental rights, neglect, permanent, foster, dispositional hearing, permanently, foster care, dissenting opinion, parent-child, preponderance standard, parental, dispositional, reunite

LexisNexis(R) Headnotes

Family Law > Parental Duties & Rights > Termination of Parental Rights

Constitutional Law > Procedural Due Process > Scope of Protection

[HN1] Before a State may sever completely and irrevocably the rights of parents in their natural child, due process requires that the State support its allegations by at least clear and convincing evidence.

Family Law > Parental Duties & Rights > Termination of Parental Rights

Constitutional Law > Substantive Due Process > Privacy

[HN2] It is not disputed that state intervention to terminate the relationship between a parent and a child must be accomplished by procedures meeting the requisites of the Due Process Clause. The absence of dispute reflected the Court's historical recognition that freedom of personal

choice in matters of family life is a fundamental liberty interest protected by the Fourteenth Amendment.

Family Law > Parental Duties & Rights > Care & Control of Children

Family Law > Parental Duties & Rights > Termination of Parental Rights

Constitutional Law > Substantive Due Process > Privacy

[HN3] The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life. If anything, persons faced with forced dissolution of their parental rights have a more critical need for procedural protections than do those resisting state intervention into ongoing family affairs. When the State moves to destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures.

Constitutional Law > Procedural Due Process > Scope of Protection

[HN4] The minimum requirements of procedural due process being a matter of federal law, they are not diminished by the fact that the State may have specified its own procedures that it may deem adequate for determining the preconditions to adverse official action.

Constitutional Law > Procedural Due Process > Scope of Protection

[HN5] Retrospective case-by-case review cannot preserve fundamental fairness when a class of proceedings is governed by a constitutionally defective evidentiary standard.

Family Law > Parental Duties & Rights > Termination of Parental Rights

Constitutional Law > Procedural Due Process > Scope of Protection

[HN6] In parental rights termination proceedings, the private interest affected is commanding; the risk of error from using a preponderance standard is substantial; and the countervailing governmental interest favoring that standard is comparatively slight. The use of a "fair preponderance of the evidence" standard in such proceedings is inconsistent with due process.

Constitutional Law > Procedural Due Process > Scope of Protection

[HN7] The extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be condemned to suffer grievous loss.

Whether the loss threatened by a particular type of proceeding is sufficiently grave to warrant more than average certainty on the part of the factfinder turns on both the nature of the private interest threatened and the permanency of the threatened loss.

Family Law > Parental Duties & Rights > Termination of Parental Rights

Constitutional Law > Procedural Due Process > Scope of Protection

[HN8] Two state interests are at stake in parental rights termination proceedings — a *paterfamilias* interest in preserving and promoting the welfare of the child and a fiscal and administrative interest in reducing the cost and burden of such proceedings. A standard of proof more strict than preponderance of the evidence is consistent with both interests.

Family Law > Parental Duties & Rights > Termination of Parental Rights

Constitutional Law > Procedural Due Process > Scope of Protection

[HN9] At a parental rights termination proceeding, a near-equal allocation of risk between the parents and the State is constitutionally intolerable.

Family Law > Parental Duties & Rights > Termination of Parental Rights

Constitutional Law > Procedural Due Process > Scope of Protection

[HN10] In parental rights cases, a "clear and convincing evidence" standard of proof adequately conveys to the factfinder the level of subjective certainty about his factual conclusions necessary to satisfy due process.

DECISION:

Application of at least "clear and convincing evidence" standard of proof to state's parental rights termination proceeding, held required by Fourteenth Amendment due process clause.

SUMMARY:

In an action brought in the Ulster County, New York, Family Court to terminate the rights of certain natural parents in their three children, the parents challenged the constitutionality of a provision of a New York statute under which the state may terminate the rights of parents in their natural child upon a finding that the child is "permanently neglected," when such a finding is supported by a fair preponderance of the evidence. The Family Court rejected the challenge, weighed the evidence under the "fair preponderance of the evidence" standard, found permanent neglect, and ultimately ruled that the best inter-

455 U.S. 745, *; 102 S. Ct. 1388, **;
71 L. Ed. 2d 599, ***; 1982 U.S. LEXIS 89

ests of the children required permanent termination of the parents' custody. The Appellate Division of the New York Supreme Court affirmed, holding application of the preponderance of the evidence standard proper and constitutional (75 App Div 2d 910, 427 NYS2d 319), and the New York Court of Appeals dismissed the parents' appeal to that court.

On certiorari, the United States Supreme Court vacated and remanded. In an opinion by Blackmun, J., joined by Brennan, Marshall, Powell and Stevens, JJ., it was held that (1) process is constitutionally due a natural parent at a state's parental rights termination proceeding, and (2) the "fair preponderance of the evidence" standard prescribed by the state statute violated the due process clause of the Fourteenth Amendment, due process requiring proof by clear and convincing evidence in such a proceeding.

Rehnquist, J., joined by Burger, Ch. J., and White and O'Connor, JJ., dissenting, expressed the view that the "fair preponderance of the evidence" standard prescribed by the New York statute must be considered in the context of New York's overall scheme of procedures relating to the termination of parental rights on the basis of permanent neglect, that such standard, when considered in that context, did not violate the due process clause of the Fourteenth Amendment, and that the majority decision, by holding the statutory standard unconstitutional without evaluation of the overall effect of New York's scheme of procedures for terminating parental rights, invited further federal court intrusion into every facet of state family law.

LAWYERS' EDITION HEADNOTES:

[**LEdHN1]

LAW §830.7

due process — severance of parental rights — requirement of clear and convincing evidence —

Headnote:[1A][1B][1C]

Before a state may sever completely and irrevocably the rights of parents in their natural child, due process requires that the state support its allegations by at least clear and convincing evidence; therefore a state statute violates the due process clause of the Fourteenth Amendment insofar as it authorizes termination, over parental objection, of the rights of parents in their natural child upon a finding that the child is "permanently neglected," when that finding is supported by a "fair preponderance of the evidence." (Rehnquist, J., Burger, Ch. J., White, J., and O'Connor, J., dissented from this holding.)

[**LEdHN2]

LAW §778.5

due process — parental rights termination proceeding — liberty interest —

Headnote:[2A][2B][2C]

Under the Fourteenth Amendment, process is constitutionally due a natural parent at a state's parental rights termination proceeding, such a proceeding interfering with a fundamental liberty interest of natural parents in the care, custody, and management of their child, such interest not evaporating simply because the parents have not been model parents or have lost temporary custody of their child to the state, and the fact that important liberty interests of the child and its foster parents may also be affected by a permanent neglect proceeding not justifying denial to the natural parents of constitutionally adequate procedures; a state cannot refuse to provide natural parents adequate procedural safeguards in a parental rights termination proceeding on the grounds that the family unit already has broken down.

[**LEdHN3]

LAW §746

due process — minimum procedural requirements —

Headnote:[3]

The minimum requirements of procedural due process are not diminished by the fact that a state may have specified its own procedures that it may deem adequate for determining the preconditions to adverse official action, such requirements being a matter of federal law.

[**LEdHN4]

LAW §829

due process — standard of proof —

Headnote:[4]

Standards of proof, like other procedural due process rules, are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases, not the rare exceptions; the standard of proof necessarily must be calibrated in advance, the litigants and the factfinder requiring knowledge at the outset of a given proceeding how the risk of error will be allocated, and retrospective case-by-case review being unable to preserve fundamental fairness when a class of proceedings is governed by a constitutionally defective evidentiary standard.

[**LEdHN5]

LAW §830.7

due process — parental rights termination proceedings — standard of proof —

Headnote:[5]

Determination of the precise burden equal to or greater than the "clear and convincing evidence" standard of proof, which is to be applied in a state's parental rights

termination proceedings, is a matter of state law properly left to state legislatures and to state courts.

SYLLABUS:

Under New York law, the State may terminate, over parental objection, the rights of parents in their natural child upon a finding that the child is "permanently neglected." The New York Family Court Act (§ 622) requires that only a "fair preponderance of the evidence" support that finding. Neglect proceedings were brought in Family Court to terminate petitioners' rights as natural parents in their three children. Rejecting petitioners' challenge to the constitutionality of § 622's "fair preponderance of the evidence" standard, the Family Court weighed the evidence under that standard and found permanent neglect. After a subsequent dispositional hearing, the Family Court ruled that the best interests of the children required permanent termination of petitioners' custody. The Appellate Division of the New York Supreme Court affirmed, and the New York Court of Appeals dismissed petitioners' appeal to that court.

Held:

1. Process is constitutionally due a natural parent at a state-initiated parental rights termination proceeding. Pp. 752-757.

(a) The fundamental liberty interest of natural parents in the care, custody, and management of their child is protected by the Fourteenth Amendment, and does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. A parental rights termination proceeding interferes with that fundamental liberty interest. When the State moves to destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures. Pp. 752-754.

(b) The nature of the process due in parental rights termination proceedings turns on a balancing of three factors: the private interests affected by the proceedings; the risk of error created by the State's chosen procedure; and the countervailing governmental interest supporting use of the challenged procedure. *Mathews v. Eldridge*, 424 U.S. 319, 335. In any given proceeding, the minimum standard of proof tolerated by the due process requirement reflects not only the weight of the public and private interests affected, but also a societal judgment about how the risk of error should be distributed between the litigants. The minimum standard is a question of federal law which this Court may resolve. Retrospective case-by-case review cannot preserve fundamental fairness when a class of proceedings is governed by a constitutionally defective evidentiary standard. Pp. 754-757.

2. The "fair preponderance of the evidence" standard prescribed by § 622 violates the Due Process Clause of the Fourteenth Amendment. Pp. 758-768.

(a) The balance of private interests affected weighs heavily against use of such a standard in parental rights termination proceedings, since the private interest affected is commanding and the threatened loss is permanent. Once affirmed on appeal, a New York decision terminating parental rights is *final* and irrevocable. Pp. 758-761.

(b) A preponderance standard does not fairly allocate the risk of an erroneous factfinding between the State and the natural parents. In parental rights termination proceedings, which bear many of the indicia of a criminal trial, numerous factors combine to magnify the risk of erroneous factfinding. Coupled with the preponderance standard, these factors create a significant prospect of erroneous termination of parental rights. A standard of proof that allocates the risk of error nearly equally between an erroneous failure to terminate, which leaves the child in an uneasy status quo, and an erroneous termination, which unnecessarily destroys the natural family, does not reflect properly the relative severity of these two outcomes. Pp. 761-766.

(c) A standard of proof more strict than preponderance of the evidence is consistent with the two state interests at stake in parental rights termination proceedings — a *parens patriae* interest in preserving and promoting the child's welfare and a fiscal and administrative interest in reducing the cost and burden of such proceedings. Pp. 766-768.

3. Before a State may sever completely and irrevocably the rights of parents in their natural child, due process requires that the State support its allegations by at least clear and convincing evidence. A "clear and convincing evidence" standard adequately conveys to the factfinder the level of subjective certainty about his factual conclusions necessary to satisfy due process. Determination of the precise burden equal to or greater than that standard is a matter of state law properly left to state legislatures and state courts. Pp. 768-770.

COUNSEL:

Martin Guggenheim argued the cause for petitioners. With him on the briefs was Alan N. Sussman.

Steven Domenic Scavuzzo argued the cause pro hac vice for respondents. With him on the brief was H. Randall Bixler. Wilfrid E. Marrin and Frederick J. Magovern filed a brief for respondents Balogh et al. *

* Briefs of amici curiae urging reversal were

filed by Marcia Robinson Lowry, Steven R. Shapiro, and Margaret Hayman for the American Civil Liberties Union Children's Rights Project et al.; and by Louise Gruner Gans, Catherine P. Mitchell, Norman Siegel, Gary Connor, and Daniel Greenberg for Community Action for Legal Services, Inc., et al.

Briefs of amici curiae urging affirmance were filed by Robert Abrams, Attorney General, Shirley Adelson Siegel, Solicitor General, and Lawrence J. Logan and Robert J. Schack, Assistant Attorneys General, for the State of New York; and by Dave Frohnmayer, Attorney General, William F. Gary, Solicitor General, and Jan Peter Londahl, Assistant Attorney General, for the State of Oregon.

JUDGES:

BLACKMUN, J., delivered the opinion of the Court, in which BRENNAN, MARSHALL, POWELL, and STEVENS, JJ., joined. REHNQUIST, J., filed a dissenting opinion, in which BURGER, C. J., and WHITE and O'CONNOR, JJ., joined, post, p. 770.

OPINIONBY:

BLACKMUN

OPINION:

[*747] [***602] [**1391] JUSTICE BLACKMUN delivered the opinion of the Court.

[***LEdHR1A] [1A]Under New York law, the State may terminate, over parental [***603] objection, the rights of parents in their natural child upon a finding that the child is "permanently neglected." N. Y. Soc. Serv. Law §§ 384-b.4.(d), 384-b.7.(a) (McKinney Supp. 1981-1982) (Soc. Serv. Law). The New York Family Court Act § 622 (McKinney 1975 and Supp. 1981-1982) (Fam. Ct. Act) requires that only a "fair preponderance of the evidence" support that finding. Thus, in New York, the factual certainty required to extinguish the parent-child relationship is no greater than that necessary to award money damages in an ordinary civil action.

Today we hold that the Due Process Clause of the Fourteenth Amendment demands more than this. [HN1] Before a State may sever completely and irrevocably the rights of parents in [*748] their natural child, due process requires that the State support its [**1392] allegations by at least clear and convincing evidence.

I

A

New York authorizes its officials to remove a child temporarily from his or her home if the child appears "neglected," within the meaning of Art. 10 of the Family Court Act. See §§ 1012(f), 1021-1029. Once removed, a child under the age of 18 customarily is placed "in the care of an authorized agency," Soc. Serv. Law § 384-b.7.(a), usually a state institution or a foster home. At that point, "the state's first obligation is to help the family with services to . . . reunite it" § 384-b.1.(a)(iii). But if convinced that "positive, nurturing parent-child relationships no longer exist," § 384-b.1.(b), the State may initiate "permanent neglect" proceedings to free the child for adoption.

The State bifurcates its permanent neglect proceeding into "factfinding" and "dispositional" hearings. Fam. Ct. Act §§ 622, 623. At the factfinding stage, the State must prove that the child has been "permanently neglected," as defined by Fam. Ct. Act §§ 614.1.(a)-(d) and Soc. Serv. Law § 384-b.7.(a). See Fam. Ct. Act § 622. The Family Court judge then determines at a subsequent dispositional hearing what placement would serve the child's best interests. §§ 623, 631.

At the factfinding hearing, the State must establish, among other things, that for more than a year after the child entered state custody, the agency "made diligent efforts to encourage and strengthen the parental relationship." Fam. Ct. Act §§ 614.1.(c), 611. The State must further prove that during that same period, the child's natural parents failed "substantially and continuously or repeatedly to maintain contact with or plan for the future of the child although physically and financially able to do so." § 614.1.(d). Should the State support its allegations by "a fair preponderance of the evidence," § 622, the child may be declared permanently neglected. [*749] § 611. That declaration empowers the Family Court judge to terminate permanently the natural parents' rights in the child. §§ 631(c), 634. Termination denies the natural parents physical custody, as well as the rights ever to visit, communicate with, or regain custody of the child. n1

n1 At oral argument, counsel for petitioners asserted that, in New York, natural parents have no means of restoring terminated parental rights. Tr. of Oral Arg. 9. Counsel for respondents, citing Fam. Ct. Act § 1061, answered that parents may petition the Family Court to vacate or set aside an earlier order on narrow grounds, such as newly discovered evidence or fraud. Tr. of Oral Arg. 26. Counsel for respondents conceded, however, that this statutory provision has never been invoked to set aside a permanent neglect finding. *Id.*, at 27.

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New [***604] York's permanent neglect statute provides natural parents with certain procedural protections. n2 But New York permits its officials to establish "permanent neglect" with less proof than most States require. Thirty-five States, the District of Columbia, and the Virgin Islands currently specify a higher standard of proof, in parental rights termination proceedings, than a "fair preponderance of the evidence." n3 [**1393] The only analogous federal statute of which we are aware [*750] permits termination of parental rights solely upon "evidence beyond a reasonable doubt." Indian Child Welfare Act of 1978, Pub. L. 95-608, § 102(f), 92 Stat. 3072, 25 U. S. C. § 1912(f) (1976 ed., Supp. IV). The question here is whether [*751] New York's "fair preponderance of the evidence" standard is constitutionally sufficient.

n2 Most notably, natural parents have a statutory right to the assistance of counsel and of court-appointed counsel if they are indigent. Fam. Ct. Act § 262.(a)(iii).

n3 Fifteen States, by statute, have required "clear and convincing evidence" or its equivalent. See Alaska Stat. Ann. § 47.10.080(c)(3) (1980); Cal. Civ. Code Ann. § 232(a)(7) (West Supp. 1982); Ga. Code §§ 24A-2201(c), 24A-3201 (1979); Iowa Code § 600A.8 (1981) ("clear and convincing proof"); Me. Rev. Stat. Ann., Tit. 22, § 4055.1.B.(2) (Supp. 1981-1982); Mich. Comp. Laws § 722.25 (Supp. 1981-1982); Mo. Rev. Stat. § 211.447.2(2) (Supp. 1981) ("clear, cogent and convincing evidence"); N. M. Stat. Ann. § 40-7-4.J. (Supp. 1981); N. C. Gen. Stat. § 7A-289.30(e) (1981) ("clear, cogent, and convincing evidence"); Ohio Rev. Code Ann. §§ 2151.35, 2151.414(B) (Page Supp. 1982); R. I. Gen. Laws § 15-7-7(d) (Supp. 1980); Tenn. Code Ann. § 37-246(d) (Supp. 1981); Va. Code § 16.1-283.B (Supp. 1981); W. Va. Code § 49-6-2(c) (1980) ("clear and convincing proof"); Wis. Stat. § 48.31(1) (Supp. 1981-1982).

Fifteen States, the District of Columbia, and the Virgin Islands, by court decision, have required "clear and convincing evidence" or its equivalent. See *Dale County Dept. of Pensions & Security v. Robles*, 368 So. 2d 39, 42 (Ala. Civ. App. 1979); *Harper v. Caskin*, 265 Ark. 558, 560-561, 580 S. W. 2d 176, 178 (1979); *In re J. S. R.*, 374 A. 2d 860, 864 (D. C. 1977); *Torres v. Van Eepoel*, 98 So. 2d 735, 737 (Fla. 1957); *In re Kerns*, 225 Kan. 746, 753, 594 P. 2d 187, 193 (1979); *In re Rosenbloom*, 266 N. W. 2d 888, 889 (Minn. 1978) ("clear and convincing proof"); *In re J. L. B.*, 182 Mont. 100, 116-117, 594 P. 2d 1127, 1136 (1979); *In re Souza*, 204 Neb. 503, 510, 283 N. W. 2d 48, 52 (1979); *J.*

v. M., 157 N. J. Super. 478, 489, 385 A. 2d 240, 246 (App. Div. 1978); *In re J. A.*, 283 N. W. 2d 83, 92 (N. D. 1979); *In re Darren Todd H.*, 615 P. 2d 287, 289 (Okla. 1980); *In re William L.*, 477 Pa. 322, 332, 383 A. 2d 1228, 1233, cert. denied *sub nom. Lehman v. Lycoming County Children's Services*, 439 U.S. 880 (1978); *In re G. M.*, 596 S. W. 2d 846, 847 (Tex. 1980); *In re Pitts*, 535 P. 2d 1244, 1248 (Utah 1975); *In re Maria*, 15 V. I. 368, 384 (1978); *In re Sego*, 82 Wash. 2d 736, 739, 513 P. 2d 831, 833 (1973) ("clear, cogent, and convincing evidence"); *In re X.*, 607 P. 2d 911, 919 (Wyo. 1980) ("clear and unequivocal").

South Dakota's Supreme Court has required a "clear preponderance" of the evidence in a dependency proceeding. See *In re B. E.*, 287 N. W. 2d 91, 96 (1979). Two States, New Hampshire and Louisiana, have barred parental rights terminations unless the key allegations have been proved beyond a reasonable doubt. See *State v. Robert H.*, 118 N. H. 713, 716, 393 A. 2d 1387, 1389 (1978); La. Rev. Stat. Ann. § 13:1603.A (West Supp. 1982). Two States, Illinois and New York, have required clear and convincing evidence, but only in certain types of parental rights termination proceedings. See Ill. Rev. Stat., ch. 37, paras. 705-9(2), (3) (1979), amended by Act of Sept. 11, 1981, 1982 Ill. Laws, P. A. 82-437 (generally requiring a preponderance of the evidence, but requiring clear and convincing evidence to terminate the rights of minor parents and mentally ill or mentally deficient parents); N. Y. Soc. Serv. Law §§ 384-b.3(g), 384-b.4(c), and 384-b.4(e) (Supp. 1981-1982) (requiring "clear and convincing proof" before parental rights may be terminated for reasons of mental illness and mental retardation or severe and repeated child abuse).

So far as we are aware, only two federal courts have addressed the issue. Each has held that allegations supporting parental rights termination must be proved by clear and convincing evidence. *Sims v. State Dept. of Public Welfare*, 438 F.Supp. 1179, 1194 (SD Tex. 1977), rev'd on other grounds *sub nom. Moore v. Sims*, 442 U.S. 415 (1979); *Alsager v. District Court of Polk County*, 406 F.Supp. 10, 25 (SD Iowa 1975), aff'd on other grounds, 545 F.2d 1137 (CA8 1976).

B

[***605] Petitioners John Santosky II and Annie Santosky are the natural parents of Tina and John III. In November 1973, after incidents reflecting parental ne-

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glect, respondent Kramer, Commissioner of the Ulster County Department of Social Services, initiated a neglect proceeding under Fam. Ct. Act § 1022 and removed Tina from her natural home. About 10 months later, he removed John III and placed him with foster parents. On the day John was taken, Annie Santosky gave birth to a third child, Jed. When Jed was only three days old, respondent transferred him to a foster home on the ground that immediate removal was necessary to avoid imminent danger to his life or health.

In October 1978, respondent petitioned the Ulster County Family Court to terminate petitioners' parental rights in the three children. n4 Petitioners challenged the constitutionality of the "fair preponderance of the evidence" standard specified in Fam. Ct. Act § 622. The Family Court Judge rejected this constitutional challenge, App. 29–30, and weighed the evidence under the statutory standard. While acknowledging that the Santoskys had maintained contact with their children, the judge found those visits "at best superficial and devoid of any [*1394] real emotional content." *Id.*, at 21. After [*752] deciding that the agency had made "'diligent efforts' to encourage and strengthen the parental relationship," *id.*, at 30, he concluded that the Santoskys were incapable, even with public assistance, of planning for the future of their children. *Id.*, at 33–37. The judge later held a dispositional hearing and ruled that the best interests of the three children required permanent termination of the Santoskys' custody. n5 *Id.*, at 39.

n4 Respondent had made an earlier and unsuccessful termination effort in September 1976. After a factfinding hearing, the Family Court Judge dismissed respondent's petition for failure to prove an essential element of Fam. Ct. Act § 614.1.(d). See *In re Santosky*, 89 Misc. 2d 730, 393 N. Y. S. 2d 486 (1977). The New York Supreme Court, Appellate Division, affirmed, finding that "the record as a whole" revealed that petitioners had "substantially planned for the future of the children." *In re John W.*, 63 App. Div. 2d 750, 751, 404 N. Y. S. 2d 717, 719 (1978).

n5 Since respondent Kramer took custody of Tina, John III, and Jed, the Santoskys have had two other children, James and Jeremy. The State has taken no action to remove these younger children. At oral argument, counsel for respondents replied affirmatively when asked whether he was asserting that petitioners were "unfit to handle the three older ones but not unfit to handle the two younger ones." Tr. of Oral Arg. 24.

Petitioners appealed, again contesting the constitutionality of § 622's standard of proof. n6 The New York Supreme Court, Appellate Division, affirmed, holding application of the preponderance-of-the-evidence standard "proper and constitutional." *In re John AA*, 75 App. Div. 2d 910, 427 N. Y. S. 2d 319, 320 (1980). That standard, the court reasoned, "recognizes and seeks to balance rights possessed by the child . . . with those of the natural parents . . ." *Ibid.*

n6 Petitioners initially had sought review in the New York Court of Appeals. That court *sua sponte* transferred the appeal to the Appellate Division, Third Department, stating that a direct appeal did not lie because "questions other than the constitutional validity of a statutory provision are involved." App. 50.

The New York Court of Appeals [***606] then dismissed petitioners' appeal to that court "upon the ground that no substantial constitutional question is directly involved." App. 55. We granted certiorari to consider petitioners' constitutional claim. 450 U.S. 993 (1981).

II

[***LEdHR2A] [2A]Last Term, in *Lassiter v. Department of Social Services*, 452 U.S. 18 (1981), this Court, by a 5–4 vote, held that the [*753] Fourteenth Amendment's Due Process Clause does not require the appointment of counsel for indigent parents in every parental status termination proceeding. The case casts light, however, on the two central questions here — whether process is constitutionally due a natural parent at a State's parental rights termination proceeding, and, if so, what process is due.

In *Lassiter*, [HN2] it was "not disputed that state intervention to terminate the relationship between [a parent] and [the] child must be accomplished by procedures meeting the requisites of the Due Process Clause." *Id.*, at 37 (first dissenting opinion); see *id.*, at 24–32 (opinion of the Court); *id.*, at 59–60 (STEVENS, J., dissenting). See also *Little v. Streater*, 452 U.S. 1, 13 (1981). The absence of dispute reflected this Court's historical recognition that freedom of personal choice in matters of family life is a fundamental liberty interest protected by the Fourteenth Amendment. *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Smith v. Organization of Foster Families*, 431 U.S. 816, 845 (1977); *Moore v. East Cleveland*, 431 U.S. 494, 499 (1977) (plurality opinion); *Cleveland Board of Education v. LaFleur*, 414 U.S. 632, 639–640 (1974); *Stanley v. Illinois*, 405 U.S. 645, 651–652 (1972); *Prince*

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v. *Massachusetts*, 321 U.S. 158, 166 (1944); *Pierce v. Society of Sisters*, 268 U.S. 510, 534-535 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).

[***LEdHR2B] [2B][HN3] The fundamental liberty interest of natural parents in the care, custody, and [*1395] management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life. If anything, persons faced with forced dissolution of their parental rights have a more critical need for procedural protections than do those resisting state intervention into ongoing family affairs. When the State moves to [*754] destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures. n7

[***LEdHR2C] [2C]

n7 We therefore reject respondent Kramer's claim that aparental rights termination proceeding does not interfere with a fundamental liberty interest. See Brief for Respondent Kramer 11-18; Tr. of Oral Arg. 38. The fact that important liberty interests of the child and its foster parents may also be affected by a permanent neglect proceeding does not justify denying the *natural parents* constitutionally adequate procedures. Nor can the State refuse to provide natural parents adequate procedural safeguards on the ground that the family unit already has broken down; that is the very issue the permanent neglect proceeding is meant to decide.

In [*607] *Lassiter*, the Court and three dissenters agreed that the nature of the process due in parental rights termination proceedings turns on a balancing of the "three distinct factors" specified in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): the private interests affected by the proceeding; the risk of error created by the State's chosen procedure; and the countervailing governmental interest supporting use of the challenged procedure. See 452 U.S., at 27-31; *id.*, at 37-48 (first dissenting opinion). But see *id.*, at 59-60 (STEVENS, J., dissenting). While the respective *Lassiter* opinions disputed whether those factors should be weighed against a presumption disfavoring appointed counsel for one not threatened with loss of physical liberty, compare 452 U.S., at 31-32, with *id.*, at 41, and n. 8 (first dissenting opinion), that concern is irrelevant here. Unlike the Court's right-to-counsel rulings, its decisions concerning constitutional burdens of proof have not turned on any presumption favoring any particular standard. To the contrary, the Court has en-

gaged in a straightforward consideration of the factors identified in *Eldridge* to determine whether a particular standard of proof in a particular proceeding satisfies due process.

In *Addington v. Texas*, 441 U.S. 418 (1979), the Court, by a unanimous vote of the participating Justices, declared: "The function of a standard of proof, as that concept is embodied in the Due Process Clause and in the realm of factfinding, is to [*755] 'instruct the factfinder concerning the degree of confidence our society thinks he should have in the correctness of factual conclusions for a particular type of adjudication.'" *Id.*, at 423, quoting *In re Winship*, 397 U.S. 358, 370 (1970) (Harlan, J., concurring). *Addington* teaches that, in any given proceeding, the minimum standard of proof tolerated by the due process requirement reflects not only the weight of the private and public interests affected, but also a societal judgment about how the risk of error should be distributed between the litigants.

Thus, while private parties may be interested intensely in a civil dispute over money damages, application of a "fair preponderance of the evidence" standard indicates both society's "minimal concern with the outcome," and a conclusion that the litigants should "share the risk of error in roughly equal fashion." 441 U.S., at 423. When the State brings a criminal action to deny a defendant liberty or life, however, "the interests of the defendant are of such magnitude that historically and without any explicit constitutional requirement they have been protected by standards of proof designed to exclude as [*1396] nearly as possible the likelihood of an erroneous judgment." *Ibid.* The stringency of the "beyond a reasonable doubt" standard bespeaks [*608] the "weight and gravity" of the private interest affected, *id.*, at 427, society's interest in avoiding erroneous convictions, and a judgment that those interests together require that "society [impose] almost the entire risk of error upon itself." *Id.*, at 424. See also *In re Winship*, 397 U.S., at 372 (Harlan, J., concurring).

[***LEdHR3] [3] [HN4] The "minimum requirements [of procedural due process] being a matter of federal law, they are not diminished by the fact that the State may have specified its own procedures that it may deem adequate for determining the preconditions to adverse official action." *Vitek v. Jones*, 445 U.S. 480, 491 (1980). See also *Logan v. Zimmerman Brush Co.*, *ante*, at 432. Moreover, the degree of proof required in a particular type of proceeding "is the kind of question which has [*756] traditionally been left to the judiciary to resolve." *Woodby v. INS*, 385 U.S. 276, 284 (1966). n8 "In cases involving individual rights, whether criminal or civil, '[the] standard of proof [at a minimum] reflects the value society places on in-

dividual liberty." *Addington v. Texas*, 441 U.S., at 425, quoting *Tippett v. Maryland*, 436 F.2d 1153, 1166 (CA4 1971) (opinion concurring in part and dissenting in part), cert. dism'd *sub nom.* *Murel v. Baltimore City Criminal Court*, 407 U.S. 355 (1972).

n8 The dissent charges, *post*, at 772, n. 2, that "this Court simply has no role in establishing the standards of proof that States must follow in the various judicial proceedings they afford to their citizens." As the dissent properly concedes, however, the Court must examine a State's chosen standard to determine whether it satisfies "the constitutional minimum of 'fundamental fairness.'" *Ibid.* See, e. g., *Addington v. Texas*, 441 U.S. 418, 427, 433 (1979) (unanimous decision of participating Justices) (Fourteenth Amendment requires at least clear and convincing evidence in a civil proceeding brought under state law to commit an individual involuntarily for an indefinite period to a state mental hospital); *In re Winship*, 397 U.S. 358, 364 (1970) (Due Process Clause of the Fourteenth Amendment protects the accused in state proceeding against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged).

This Court has mandated an intermediate standard of proof — "clear and convincing evidence" — when the individual interests at stake in a state proceeding are both "particularly important" and "more substantial than mere loss of money." *Addington v. Texas*, 441 U.S., at 424. Notwithstanding "the state's 'civil labels and good intentions,'" *id.*, at 427, quoting *In re Winship*, 397 U.S., at 365–366, the Court has deemed this level of certainty necessary to preserve fundamental fairness in a variety of government-initiated proceedings that threaten the individual involved with "a significant deprivation of liberty" or "stigma." 441 U.S., at 425, 426. See, e. g., *Addington v. Texas*, *supra* (civil commitment); *Woodby v. INS*, 385 U.S., at 285 (deportation); *Chaunt v. United States*, 364 U.S. 350, 353 [*757] (1960) (denaturalization); [*757] *Schneiderman v. United States*, 320 U.S. 118, 125, 159 (1943) (denaturalization).

***LEdHR4 [4]In *Lassiter*, to be sure, the Court held that fundamental fairness may be maintained in parental rights termination proceedings even when some procedures are mandated only on a case-by-case basis, rather than through rules of general application. 452 U.S., at 31–32 (natural parent's right to court-appointed counsel should be determined by the trial court, subject to appellate review). But this Court never has approved case-

by-case determination of the proper *standard of proof* for a given proceeding. Standards of proof, like other "procedural due process [*1397] rules[,] are shaped by the risk of error inherent in the truth-finding process as applied to the *generality of cases*, not the rare exceptions." *Mathews v. Eldridge*, 424 U.S., at 344 (emphasis added). Since the litigants and the factfinder must know at the outset of a given proceeding how the risk of error will be allocated, the standard of proof necessarily must be calibrated in advance. [HN5] Retrospective case-by-case review cannot preserve fundamental fairness when a class of proceedings is governed by a constitutionally defective evidentiary standard. n9

n9 For this reason, we reject the suggestions of respondents and the dissent that the constitutionality of New York's statutory procedures must be evaluated as a "package." See Tr. of Oral Arg. 25, 36, 38. Indeed, we would rewrite our precedents were we to excuse a constitutionally defective standard of proof based on an amorphous assessment of the "cumulative effect" of state procedures. In the criminal context, for example, the Court has never assumed that "strict substantive standards or special procedures compensate for a lower burden of proof . . ." *Post*, at 773. See *In re Winship*, 397 U.S., at 368. Nor has the Court treated appellate review as a curative for an inadequate burden of proof. See *Woodby v. INS*, 385 U.S. 276, 282 (1966) ("judicial review is generally limited to ascertaining whether the evidence relied upon by the trier of fact was of sufficient quality and substantiality to support the rationality of the judgment").

As the dissent points out, "the standard of proof is a crucial component of legal process, the primary function of which is 'to minimize the risk of erroneous decisions.'" *Post*, at 785, quoting *Greenholtz v. Nebraska Penal Inmates*, 442 U.S. 1, 13 (1979). Notice, summons, right to counsel, rules of evidence, and evidentiary hearings are all procedures to place information *before* the factfinder. But only the standard of proof "[instructs] the factfinder concerning the degree of confidence our society thinks he should have in the correctness of factual conclusions" he draws from that information. *In re Winship*, 397 U.S., at 370 (Harlan, J., concurring). The statutory provision of right to counsel and multiple hearings before termination cannot suffice to protect a natural parent's fundamental liberty interests if the State is willing to tolerate undue uncertainty in the determination of the dispositive facts.

[*758] III

[***LEdHR1B] [1B][HN6] In parental rights termination proceedings, the private interest affected is commanding; the risk of error from using a preponderance standard is substantial; and the countervailing governmental interest favoring that standard is comparatively slight. Evaluation of the three *Eldridge* factors compels the conclusion that use of a "fair preponderance of the evidence" standard in such proceedings is inconsistent with due process.

[***610] A

"[HN7] The extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be 'condemned to suffer grievous loss.'" *Goldberg v. Kelly*, 397 U.S. 254, 262–263 (1970), quoting *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 168 (1951) (Frankfurter, J., concurring). Whether the loss threatened by a particular type of proceeding is sufficiently grave to warrant more than average certainty on the part of the factfinder turns on both the nature of the private interest threatened and the permanency of the threatened loss.

Lassiter declared it "plain beyond the need for multiple citation" that a natural parent's "desire for and right to 'the companionship, care, custody, and management of his or her children'" is an interest far more precious than any property [*759] right. 452 U.S., at 27, quoting *Stanley v. Illinois*, 405 U.S., at 651. When the State initiates a parental rights termination proceeding, it seeks not merely to infringe that fundamental liberty interest, but to end it. "If the State prevails, it will have worked a unique kind of deprivation. . . . A parent's interest in the accuracy and justice of the decision to terminate his or her parental status is, therefore, a commanding one." 452 U.S., at 27.

[**1398] In government-initiated proceedings to determine juvenile delinquency, *In re Winship*, *supra*; civil commitment, *Addington v. Texas*, *supra*; deportation, *Woodby v. INS*, *supra*; and denaturalization, *Chaunt v. United States*, *supra*, and *Schneiderman v. United States*, *supra*, this Court has identified losses of individual liberty sufficiently serious to warrant imposition of an elevated burden of proof. Yet juvenile delinquency adjudications, civil commitment, deportation, and denaturalization, at least to a degree, are all *reversible* official actions. Once affirmed on appeal, a New York decision terminating parental rights is *final* and irrevocable. See n. 1, *supra*. Few forms of state action are both so severe and so irreversible.

Thus, the first *Eldridge* factor — the private interest affected — weighs heavily against use of the preponderance

standard at a state-initiated permanent neglect proceeding. We do not deny that the child and his foster parents are also deeply interested in the outcome of that contest. But at the factfinding stage of the New York proceeding, the focus emphatically is not on them.

The factfinding does not purport — and is not intended — to balance the child's interest in a normal family home against the parents' interest in raising the child. Nor does it purport to determine whether the natural parents or the foster parents would provide the better home. Rather, the factfinding hearing pits the State directly against the parents. The State alleges that the natural parents are at fault. Fam. Ct. Act § 614.1(d). The questions disputed and decided are [*760] what the State did — "made diligent efforts," § 614.1(c) — and what the natural parents did not do — "maintain contact with or plan for the future of the child." § 614.1(d). The State marshals an array of public resources to prove its case and disprove the parents' case. [***611] Victory by the State not only makes termination of parental rights possible; it entails a judicial determination that the parents are unfit to raise their own children. n10

n10 The Family Court Judge in the present case expressly refused to terminate petitioners' parental rights on a "non-statutory, no-fault basis." App. 22–29. Nor is it clear that the State constitutionally could terminate a parent's rights *without* showing parental unfitness. See *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978) ("We have little doubt that the Due Process Clause would be offended '[if] a State were to attempt to force the breakup of a natural family, over the objections of the parents and their children, without some showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest,'" quoting *Smith v. Organization of Foster Families*, 431 U.S. 816, 862–863 (1977) (Stewart, J., concurring in judgment)).

At the factfinding, the State cannot presume that a child and his parents are adversaries. After the State has established parental unfitness at that initial proceeding, the court may assume at the *dispositional* stage that the interests of the child and the natural parents do diverge. See Fam. Ct. Act § 631 (judge shall make his order "solely on the basis of the best interests of the child," and thus has no obligation to consider the natural parents' rights in selecting dispositional alternatives). But until the State proves parental unfitness, the child and his parents share a vital interest in preventing erroneous termination of their natural relationship. n11 Thus, [*761] at the factfinding, the interests of the child and his natural parents coincide

to favor use of error-reducing procedures.

n11 For a child, the consequences of termination of his natural parents' rights may well be far-reaching. In Colorado, for example, it has been noted: "The child loses the right of support and maintenance, for which he may thereafter be dependent upon society; the right to inherit; and all other rights inherent in the legal parent-child relationship, not just for [a limited] period . . . , but forever." *In re K. S.*, 33 Colo. App. 72, 76, 515 P.2d 130, 133 (1973).

Some losses cannot be measured. In this case, for example, Jed Santosky was removed from his natural parents' custody when he was only three days old; the judge's finding of permanent neglect effectively foreclosed the possibility that Jed would ever know his natural parents.

[**1399] However substantial the foster parents' interests may be, cf. *Smith v. Organization of Foster Families*, 431 U.S., at 845-847, they are not implicated directly in the factfinding stage of a state-initiated permanent neglect proceeding against the natural parents. If authorized, the foster parents may pit their interests directly against those of the natural parents by initiating their own permanent neglect proceeding. Fam. Ct. Act § 1055(d); Soc. Serv. Law §§ 384-6.3(b), 392.7.(c). Alternatively, the foster parents can make their case for custody at the dispositional stage of a state-initiated proceeding, where the judge already has decided the issue of permanent neglect and is focusing on the placement that would serve the child's best interests. Fam. Ct. Act §§ 623, 631. For the foster parents, the State's failure to prove permanent neglect may prolong the delay and uncertainty until their foster child is freed for adoption. But for the natural parents, a finding of permanent neglect can cut off forever their rights in their child. Given this disparity of consequence, we have no difficulty finding that the balance of private interests strongly favors heightened procedural protections.

[***612] B

Under *Mathews v. Eldridge*, we next must consider both the risk of erroneous deprivation of private interests resulting from use of a "fair preponderance" standard and the likelihood that a higher evidentiary standard would reduce that risk. See 424 U.S., at 335. Since the factfinding phase of a permanent neglect proceeding is an adversary contest between the State and the natural parents, the relevant question is whether a preponderance standard fairly allocates the risk of an erroneous factfinding between these two parties.

[*762] In New York, the factfinding stage of a state-initiated permanent neglect proceeding bears many of the indicia of a criminal trial. Cf. *Lassiter v. Department of Social Services*, 452 U.S., at 42-44 (first dissenting opinion); *Meltzer v. C. Buck LeCraw & Co.*, 402 U.S. 954, 959 (1971) (Black, J., dissenting from denial of certiorari). See also dissenting opinion, *post*, at 777-779 (describing procedures employed at factfinding proceeding). The Commissioner of Social Services charges the parents with permanent neglect. They are served by summons. Fam. Ct. Act §§ 614, 616, 617. The factfinding hearing is conducted pursuant to formal rules of evidence. § 624. The State, the parents, and the child are all represented by counsel. §§ 249, 262. The State seeks to establish a series of historical facts about the intensity of its agency's efforts to reunite the family, the infrequency and insubstantiality of the parents' contacts with their child, and the parents' inability or unwillingness to formulate a plan for the child's future. The attorneys submit documentary evidence, and call witnesses who are subject to cross-examination. Based on all the evidence, the judge then determines whether the State has proved the statutory elements of permanent neglect by a fair preponderance of the evidence. § 622.

At such a proceeding, numerous factors combine to magnify the risk of erroneous factfinding. Permanent neglect proceedings employ imprecise substantive standards that leave determinations unusually open to the subjective values of the judge. See *Smith v. Organization of Foster Families*, 431 U.S., at 835, n. 36. In appraising the nature and quality of a complex series of encounters among the agency, the parents, and the child, the court possesses unusual discretion to underweigh probative facts that might favor the parent. n12 [*763] Because parents [**1400] subject to termination proceedings are often poor, uneducated, or members of minority [***613] groups, *id.*, at 833-835, such proceedings are often vulnerable to judgments based on cultural or class bias.

n12 For example, a New York court appraising an agency's "diligent efforts" to provide the parents with social services can excuse efforts *not* made on the grounds that they would have been "detrimental to the best interests of the child." Fam. Ct. Act § 614.1.(c). In determining whether the parent "substantially and continuously or repeatedly" failed to "maintain contact with . . . the child," § 614.1.(d), the judge can discount actual visits or communications on the grounds that they were insubstantial or "overtly [demonstrated] a lack of affectionate and concerned parenthood." Soc. Serv. Law § 384-b.7.(b). When determining whether the parent planned for the child's future, the judge

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can reject as unrealistic plans based on overly optimistic estimates of physical or financial ability. § 384-b.7.(c). See also dissenting opinion, *post*, at 779-780, nn. 8 and 9.

The State's ability to assemble its case almost inevitably dwarfs the parents' ability to mount a defense. No predetermined limits restrict the sums an agency may spend in prosecuting a given termination proceeding. The State's attorney usually will be expert on the issues contested and the procedures employed at the factfinding hearing, and enjoys full access to all public records concerning the family. The State may call on experts in family relations, psychology, and medicine to bolster its case. Furthermore, the primary witnesses at the hearing will be the agency's own professional caseworkers whom the State has empowered both to investigate the family situation and to testify against the parents. Indeed, because the child is already in agency custody, the State even has the power to shape the historical events that form the basis for termination. n13

n13 In this case, for example, the parents claim that the State sought court orders denying them the right to visit their children, which would have prevented them from maintaining the contact required by Fam. Ct. Act. § 614.1.(d). See Brief for Petitioners 9. The parents further claim that the State cited their rejection of social services they found offensive or superfluous as proof of the agency's "diligent efforts" and their own "failure to plan" for the children's future. *Id.*, at 10-11.

We need not accept these statements as true to recognize that the State's unusual ability to structure the evidence increases the risk of an erroneous factfinding. Of course, the disparity between the litigants' resources will be vastly greater in States where there is no statutory right to court-appointed counsel. See *Lassiter v. Department of Social Services*, 452 U.S. 18, 34 (1981) (only 33 States and the District of Columbia provide that right by statute).

[*764] The disparity between the adversaries' litigation resources is matched by a striking asymmetry in their litigation options. Unlike criminal defendants, natural parents have no "double jeopardy" defense against repeated state termination efforts. If the State initially fails to win termination, as New York did here, see n. 4, *supra*, it always can try once again to cut off the parents' rights after gathering more or better evidence. Yet even when the parents have attained the level of fitness required

by the State, they have no similar means by which they can forestall future termination efforts.

Coupled with a "fair preponderance of the evidence" standard, these factors create a significant prospect of erroneous termination. A standard of proof that by its very terms demands consideration of the quantity, rather than the quality, of the evidence may misdirect the factfinder in the marginal case. See *In re Winship*, 397 U.S., at 371, n. 3 (Harlan, J., concurring). Given the weight of the private interests at stake, the social cost of even occasional error is sizable.

Raising the standard of proof would have both practical and symbolic consequences. Cf. *Addington v. Texas*, 441 U.S., at 426. The Court has long considered the heightened standard of proof used in criminal prosecutions to be "a prime instrument for reducing the risk of convictions resting on factual error." *In re Winship*, 397 U.S., at 363. [***614] An elevated standard of proof in a parental rights termination proceeding would alleviate "the possible risk that a factfinder might decide to [deprive] an individual based solely on a few isolated instances of unusual conduct [or] . . . idiosyncratic behavior." *Addington v. Texas*, 441 U.S., at 427. "Increasing the burden of proof is one way to [**1401] impress the factfinder with the importance [*765] of the decision and thereby perhaps to reduce the chances that inappropriate" terminations will be ordered. *Ibid.*

The Appellate Division approved New York's preponderance standard on the ground that it properly "balanced rights possessed by the child . . . with those of the natural parents. . . ." 75 App. Div. 2d, at 910, 427 N. Y. S. 2d, at 320. By so saying, the court suggested that a preponderance standard properly allocates the risk of error *between* the parents and the child. n14 That view is fundamentally mistaken.

n14 The dissent makes a similar claim. See *post*, at 786-791.

The court's theory assumes that termination of the natural parents' rights invariably will benefit the child. n15 Yet we have noted above that the parents and the child share an interest in avoiding erroneous termination. Even accepting the court's assumption, we cannot agree with its conclusion that a preponderance standard fairly distributes the risk of error between parent and child. Use of that standard reflects the judgment that society is nearly neutral between erroneous termination of parental rights and erroneous failure to terminate those rights. Cf. *In re Winship*, 397 U.S., at 371 (Harlan, J., concurring). For the child, the likely consequence of an erroneous failure to terminate is preservation of [*766] an uneasy status quo.

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n16 For the natural parents, however, [***615] the consequence of an erroneous termination is the unnecessary destruction of their natural family. A standard that allocates the risk of error nearly equally between those two outcomes does not reflect properly their relative severity.

n15 This is a hazardous assumption at best. Even when a child's natural home is imperfect, permanent removal from that home will not necessarily improve his welfare. See, e. g., Wald, *State Intervention on Behalf of "Neglected" Children: A Search for Realistic Standards*, 27 *Stan. L. Rev.* 985, 993 (1975) ("In fact, under current practice, coercive intervention frequently results in placing a child in a more detrimental situation than he would be in without intervention").

Nor does termination of parental rights necessarily ensure adoption. See Brief for *Community Action for Legal Services, Inc., et al.* as *Amici Curiae* 22-23. Even when a child eventually finds an adoptive family, he may spend years moving between state institutions and "temporary" foster placements after his ties to his natural parents have been severed. See *Smith v. Organization of Foster Families*, 431 U.S., at 833-838 (describing the "limbo" of the New York foster care system).

n16 When the termination proceeding occurs, the child is not living at his natural home. A child cannot be adjudicated "permanently neglected" until, "for a period of more than one year," he has been in "the care of an authorized agency." *Soc. Serv. Law* § 384-b.7.(a); *Fam. Ct. Act* § 614.1.(d). See also dissenting opinion, *post*, at 789-790.

Under New York law, a judge has ample discretion to ensure that, once removed from his natural parents on grounds of neglect, a child will not return to a hostile environment. In this case, when the State's initial termination effort failed for lack of proof, see n. 4, *supra*, the court simply issued orders under *Fam. Ct. Act* § 1055(b) extending the period of the child's foster home placement. See App. 19-20. See also *Fam. Ct. Act* § 632(b) (when State's permanent neglect petition is dismissed for insufficient evidence, judge retains jurisdiction to reconsider underlying orders of placement); § 633 (judge may suspend judgment at dispositional hearing for an additional year).

C

[HN8] Two state interests are at stake in parental rights

termination proceedings — a *parens patriae* interest in preserving and promoting the welfare of the child and a fiscal and administrative interest in reducing the cost and burden of such proceedings. A standard of proof more strict than preponderance of the evidence is consistent with both interests.

"Since the State has an urgent interest in the welfare of the child, it shares the parent's interest in an accurate and just decision" at the *factfinding* proceeding. *Lassiter v. Department of Social Services*, 452 U.S., at 27. As *parens patriae*, the State's goal is to provide the child with a permanent home. See *Soc. Serv. Law* § 384-b.1.(a)(i) (statement of legislative findings and intent). Yet while [**1402] there is still reason to believe that positive, nurturing parent-child relationships exist, the *parens patriae* interest favors preservation, not [*767] severance, of natural familial bonds. n17 § 384-b.1.(a)(ii). "[The] State registers no gain towards its declared goals when it separates children from the custody of fit parents." *Stanley v. Illinois*, 405 U.S., at 652.

n17 Any *parens patriae* interest in terminating the natural parents' rights arises only at the dispositional phase, *after* the parents have been found unfit.

The State's interest in finding the child an alternative permanent home arises only "when it is *clear* that the natural parent cannot or will not provide a normal family home for the child." *Soc. Serv. Law* § 384-b.1.(a)(iv) (emphasis added). At the factfinding, that goal is served by procedures that promote an accurate determination of whether the natural parents can and will provide a normal home.

Unlike a constitutional requirement of hearings, see, e. g., *Mathews v. Eldridge*, 424 U.S., at 347, or court-appointed counsel, a stricter standard of proof would reduce factual error without imposing substantial fiscal burdens upon the State. As we have observed, 35 States already have adopted a higher standard by statute or court decision without apparent effect on the speed, form, or cost of their factfinding proceedings. See n. 3, *supra*.

Nor would an elevated standard of proof create any real administrative burdens for the State's factfinders. New York Family Court judges already are familiar with a higher evidentiary standard in other parental rights termination proceedings not involving permanent neglect. See *Soc. Serv. Law* §§ 384-b.3.(g), 384-b. 4.(c), and 384-b.4.(e) (requiring "clear and convincing proof" before parental rights may be terminated for reasons of mental illness and mental retardation or severe and repeated child abuse). New York [***616] also demands at

least clear and convincing evidence in proceedings of far less moment than parental rights termination proceedings. See, e. g., N. Y. Veh. & Traf. Law § 227.1 (McKinney Supp. 1981) (requiring the State to prove traffic [*768] infractions by "clear and convincing evidence") and *In re Rosenthal v. Hartnett*, 36 N. Y. 2d 269, 326 N. E. 2d 811 (1975); see also *Ross v. Food Specialties, Inc.*, 6 N. Y. 2d 336, 341, 160 N. E. 2d 618, 620 (1959) (requiring "clear, positive and convincing evidence" for contract reformation). We cannot believe that it would burden the State unduly to require that its factfinders have the same factual certainty when terminating the parent-child relationship as they must have to suspend a driver's license.

IV

[**LEdHR1C] [1C]The logical conclusion of this balancing process is that the "fair preponderance of the evidence" standard prescribed by Fam. Ct. Act § 622 violates the Due Process Clause of the Fourteenth Amendment. n18 The Court noted in *Addington*: "The individual should not be asked to share equally with society the risk of error when the possible injury to the individual is significantly greater than any possible harm to the state." 441 U.S., at 427. Thus, [HN9] at a parental rights termination proceeding, a near-equal allocation of risk between the parents and the State is constitutionally intolerable. The next question, then, is whether a "beyond a reasonable doubt" or a "clear and convincing" standard is constitutionally mandated.

n18 The dissent's claim that today's decision "will inevitably lead to the federalization of family law," *post*, at 773, is, of course, vastly overstated. As the dissent properly notes, the Court's duty to "[refrain] from interfering with state answers to domestic relations questions" has never required "that the Court should blink at clear constitutional violations in state statutes." *Post*, at 771.

In *Addington*, the Court concluded that application of a reasonable-doubt standard is inappropriate in civil commitment proceedings for two reasons — because of our hesitation to apply that unique standard [*1403] "too broadly or casually in non-criminal cases," *id.*, at 428, and because the psychiatric evidence ordinarily adduced at commitment proceedings is [*769] rarely susceptible to proof beyond a reasonable doubt. *Id.*, at 429-430, 432-433. To be sure, as has been noted above, in the Indian Child Welfare Act of 1978, Pub. L. 95-608, § 102(f), 92 Stat. 3072, 25 U. S. C. § 1912(f) (1976 ed., Supp. IV), Congress requires "evidence beyond a reasonable doubt" for termination of Indian parental rights, reasoning that "the removal of a child from the parents is a penalty as

great [as], if not greater, than a criminal penalty . . ." H. R. Rep. No. 95-1386, p. 22 (1978). Congress did not consider, however, the evidentiary problems that would arise if proof beyond a reasonable doubt were required in all state-initiated parental rights termination hearings.

Like civil commitment hearings, termination proceedings often require the factfinder to evaluate medical and psychiatric testimony, and to decide issues difficult to prove to a level of absolute certainty, such as lack of parental motive, absence of [***617] affection between parent and child, and failure of parental foresight and progress. Cf. *Lassiter v. Department of Social Services*, 452 U.S., at 30; *id.*, at 44-46 (first dissenting opinion) (describing issues raised in state termination proceedings). The substantive standards applied vary from State to State. Although Congress found a "beyond a reasonable doubt" standard proper in one type of parental rights termination case, another legislative body might well conclude that a reasonable-doubt standard would erect an unreasonable barrier to state efforts to free permanently neglected children for adoption.

[**LEdHR5] [5]A majority of the States have concluded that a "clear and convincing evidence" standard of proof strikes a fair balance between the rights of the natural parents and the State's legitimate concerns. See n. 3, *supra*. [HN10] We hold that such a standard adequately conveys to the factfinder the level of subjective certainty about his factual conclusions necessary to satisfy due process. We further hold that determination of the precise burden equal to or greater than that standard [*770] is a matter of state law properly left to state legislatures and state courts. Cf. *Addington v. Texas*, 441 U.S., at 433.

We, of course, express no view on the merits of petitioners' claims. n19 At a hearing conducted under a constitutionally proper standard, they may or may not prevail. Without deciding the outcome under any of the standards we have approved, we vacate the judgment of the Appellate Division and remand the case for further proceedings not inconsistent with this opinion.

n19 Unlike the dissent, we carefully refrain from accepting as the "facts of this case" findings that are not part of the record and that have been found only to be more likely true than not.

It is so ordered.

DISSENTBY:

REHNQUIST

DISSENT:

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JUSTICE REHNQUIST, with whom THE CHIEF JUSTICE, JUSTICE WHITE, and JUSTICE O'CONNOR join, dissenting.

I believe that few of us would care to live in a society where every aspect of life was regulated by a single source of law, whether that source be this Court or some other organ of our complex body politic. But today's decision certainly moves us in that direction. By parsing the New York scheme and holding one narrow provision unconstitutional, the majority invites further federal-court intrusion into every facet of state family law. If ever there were an area in which federal courts should heed the admonition of Justice Holmes that "a page of history is worth a volume of logic,"ⁿ¹ it is in the area of domestic relations. This area has been left to the States from [**1404] time immemorial, and not without good reason.

ⁿ¹ *New York Trust Co. v. Eisner*, 256 U.S. 345, 349 (1921).

Equally as troubling is the majority's due process analysis. The Fourteenth Amendment guarantees that a State will treat individuals with "fundamental fairness" whenever its actions infringe their protected liberty or property interests. By adoption of the procedures relevant to [***618] this case, New [**771] York has created an exhaustive program to assist parents in regaining the custody of their children and to protect parents from the unfair deprivation of their parental rights. And yet the majority's myopic scrutiny of the standard of proof blinds it to the very considerations and procedures which make the New York scheme "fundamentally fair."

I

State intervention in domestic relations has always been an unhappy but necessary feature of life in our organized society. For all of our experience in this area, we have found no fully satisfactory solutions to the painful problem of child abuse and neglect. We have found, however, that leaving the States free to experiment with various remedies has produced novel approaches and promising progress.

Throughout this experience the Court has scrupulously refrained from interfering with state answers to domestic relations questions. "Both theory and the precedents of this Court teach us solicitude for state interests, particularly in the field of family and family-property arrangements." *United States v. Yazell*, 382 U.S. 341, 352 (1966). This is not to say that the Court should blink at clear constitutional violations in state statutes, but rather that in this area, of all areas, "substantial weight must be given to the good-faith judgments of the individuals

[administering a program] . . . that the procedures they have provided assure fair consideration of the . . . claims of individuals." *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976).

This case presents a classic occasion for such solicitude. As will be seen more fully in the next part, New York has enacted a comprehensive plan to *aid* marginal parents in regaining the custody of their child. The central purpose of the New York plan is to reunite divided families. Adoption of the preponderance-of-the-evidence standard represents New York's good-faith effort to balance the interest of parents [**772] against the legitimate interests of the child and the State. These earnest efforts by state officials should be given weight in the Court's application of due process principles. "Great constitutional provisions must be administered with caution. Some play must be allowed for the joints of the machine, and it must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts." *Missouri, K. & T. R. Co. v. May*, 194 U.S. 267, 270 (1904).ⁿ²

ⁿ² The majority asserts that "the degree of proof required in a particular type of proceeding 'is the kind of question which has traditionally been left to the judiciary to resolve.' *Woodby v. INS*, 385 U.S. 276, 284 (1966)." *Ante*, at 755-756. To the extent that the majority seeks, by this statement, to place upon the federal judiciary the primary responsibility for deciding the appropriate standard of proof in state matters, it arrogates to itself a responsibility wholly at odds with the allocation of authority in our federalist system and wholly unsupported by the prior decisions of this Court. In *Woodby v. INS*, 385 U.S. 276 (1966), the Court determined the proper standard of proof to be applied under a *federal* statute, and did so only after concluding that "Congress [had] not addressed itself to the question of what degree of proof [was] required in deportation proceedings." *Id.*, at 284. Beyond an examination for the constitutional minimum of "fundamental fairness" — which clearly is satisfied by the New York procedures at issue in this case — this Court simply has no role in establishing the standards of proof that States must follow in the various judicial proceedings they afford to their citizens.

The [***619] majority may believe that it is adopting a relatively unobtrusive means of ensuring that termination proceedings provide "due process of law." In fact, however, [**1405] fixing the standard of proof as a matter of federal constitutional law will only lead to further

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federal-court intervention in state schemes. By holding that due process requires proof by clear and convincing evidence the majority surely cannot mean that any state scheme passes constitutional muster so long as it applies that standard of proof. A state law permitting termination of parental rights upon a showing of neglect by clear and convincing evidence certainly would not be [*773] acceptable to the majority if it provided no procedures other than one 30-minute hearing. Similarly, the majority probably would balk at a state scheme that permitted termination of parental rights on a clear and convincing showing merely that such action would be in the best interests of the child. See *Smith v. Organization of Foster Families*, 431 U.S. 816, 862–863 (1977) (Stewart, J., concurring in judgment).

After fixing the standard of proof, therefore, the majority will be forced to evaluate other aspects of termination proceedings with reference to that point. Having in this case abandoned evaluation of the overall effect of a scheme, and with it the possibility of finding that strict substantive standards or special procedures compensate for a lower burden of proof, the majority's approach will inevitably lead to the federalization of family law. Such a trend will only thwart state searches for better solutions in an area where this Court should encourage state experimentation. "It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country. This Court has the power to prevent an experiment." *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting). It should not do so in the absence of a clear constitutional violation. As will be seen in the next part, no clear constitutional violation has occurred in this case.

II

As the majority opinion notes, petitioners are the parents of five children, three of whom were removed from petitioners' care on or before August 22, 1974. During the next four and one-half years, those three children were in the custody of the State and in the care of foster homes or institutions, and the State was diligently engaged in efforts to prepare petitioners for the children's return. Those efforts were unsuccessful, [*774] however, and on April 10, 1979, the New York Family Court for Ulster County terminated petitioners' parental rights as to the three children removed in 1974 or earlier. This termination was preceded by a judicial finding that petitioners had failed to plan for the return and future of their children, a statutory [***620] category of permanent neglect. Petitioners now contend, and the Court today holds, that they were denied due process of law, not because of a general inad-

equacy of procedural protections, but simply because the finding of permanent neglect was made on the basis of a preponderance of the evidence adduced at the termination hearing.

It is well settled that "[the] requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." *Board of Regents v. Roth*, 408 U.S. 564, 569 (1972). In determining whether such liberty or property interests are implicated by a particular government action, "we must look not to the 'weight' but to the *nature* of the interest at stake." *Id.*, at 571 (emphasis in original). I do not disagree with the majority's conclusion that the interest of parents in their relationship with their children is sufficiently fundamental to come within the finite class of liberty interests protected by the Fourteenth Amendment. See *Smith v. Organization of Foster Families*, *supra*, at 862–863 (Stewart, J., concurring in judgment). "Once it is determined that due [**1406] process applies, [however,] the question remains what process is due." *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). It is the majority's answer to this question with which I disagree.

A

Due process of law is a flexible constitutional principle. The requirements which it imposes upon governmental actions vary with the situations to which it applies. As the Court previously has recognized, "not all situations calling for [*775] procedural safeguards call for the same kind of procedure." *Morrissey v. Brewer*, *supra*, at 481. See also *Greenholtz v. Nebraska Penal Inmates*, 442 U.S. 1, 12 (1979); *Mathews v. Eldridge*, 424 U.S., at 334; *Cafeteria Workers v. McElroy*, 367 U.S. 886, 895 (1961). The adequacy of a scheme of procedural protections cannot, therefore, be determined merely by the application of general principles unrelated to the peculiarities of the case at hand.

Given this flexibility, it is obvious that a proper due process inquiry cannot be made by focusing upon one narrow provision of the challenged statutory scheme. Such a focus threatens to overlook factors which may introduce constitutionally adequate protections into a particular government action. Courts must examine *all* procedural protections offered by the State, and must assess the *cumulative* effect of such safeguards. As we have stated before, courts must consider "the fairness and reliability of the existing . . . procedures" before holding that the Constitution requires more. *Mathews v. Eldridge*, *supra*, at 343. Only through such a broad inquiry may courts determine whether a challenged governmental action satisfies the due process requirement of "fundamental fairness." n3 In some instances, the [***621] Court has even

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looked to nonprocedural restraints on official action in determining whether the deprivation of a protected interest was effected without due process of law. *E. g., Ingraham v. Wright*, [*776] 430 U.S. 651 (1977). In this case, it is just such a broad look at the New York scheme which reveals its fundamental fairness. n4

n3 Although, as the majority states, we have held that the minimum requirements of procedural due process are a question of federal law, such a holding does not mean that the procedural protections afforded by a State will be inadequate under the Fourteenth Amendment. It means simply that the adequacy of the state-provided process is to be judged by constitutional standards — standards which the majority itself equates to "fundamental fairness." *Ante*, at 754. I differ, therefore, not with the majority's statement that the requirements of due process present a federal question, but with its apparent assumption that the presence of "fundamental fairness" can be ascertained by an examination which completely disregards the plethora of protective procedures accorded parents by New York law.

n4 The majority refuses to consider New York's procedure as a whole, stating that "[the] statutory provision of right to counsel and multiple hearings before termination cannot suffice to protect a natural parent's fundamental liberty interests if the State is willing to tolerate undue uncertainty in the determination of the dispositive facts." *Ante*, at 758, n. 9. Implicit in this statement is the conclusion that the risk of error may be reduced to constitutionally tolerable levels only by raising the standard of proof — that other procedures can never eliminate "undue uncertainty" so long as the standard of proof remains too low. Aside from begging the question of whether the risks of error tolerated by the State in this case are "undue," see *infra*, at 785–791, this conclusion denies the flexibility that we have long recognized in the principle of due process; understates the error-reducing power of procedural protections such as the right to counsel, evidentiary hearings, rules of evidence, and appellate review; and establishes the standard of proof as the *sine qua non* of procedural due process.

The termination of parental rights on the basis of permanent neglect can occur under New York law only by order of the Family Court. N. Y. Soc. Serv. Law (SSL) § 384-b.3.(d) (McKinney Supp. 1981–1982). Before a pe-

tion for permanent termination can be filed in that court, however, several other events must first occur.

[**1407] The Family Court has jurisdiction only over those children who are in the care of an authorized agency. N. Y. Family Court Act (FCA) § 614.1.(b) (McKinney 1975 and Supp. 1981–1982). Therefore, the children who are the subject of a termination petition must previously have been removed from their parents' home on a temporary basis. Temporary removal of a child can occur in one of two ways. The parents may consent to the removal, FCA § 1021, or, as occurred in this case, the Family Court can order the removal pursuant to a finding that the child is abused or neglected. n5 FCA §§ 1051, 1952.

n5 An abused child is one who has been subjected to intentional physical injury "which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ." FCA § 1012(e)(i). Sexual offenses against a child are also covered by this category. A neglected child is one "whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent . . . to exercise a minimum degree of care in supplying the child with adequate food, clothing, shelter or education." FCA § 1012(f)(i)(A).

[*777] Court proceedings to order the temporary removal of a child are initiated by a petition alleging abuse or neglect, filed by a state-authorized child protection agency or by a person designated by the court. FCA §§ 1031, 1032. Unless the court finds that exigent circumstances require removal of the child before a petition may be filed and a hearing held, [***622] see FCA § 1022, the order of temporary removal results from a "dispositional hearing" conducted to determine the appropriate form of alternative care. FCA § 1045. See also FCA § 1055. This "dispositional hearing" can be held only after the court, at a separate "factfinding hearing," has found the child to be abused or neglected within the specific statutory definition of those terms. FCA §§ 1012, 1044, 1051.

Parents subjected to temporary removal proceedings are provided extensive procedural protections. A summons and copy of the temporary removal petition must be served upon the parents within two days of issuance by the court, FCA §§ 1035, 1036, and the parents may, at their own request, delay the commencement of the factfinding hearing for three days after service of the summons. FCA § 1048. n6 The factfinding hearing may not commence

without a determination by the court that the parents are present at the hearing and have been served with the petition. FCA § 1041. At the hearing itself, "only competent, material and relevant evidence may be admitted," with some enumerated exceptions [*778] for particularly probative evidence. FCA § 1046(b)(ii). In addition, indigent parents are provided with an attorney to represent them at both the factfinding and dispositional hearings, as well as at all other proceedings related to temporary removal of their child. FCA § 262(a)(i).

n6 The relatively short time between notice and commencement of hearing provided by § 1048 undoubtedly reflects the State's desire to protect the child. These proceedings are designed to permit prompt action by the court when the child is threatened with imminent and serious physical, mental, or emotional harm.

An order of temporary removal must be reviewed every 18 months by the Family Court. SSL § 392.2. Such review is conducted by hearing before the same judge who ordered the temporary removal, and a notice of the hearing, including a statement of the dispositional alternatives, must be given to the parents at least 20 days before the hearing is held. SSL § 392.4. As in the initial removal action, the parents must be parties to the proceedings, *ibid.*, and are entitled to court-appointed counsel if indigent. FCA § 262(a).

One or more years after a child has been removed temporarily from the parents' home, permanent termination proceedings may be commenced by the filing of a petition in the court which ordered the temporary removal. The petition must be filed by a state agency or by a foster parent authorized by the court, SSL § 384-b.3.(b), and must allege that the child has been [*1408] permanently neglected by the parents. SSL § 384-b.3.(d). n7 Notice of the petition and the dispositional proceedings must be served upon the parents at least 20 days before the commencement of the hearing, SSL § 384-b.3.(e), must inform them of the potential consequences of the hearing, *ibid.*, and must inform them "of their right to the assistance of counsel, including [their] right . . . to have counsel assigned by the court [if] they are financially unable to obtain counsel." *Ibid.* See also FCA § 262.

n7 Permanent custody also may be awarded by the Family Court if both parents are deceased, the parents abandoned the child at least six months prior to the termination proceedings, or the parents are unable to provide proper and adequate care by reason of mental illness or mental retardation. SSL § 384-b.4.(c).

As [***623] in the initial removal proceedings, two hearings are held in consideration of the permanent termination petition. [*779] SSL § 384-b.3.(f). At the factfinding hearing, the court must determine, by a fair preponderance of the evidence, whether the child has been permanently neglected. SSL § 384-b.3.(g). "Only competent, material and relevant evidence may be admitted in a factfinding hearing." FCA § 624. The court may find permanent neglect if the child is in the care of an authorized agency or foster home and the parents have "failed for a period of more than one year . . . substantially and continuously or repeatedly to maintain contact with or plan for the future of the child, although physically and financially able to do so." SSL § 384-b.7.(a). n8 In addition, because the State considers its "first obligation" to be the reuniting of the child with its natural parents, SSL § 384-b.1.(iii), the court must also find that the supervising state agency has, without success, made "*diligent* efforts to encourage and strengthen the parental relationship." SSL § 384-b.7.(a) (emphasis added). n9

n8 As to maintaining contact with the child, New York law provides that "evidence of insubstantial or infrequent contacts by a parent with his or her child shall not, of itself, be sufficient as a matter of law to preclude a determination that such child is a permanently neglected child. A visit or communication by a parent with the child which is of such a character as to overtly demonstrate a lack of affectionate and concerned parenthood shall not be deemed a substantial contact." SSL § 384-b.7.(b).

Failure to plan for the future of the child means failure "to take such steps as may be necessary to provide an adequate, stable home and parental care for the child within a period of time which is reasonable under the financial circumstances available to the parent. The plan must be realistic and feasible, and good faith effort shall not, of itself, be determinative. In determining whether a parent has planned for the future of the child, the court may consider the failure of the parent to utilize medical, psychiatric, psychological and other social and rehabilitative services and material resources made available to such parent." SSL § 384-b.7.(c).

n9 "Diligent efforts" are defined under New York law to "mean reasonable attempts by an authorized agency to assist, develop and encourage a meaningful relationship between the parent and child, including but not limited to:

455 U.S. 745, *779; 102 S. Ct. 1388, **1408;
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"(1) consultation and cooperation with the parents in developing a plan for appropriate services to the child and his family;

"(2) making suitable arrangements for the parents to visit the child;

"(3) provision of services and other assistance to the parents so that problems preventing the discharge of the child from care may be resolved or ameliorated; and

"(4) informing the parents at appropriate intervals of the child's progress, development and health." SSL § 384-b.7.(f).

[*780] Following the factfinding hearing, a separate, dispositional hearing is held to determine what course of action would be in "the best interests of the child." FCA § 631. A finding of permanent neglect at the factfinding hearing, although necessary to a termination of parental rights, does not control the court's order at the dispositional hearing. The court may dismiss the petition, suspend judgment on the petition and retain jurisdiction for a period of one year in order to provide further opportunity for a reuniting of the family, or terminate the parents' right to the custody and care of the child. FCA §§ 631-634. The court must base its decision solely upon the record of "material and relevant evidence" introduced at the dispositional [*1409] hearing, FCA § 624; *In re "Female" M.*, 70 App. Div. 2d 812, 417 N. Y. S. 2d 482 (1979), and may not entertain any presumption that the best interests [***624] of the child "will be promoted by any particular disposition." FCA § 631.

As petitioners did in this case, parents may appeal any unfavorable decision to the Appellate Division of the New York Supreme Court. Thereafter, review may be sought in the New York Court of Appeals and, ultimately, in this Court if a federal question is properly presented.

As this description of New York's termination procedures demonstrates, the State seeks not only to protect the interests of parents in rearing their own children, but also to assist and encourage parents who have lost custody of their children to reassume their rightful role. Fully understood, the New York system is a comprehensive program to *aid* parents such as petitioners. Only as a last resort, when "diligent efforts" to reunite the family have failed, does New [*781] York authorize the termination of parental rights. The procedures for termination of those relationships which cannot be aided and which threaten permanent injury to the child, administered by a judge who has supervised the case from the first temporary removal through the final termination, cannot be viewed as fundamentally unfair. The facts of this case demonstrate

the fairness of the system.

The three children to which this case relates were removed from petitioners' custody in 1973 and 1974, before petitioners' other two children were born. The removals were made pursuant to the procedures detailed above and in response to what can only be described as shockingly abusive treatment. n10 At the temporary removal hearing held before the Family Court on September 30, 1974, petitioners were represented by counsel, and allowed the Ulster County Department of Social Services (Department) to take custody of the three children.

n10 Tina Apel, the oldest of petitioners' five children, was removed from their custody by court order in November 1973 when she was two years old. Removal proceedings were commenced in response to complaints by neighbors and reports from a local hospital that Tina had suffered injuries in petitioners' home including a fractured left femur, treated with a homemade splint; bruises on the upper arms, forehead, flank, and spine; and abrasions of the upper leg. The following summer John Santosky III, petitioners' second oldest child, was also removed from petitioners' custody. John, who was less than one year old at the time, was admitted to the hospital suffering malnutrition, bruises on the eye and forehead, cuts on the foot, blisters on the hand, and multiple pin pricks on the back. Exhibit to Brief for Respondent Kramer 1-5. Jed Santosky, the third oldest of petitioners' children, was removed from his parents' custody when only three days old as a result of the abusive treatment of the two older children.

Temporary removal of the children was continued at an evidentiary hearing held before the Family Court in December 1975, after which the court issued a written opinion concluding that petitioners were unable to resume their parental responsibilities due to personality disorders. Unsatisfied with the progress petitioners were making, the court also directed [*782] the Department to reduce to writing the plan which it had designed to solve the problems at petitioners' home and reunite the family.

A plan for providing petitioners with extensive counseling and training services was submitted to the court and approved in February 1976. Under the plan, petitioners received training by a mother's aide, a nutritional aide, and a public [***625] health nurse, and counseling at a family planning clinic. In addition, the plan provided psychiatric treatment and vocational training for the father, and counseling at a family service center for the mother. Brief for Respondent Kramer 1-7. Between early 1976

and the final termination decision in April 1979, the State spent more than \$15,000 in these efforts to rehabilitate petitioners as parents. App. 34.

Petitioners' response to the State's effort was marginal at best. They wholly disregarded some of the available services and participated only sporadically in the others. [*1410] As a result, and out of growing concern over the length of the children's stay in foster care, the Department petitioned in September 1976 for permanent termination of petitioners' parental rights so that the children could be adopted by other families. Although the Family Court recognized that petitioners' reaction to the State's efforts was generally "nonresponsive, even hostile," the fact that they were "at least superficially cooperative" led it to conclude that there was yet hope of further improvement and an eventual reuniting of the family. Exhibit to Brief for Respondent Kramer 618. Accordingly, the petition for permanent termination was dismissed.

Whatever progress petitioners were making prior to the 1976 termination hearing, they made little or no progress thereafter. In October 1978, the Department again filed a termination petition alleging that petitioners had completely failed to plan for the children's future despite the considerable efforts rendered in their behalf. This time, the Family Court agreed. The court found that petitioners had "failed in any meaningful way to take advantage of the many social [*783] and rehabilitative services that have not only been made available to them but have been diligently urged upon them." App. 35. In addition, the court found that the "infrequent" visits "between the parents and their children were at best superficial and devoid of any real emotional content." *Id.*, at 21. The court thus found "nothing in the situation which holds out any hope that [petitioners] may ever become financially self sufficient or emotionally mature enough to be independent of the services of social agencies. More than a reasonable amount of time has passed and still, in the words of the case workers, there has been no discernible forward movement. At some point in time, it must be said, 'enough is enough.'" *Id.*, at 36.

In accordance with the statutory requirements set forth above, the court found that petitioners' failure to plan for the future of their children, who were then seven, five, and four years old and had been out of petitioners' custody for at least four years, rose to the level of permanent neglect. At a subsequent dispositional hearing, the court terminated petitioners' parental rights, thereby freeing the three children for adoption.

As this account demonstrates, the State's extraordinary 4-year effort to reunite petitioners' family was not just unsuccessful, it was altogether rebuffed by parents unwilling to improve their circumstances sufficiently to

permit a return of their children. At every step of this protracted process petitioners were accorded those procedures and protections [***626] which traditionally have been required by due process of law. Moreover, from the beginning to the end of this sad story all judicial determinations were made by one Family Court Judge. After four and one-half years of involvement with petitioners, more than seven complete hearings, and additional periodic supervision of the State's rehabilitative efforts, the judge no doubt was intimately familiar with this case and the prospects for petitioners' rehabilitation.

It is inconceivable to me that these procedures were "fundamentally unfair" to petitioners. Only by its obsessive [*784] focus on the standard of proof and its almost complete disregard of the facts of this case does the majority find otherwise. n11 As the discussion [*1411] above indicates, however, such a [*785] focus does not comport with the flexible standard of fundamental fairness embodied in the Due Process Clause of the Fourteenth Amendment.

n11 The majority finds, without any reference to the facts of this case, that "numerous factors [in New York termination proceedings] combine to magnify the risk of erroneous factfinding." *Ante*, at 762. Among the factors identified by the majority are the "unusual discretion" of the Family Court judge "to underweigh probative facts that might favor the parent"; the often uneducated, minority status of the parents and their consequent "[vulnerability] to judgments based on cultural or class bias"; the "State's ability to assemble its case," which "dwarfs the parents' ability to mount a defense" by including an unlimited budget, expert attorneys, and "full access to all public records concerning the family"; and the fact that "natural parents have no 'double jeopardy' defense against repeated state" efforts, "with more or better evidence," to terminate parental rights "even when the parents have attained the level of fitness required by the State." *Ante*, at 762, 763, 764. In short, the majority characterizes the State as a wealthy and powerful bully bent on taking children away from defenseless parents. See *ante*, at 761-764. Such characterization finds no support in the record.

The intent of New York has been stated with eminent clarity: "the [State's] *first obligation* is to *help* the family with services to *prevent* its break-up or to *reunite* it if the child has already left home." SSL § 384-b.1.(a)(iii) (emphasis added). There is simply no basis in fact for believing, as the majority does, that the State does not mean what it says; indeed, the facts of this case demonstrate that New

York has gone the extra mile in seeking to effectuate its declared purpose. See *supra*, at 781–785. More importantly, there should be no room in the jurisprudence of this Court for decisions based on unsupported, inaccurate assumptions.

A brief examination of the "factors" relied upon by the majority demonstrates its error. The "unusual" discretion of the Family Court judge to consider the "[affection] and [concern]" displayed by parents during visits with their children, *ante*, at 763, n. 12, is nothing more than discretion to consider reality; there is not one shred of evidence in this case suggesting that the determination of the Family Court was "based on cultural or class bias"; if parents lack the "ability to mount a defense," the State provides them with the full services of an attorney, FCA § 262, and they, like the State, have "full access to all *public* records concerning the family" (emphasis added); and the absence of "double jeopardy" protection simply recognizes the fact that family problems are often ongoing and may in the future warrant action that currently is unnecessary. In this case the Family Court dismissed the first termination petition because it desired to give petitioners "the benefit of the doubt," Exhibit to Brief for Respondent Kramer 620, and a second opportunity to raise themselves to "an acceptable minimal level of competency as parents." *Id.*, at 624. It was their complete failure to do so that prompted the second, successful termination petition. See *supra*, at 781–784 and this page.

B

In addition to the basic fairness of the process afforded petitioners, the standard of proof chosen by New [***627] York clearly reflects a constitutionally permissible balance of the interests at stake in this case. The standard of proof "represents an attempt to instruct the factfinder concerning the degree of confidence our society thinks he should have in the correctness of factual conclusions for a particular type of adjudication." *In re Winship*, 397 U.S. 358, 370 (1970) (Harlan, J. concurring); *Addington v. Texas*, 441 U.S. 418, 423 (1979). In this respect, the standard of proof is a crucial component of legal process, the primary function of which is "to minimize the risk of erroneous decisions." n12 *Greenholtz v. Nebraska* [*786] *Penal Inmates*, 442 U.S., at 13. See also *Addington v. Texas*, *supra*, at 425; *Mathews v. Eldridge*, 424 U.S., at 344.

n12 It is worth noting that the significance of the standard of proof in New York parental termina-

tion proceedings differs from the significance of the standard in other forms of litigation. In the usual adjudicatory setting, the factfinder has had little or no prior exposure to the facts of the case. His only knowledge of those facts comes from the evidence adduced at trial, and he renders his findings solely upon the basis of that evidence. Thus, normally, the standard of proof is a crucial factor in the final outcome of the case, for it is the scale upon which the factfinder weighs his knowledge and makes his decision.

Although the standard serves the same function in New York parental termination proceedings, additional assurances of accuracy are present in its application. As was adduced at oral argument, the practice in New York is to assign one judge to supervise a case from the initial temporary removal of the child to the final termination of parental rights. Therefore, as discussed above, the factfinder is intimately familiar with the case before the termination proceedings ever begin. Indeed, as in this case, he often will have been closely involved in protracted efforts to rehabilitate the parents. Even if a change in judges occurs, the Family Court retains jurisdiction of the case and the newly assigned judge may take judicial notice of all prior proceedings. Given this familiarity with the case, and the necessarily lengthy efforts which must precede a termination action in New York, decisions in termination cases are made by judges steeped in the background of the case and peculiarly able to judge the accuracy of evidence placed before them. This does not mean that the standard of proof in these cases can escape due process scrutiny, only that additional assurances of accuracy attend the application of the standard in New York termination proceedings.

[**1412] In determining the propriety of a particular standard of proof in a given case, however, it is not enough simply to say that we are trying to minimize the risk of error. Because errors in factfinding affect more than one interest, we try to minimize error as to those interests which we consider to be most important. As Justice Harlan explained in his well-known concurrence to *In re Winship*:

"In a lawsuit between two parties, a factual error can make a difference in one of two ways. First, it can result in a judgment in favor of the plaintiff when the true facts warrant a judgment for the defendant. The analogue in a criminal case would be the conviction of an innocent

man. On the other hand, an erroneous factual determination can result in a judgment for the defendant when the true facts justify a judgment in plaintiff's favor. The criminal analogue would be the acquittal of a guilty man.

The standard of proof influences the relative frequency of these two types of erroneous outcomes. If, for example, the standard of proof for a criminal trial were a preponderance [***628] of the evidence rather than proof [*787] beyond a reasonable doubt, there would be a smaller risk of factual errors that result in freeing guilty persons, but a far greater risk of factual errors that result in convicting the innocent. Because the standard of proof affects the comparative frequency of these two types of erroneous outcomes, the choice of the standard to be applied in a particular kind of litigation should, in a rational world, reflect an assessment of the comparative social disutility of each." 397 U.S., at 370-371.

When the standard of proof is understood as reflecting such an assessment, an examination of the interests at stake in a particular case becomes essential to determining the propriety of the specified standard of proof. Because proof by a preponderance of the evidence requires that "[the] litigants . . . share the risk of error in a roughly equal fashion," *Addington v. Texas, supra*, at 423, it rationally should be applied only when the interests at stake are of roughly equal societal importance. The interests at stake in this case demonstrate that New York has selected a constitutionally permissible standard of proof.

On one side is the interest of parents in a continuation of the family unit and the raising of their own children. The importance of this interest cannot easily be overstated. Few consequences of judicial action are so grave as the severance of natural family ties. Even the convict committed to prison and thereby deprived of his physical liberty often retains the love and support of family members. "This Court's decisions have by now made plain beyond the need for multiple citation that a parent's desire for and right to 'the companionship, care, custody, and management of his or her children' is an important interest that 'undeniably warrants deference and, absent a powerful countervailing interest, protection.' *Stanley v. Illinois*, 405 U.S. 645, 651." *Lassiter v. Department of Social Services*, 452 U.S. 18, 27 (1981). In creating the scheme at issue in this case, the New York Legislature [*788] was expressly aware of this right of parents "to bring up their own children." SSL § 384-b.1.(a)(ii).

On the other side of the termination proceeding are the often countervailing interests of the child. n13 A [***629] stable, loving [*789] homelife [**1413] is essential to a child's physical, emotional, and spiritual well-being. It requires no citation of authority to assert that children who are abused in their youth generally face extraordi-

nary problems developing into responsible, productive citizens. The same can be said of children who, though not physically or emotionally abused, are passed from one foster home to another with no constancy of love, trust, or discipline. If the Family Court makes an incorrect factual determination resulting in a failure to terminate a parent-child relationship which rightfully should be ended, the child involved must return either to an abusive home n14 or to the often unstable world of foster care. n15 The reality of these [*790] risks is magnified by the fact that the only families faced with termination [***630] actions are those which have voluntarily surrendered custody of their child to the State, or, as in this case, those from which the child has been removed by judicial action because of threatened irreparable injury through [**1414] abuse or neglect. Permanent neglect findings also occur only in families where the child has been in foster care for at least one year.

n13 The majority dismisses the child's interest in the accuracy of determinations made at the factfinding hearing because "[the] factfinding does not purport . . . to balance the child's interest in a normal family home against the parents' interest in raising the child," but instead "pits the State directly against the parents." *Ante*, at 759. Only "[after] the State has established parental unfitness," the majority reasons, may the court "assume . . . that the interests of the child and the natural parents do diverge." *Ante*, at 760.

This reasoning misses the mark. The child has an interest in the outcome of the factfinding hearing independent of that of the parent. To be sure, "the child and his parents share a vital interest in preventing *erroneous* termination of their natural relationship." *Ibid.* (emphasis added). But the child's interest in a continuation of the family unit exists only to the extent that such a continuation would not be harmful to him. An error *in the factfinding hearing* that results in a failure to terminate a parent-child relationship which rightfully should be terminated may well detrimentally affect the child. See nn. 14, 15, *infra*.

The preponderance-of-the-evidence standard, which allocates the risk of error more or less evenly, is employed when the social disutility of error *in either direction* is roughly equal — that is, when an incorrect finding of fault would produce consequences as undesirable as the consequences that would be produced by an incorrect finding of *no* fault. Only when the disutility of error in one direction discernibly outweighs the disutility of error in the other direction do we choose, by means of

the standard of proof, to reduce the likelihood of the more onerous outcome. See *In re Winship*, 397 U.S. 358, 370–372 (1970) (Harlan, J., concurring).

New York's adoption of the preponderance-of-the-evidence standard reflects its conclusion that the undesirable consequence of an erroneous finding of parental unfitness — the unwarranted termination of the family relationship — is roughly equal to the undesirable consequence of an erroneous finding of parental fitness — the risk of permanent injury to the child either by return of the child to an abusive home or by the child's continued lack of a permanent home. See nn. 14, 15, *infra*. Such a conclusion is well within the province of state legislatures. It cannot be said that the New York procedures are unconstitutional simply because a majority of the Members of this Court disagree with the New York Legislature's weighing of the interests of the parents and the child in an error-free factfinding hearing.

n14 The record in this case illustrates the problems that may arise when a child is returned to an abusive home. Eighteen months after Tina, petitioners' oldest child, was first removed from petitioner's home, she was returned to the home on a trial basis. Katherine Weiss, a supervisor in the Child Protective Unit of the Ulster County Child Welfare Department, later testified in Family Court that "[the] attempt to return Tina to her home just totally blew up." Exhibit to Brief for Respondent Kramer 135. When asked to explain what happened, Mrs. Weiss testified that "there were instances on the record in this court of Mr. Santosky's abuse of his wife, alleged abuse of the children and proven neglect of the children." *Ibid.* Tina again was removed from the home, this time along with John and Jed.

n15 The New York Legislature recognized the potential harm to children of extended, nonpermanent foster care. It found "that many children who have been placed in foster care experience unnecessarily protracted stays in such care without being adopted or returned to their parents or other custodians. Such unnecessary stays may deprive these children of positive, nurturing family relationships and have deleterious effects on their development into responsible, productive citizens." SSL § 384-b.1.(b). Subsequent studies have proved this finding correct. One commentator recently wrote of "the lamentable conditions of many foster care placements" under the New York system even to-

day. He noted: "Over fifty percent of the children in foster care have been in this 'temporary' status for more than two years; over thirty percent for more than five years. During this time, many children are placed in a sequence of ill-suited foster homes, denying them the consistent support and nurturing that they so desperately need." Besharov, State Intervention To Protect Children: New York's Definition of "Child Abuse" and "Child Neglect," 26 N. Y. L. S. L. Rev. 723, 770–771 (1981) (footnotes omitted). In this case, petitioners' three children have been in foster care for more than four years, one child since he was only three days old. Failure to terminate petitioners' parental rights will only mean a continuation of this unsatisfactory situation.

In addition to the child's interest in a normal home-life, "the State has an urgent interest in the welfare of the child." *Lassiter v. Department of Social Services*, 452 U.S., at 27. n16 Few could doubt that the most valuable resource of a self-governing society is its population of children who will one day become adults and themselves assume the responsibility of self-governance. "A democratic society rests, for its continuance, upon the healthy, well-rounded growth of young people into full maturity as citizens, with all that implies." *Prince v. Massachusetts*, 321 U.S. 158, 168 (1944). Thus, "the whole community" has an interest "that children be both safeguarded from abuses and given opportunities for growth into free and independent well-developed . . . citizens." *Id.*, at 165. See also *Ginsberg v. New York*, 390 U.S. 629, 640–641 (1968).

n16 The majority's conclusion that a state interest in the child's well-being arises only after a determination of parental unfitness suffers from the same error as its assertion that the child has no interest, separate from that of its parents, in the accuracy of the factfinding hearing. See n. 13, *supra*.

When, in the context of a permanent neglect termination proceeding, the interests of the child and the State in a stable, [*791] nurturing homelife are balanced against the interests of the parents in the rearing of their child, it cannot be said that either set of interests is so clearly paramount as to require that the risk of error be allocated to one side or the other. Accordingly, a State constitutionally may conclude that the risk of error should be borne in roughly equal fashion by use of the preponderance-of-the-evidence standard of proof. See *Addington v. Texas*, 441 U.S., at 423. This is precisely the balance which has been struck by the New York Legislature: "It is the in-

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tent of the legislature in enacting this section to provide procedures not only assuring that the rights of the natural parent are protected, but also, where positive, nurturing parent-child relationships no longer exist, furthering the best interests, needs, and rights of the child by terminating the parental rights and freeing the child for adoption." SSL § 384-b.1.(b).

III

For the reasons heretofore stated, I believe that the Court today errs in concluding that the New York standard of proof in parental-rights termination proceedings violates due process of law. The decision disregards New York's earnest efforts to *aid* parents in regaining the custody of their children and a host of procedural protections placed around parental rights and interests. The Court finds a constitutional violation only by a tunnel-vision application of due process principles that altogether [***631] loses sight of the unmistakable fairness of the New York procedure.

Even more worrisome, today's decision cavalierly rejects the considered judgment of the New York Legislature in an area traditionally entrusted to state care. The Court thereby begins, I fear, a trend of federal intervention in state family law matters which surely will stifle creative responses to vexing problems. Accordingly, I dissent.

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Annotation References:

Supreme Court's views as to concept of "liberty" under due process clauses of Fifth and Fourteenth Amendments. 47 L Ed 2d 975.