

# **CAFL Appellate Certification Training**

(April/May 2019)

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## **Sample Conclusions**

*(Please note that the margins are too small in these samples)*

**(The first Conclusion is from a reply brief)**

### **CONCLUSION**

There is no dispute that Mother engaged in a long-term relationship with Father B. and ultimately married him, that she lied to DCF workers about this relationship, that she inconsistently acknowledged his past offenses, and that she allowed him to care for the boys. But Mother's relationship with Father B., by itself, proves nothing. Mother is unfit only if DCF can prove that Father B. actually presented a substantial and current risk of harm to the boys.

DCF failed to do so here. Father's offenses were 15 years old, they were with girls, his diagnosis specifies an attraction to females, and there were no sexual offenses thereafter. While judges can draw logical inferences from the evidence, they cannot draw inferences that are unreasonable, speculative, or contrary to science. It was not up to Mother and Father B. to prove that Father B. *didn't* present a risk of harm; DCF, and only DCF, bore the burden of proving that he *did*. DCF failed to meet its burden, and the trial court's termination of Mother's

rights - which was based largely on impermissible inferences - was therefore erroneous.

For the reasons set forth above and in Mother's blue brief, this Court should:

- (a) vacate the adjudications finding Mother unfit and the decrees dispensing with her consent to Damien's and Dominic's adoptions; and
- (b) remand this matter to the trial court with instructions to order a new trial and for DCF to provide reunification services forthwith.

**(The second Conclusion is from a final CRA appeal blue brief)**

#### **CONCLUSION**

The court erred in granting the CRA application because Maggie was not "willfully" truant beyond a reasonable doubt. Evidence from Maggie's treatment professionals showed that Maggie's absence from school was based on her medical, psychological, and developmental disabilities, not her wrongful conduct or poor choices. Therefore, the court's erroneous adjudication has unjustly interfered with Maggie's fundamental rights and cannot stand.

For the reasons set forth above, this Court should:

- (a) Vacate the CRA adjudication;
- (b) Remand to the Juvenile Court with instructions to dismiss the case; and
- (c) Grant such other relief as this Court deems just and proper.