

**Supreme Court**

No. 2003-138-Appeal.  
No. 2000-452-M.P.  
(98-2843-01)

In re Mackenzie C. :

**Website Summary**

The Department of Children, Youth and Families (DCYF) appealed from a Family Court decree dismissing an abuse petition filed against the parents of a child who suffered nineteen fractures before she was nine-weeks-old. In his original decision, the trial justice rejected the parents' proffered medical explanation of the child's injuries, and made a finding, based on the inference that the parents were the principle caretakers of the child, that the parents had caused or allowed to be caused the child's injuries. Three years later, however, the trial justice reopened the case, heard new evidence, and reversed his finding of abuse. After reviewing the extensive record, the Supreme Court held that the trial justice did not err in reopening the case, admitting the testimony of the parents' expert witness, and dismissing the petition upon reconsideration. The Supreme Court declined to address several additional issues raised by DCYF in their appeal, as the disposition of the abuse petition rendered them moot.