

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2001-383

DECEMBER TERM, 2001

In re D.P., J.P., C.P., A.T. & J.T., Juveniles	}	
	}	APPEALED FROM:
	}	
	}	Chittenden Family Court
	}	
	}	DOCKET NO. 613/614/615-12-95 &
	}	
	}	438/439-9-99 Cnjv
	}	
	}	Trial Judge: Ben W. Joseph
	}	

In the above-entitled cause, the Clerk will enter:

Mother appeals from a family court order terminating her residual parental rights to the five minors. She contends the court's findings were inadequate because they failed to address the presence of mother's family in Colorado. We affirm.

The material facts are undisputed, and may be summarized as follows. Mother has seven children, the oldest five of whom are the subject of these proceedings. Mother's life has been marked by domestic violence, drug abuse, homelessness, and frequent moves, resulting in the neglect and total abandonment of the children on more than one occasion. Mother met J.P., Sr. while living on the street in Colorado, they married, and subsequently had three children, D.P., C.P., and J.P., Jr. They made various moves, eventually arriving in Vermont, where they lived in a shelter. Mother separated from J.P., Sr., met another man, Jimmy T., and moved with him and the children to various states, eventually ending up in Colorado. They had two children, J.T., and A.T. The family then returned to Vermont, where Jimmy T. died in 1991. Mother met another man, had a sixth child, and moved back to Colorado in 1993 with all of the children except C.P. and J.P., Jr, who stayed with their father in Vermont.

Thereafter, mother and J.P., Sr. moved back and forth several times between Vermont and Colorado. At various times, mother virtually abandoned the children, resulting in the intervention of Colorado Social Services. Eventually, SRS took custody of D.P., C.P., and J.P., Jr. from their father in 1995. Mother then moved to Las Vegas with J.T. and A.T., where they lived for several years in an environment exposed to drugs and firearms. Mother returned to Vermont in 1998. SRS took custody of J.T. and A.T. in September 1999, based on reports that they were neglected due to mother's abuse of drugs and alcohol. The two children were adjudicated CHINS in January 2000. A case plan called for reunification, and for mother to abstain from drug and alcohol use, secure stable housing, and engage in all recommended counseling and education services. In April 2000, mother again left for Colorado, without seeing the children, and despite being told that such a move would impede reunification efforts. She did not contact the children for two months, and thereafter spoke with them briefly on the telephone about six times. She also had no contact during this time with the three oldest children.

While in Colorado, mother contacted SRS to demand that J.T. and A.T. be placed with her there. SRS denied the request based on her unverifiable living situation, refusal to engage in drug and alcohol treatment, and the children's stable placement in foster care. SRS encouraged mother to return to Vermont to pursue reunification, which she refused. In July 2000, J.P., Sr. died, and mother returned to Vermont in August. Mother visited the children infrequently until January 2001, when she again left Vermont, eventually arriving in Colorado. During this period, she became pregnant

with her seventh child. Petitions for the termination of mother's parental rights to the five children were filed in September 2000 and January 2001. Following a two-day hearing in June 2001, the court issued a written decision, granting the petitions.

In addition to the foregoing chronology, the court's decision also sets forth detailed findings concerning the children, noting the extensive social and emotional difficulties each has endured as a result of mother's neglect, drug abuse, and frequent abandonments, and the progress each has made in foster care.

The court concluded that a substantial change in circumstances had occurred based on the stagnation resulting from mother's failure to engage in substance abuse treatment and to maintain regular contact with the children, as required by the SRS case plans. The court observed that mother had virtually abdicated her parental responsibilities on numerous occasions to suit her own desires and needs without regard to the effect on the children. In reviewing the statutory factors concerning the children's best interests, the court further found that mother had shown no parental commitment to the three older children; had rejected substance-abuse and education services designed to enable her to parent the younger two children; and had repeatedly engaged in self-destructive behavior without regard to its impact on the children. The court concluded that there was no likelihood mother would be able to resume her parental duties within a reasonable period. Accordingly, the court ruled that termination was clearly in the best interests of the children, and granted the petitions. This appeal followed.

Mother challenges none of the foregoing factual findings. Rather, her sole claim is that the court's findings were deficient because they failed to recognize that mother had parents and siblings in Colorado, suggesting that her return there was a reasonable effort to find a family support system, not simply a callous act of abandonment, and that SRS was unreasonable in refusing to consider a placement of the younger children with mother in Colorado. The sole evidence cited by mother in this regard was the testimony of an SRS worker acknowledging that mother had family in Colorado, which might have provided her with some support. Mother cites no evidence that this was, in fact, the motivation for her various travels there. Nor does mother explain how abandoning her children in order to live in Colorado was consistent with an effort to find family support to raise her children, or how her motivation in any way mitigates the impact of her leaving on the health and well being of her children. Accordingly, we discern no basis for concluding that the court's failure to address this testimony was in any way deficient. See *Jacobs v. Jacobs*, 144 Vt. 124, 127 (1984) (court's findings need only address facts essential to disposition). Furthermore, the record evidence overwhelmingly demonstrates that SRS's refusal to place the children with mother in Colorado was a sound decision, based upon mother's uncertain living situation, refusal to engage in substance abuse counseling, and demonstrated lack of commitment to the children. See *In re E.B.*, 158 Vt. 8, 11 (1992) (SRS justified in refusing to work toward reunification where parents left the state and failed to meet commitments to maintain stable housing, visit children regularly, and attend counseling).

Affirmed.

BY THE COURT:

Jeffrey L. Amestoy, Chief Justice

John A. Dooley, Associate Justice

Marilyn S. Skoglund, Associate Justice