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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2005-491

MARCH TERM, 2006

In re A.M., Juvenile	}	APPEALED FROM:
	}	
	}	
	}	Franklin Family Court
	}	
	}	
	}	DOCKET NO. 198-10-04 FrJv

Trial Judge: Mark J. Keller

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

Father appeals from a family court order terminating his parental rights to the minor, A.M. Through appointed counsel, he contends the court erroneously failed to determine the appropriateness of the plan of services recommended by the Department of Children and Families. In a separate pro se brief, father raises additional claims. We affirm.

A.M. was born in October 2002. Father lived with mother and the child, and provided some child care assistance, for about two months. In December 2002, mother and child moved out of the house. Father saw the child several times thereafter until he became involved in an altercation at mother=s residence, resulting in a relief-from-abuse order that restricted his contact after February 2003. In April 2003, father was incarcerated on two separate sentences. He served two years on the first, and was released on conditions in April 2005. The second, a zero-to-eight-year sentence, was scheduled to start ninety days after his release, to allow him to obtain housing and become eligible for furlough work release.

A.M. came into DCF custody as a result of severe neglect by mother in October 2004, while father was incarcerated. She was adjudicated CHINS in March 2005. At the six-month administrative review in April 2005, DCF established separate plans for mother and father.[1] Father=s plan was designed to coincide with his three-month release from custody. The plan noted that father had virtually no relationship with the child, and called for him to demonstrate a commitment to learning about the child and her needs and an effort to participate in domestic abuse, substance abuse, and parenting classes. It also called for father to maintain independent and suitable housing and to refrain from engaging in unlawful acts or violations of his conditions of release.

Father refused to participate in substance or domestic abuse counseling. Although he expressed a willingness to attend parenting classes, he failed to do so. He abandoned his job and apartment. In July 2005, he went to New York without informing his probation officer, in violation of his conditions of release. He was arrested in New York for using a false identification, waived extradition, and was returned to Vermont, where he remained incarcerated at the time of these proceedings.

DCF filed a petition to terminate parental rights in June 2005. Following a hearing in October 2005, the court issued a written decision, concluding that termination of father=s parental rights was in the best interests of the child, and therefore granted the State=s petition. This appeal followed.

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We review the court s decision to terminate parental rights solely for abuse of discretion. In re S.B., 174 Vt. 427, 429 (2002) (mem.). We will uphold its findings if supported by clear and convincing evidence, and its legal conclusions if supported by the findings. In re A.W., 167 Vt. 601, 603 (1998) (mem.). Father (through appointed counsel) contends the court=s decision relied significantly on findings relating to his failure to engage in services set forth in the case plan, and that this reliance was improper absent a corollary finding that the services were appropriate. The contention is unpersuasive for two reasons. First, father cites no relevant authority to support his assertion that the court was required to make express findings concerning the need for the recommended counseling and parenting classes. The record as a whole, including father=s extensive criminal history, the restraining order resulting from his altercation with mother, and his extended absence from the child=s life while incarcerated, fully demonstrates their relevance and necessity for a successful reunification with the child.

Second, father=s premise that the court=s decision turned on his failure to engage in counseling and parenting services is mistaken. In reviewing the relevant statutory criteria to determine whether termination was in the best interests of the child, the court cited a number of factors. Principal among these was the fact that father had almost no meaningful contact with the child since February 2003, as a result of his own violent and criminal conduct that led to the relief-from-abuse order and subsequent incarceration. Since his release, furthermore, father had demonstrated no ability to place the child=s needs and interests above his own and no commitment to establishing a meaningful relationship with the child and a safe and stable home life. He had violated his conditions of release, abandoned his job and apartment, left Vermont for New York, and been arrested and re-incarcerated. All of these findings were supported by the evidence, and amply supported in turn the court=s conclusions that father had failed to interact with or play a constructive role in the child=s life, and would not be able to resume parental responsibilities within a reasonable period of time. In addition, the court noted that the child had been living with the family of her maternal aunt, who offered her the love, stability, and support she required to recover from the neglect that she had suffered in her previous life. The child was well adjusted to her new home, community, and daycare setting.

Accordingly, we find no merit to the claim that the court=s findings concerning the recommended case-plan

services were inadequate or undermined the court=s decision. We note that father has filed a separate pro se brief raising numerous additional claims, including assertions that DCF and the Department of Corrections (DOC) improperly interfered with his ability to contact the child, to participate in parenting classes and counseling, and to represent his interests at the hearing; that DCF made inadequate efforts to reunite father with the child and made improper and burdensome demands; that the DOC interfered with father=s right to counsel; and that the termination process was unconstitutional in various respects. These additional claims are not adequately briefed or supported by citations to the relevant authorities or portions of the record, and therefore will not be considered on appeal. See V.R.A.P. 28(a)(4) (appellant=s brief shall set forth the arguments with citations to the authorities and parts of the record relied on); Johnson v. Johnson, 158 Vt. 160, 164 n.* (1992) (Court will not consider claims so inadequately briefed as to fail to meet the minimal standards of V.R.A.P. 28(a)(4)).

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Denise R. Johnson, Associate Justice

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Brian L. Burgess, Associate Justice

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[1] Although the case plan established a separate plan for mother with a goal of reunification, she voluntarily relinquished her parental rights prior to the termination hearing.