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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2001-429

DECEMBER TERM, 2001

In re M.P., Juvenile	}	
	}	APPEALED FROM:
	}	
	}	Washington Family Court
	}	
	}	DOCKET NO. 104-6-00 Wnjv
	}	
	}	Trial Judge: Amy M. Davenport
	}	

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

Mother appeals the family court's order terminating her parental rights with respect to her son, M.P. We affirm.

M.P. was born on November 7, 1993 and lived primarily with his mother until June 3, 2000, when she left him with her parents and went to Virginia to be with a man she had met through the Internet. Before she left, she wrote her parents a letter stating her intent to give them temporary custody of M.P. until August 1, 2000. On June 19, 2000, M.P.'s grandmother moved with M.P. into a homeless shelter after her husband became abusive. The following day, she called the Department of Social and Rehabilitation Services (SRS) and reported that she was unable to care for M.P., that she had called mother and asked her to resume care of M.P., but that mother told her that she had married her Internet friend and had no money to travel to and from Vermont. According to the grandmother, Washington County Mental Health had provided mother with a bus ticket for travel, but she refused to use the ticket.

Mother appeared at a September 14, 2000 merits hearing and stipulated that M.P. was a child in need of care and supervision (CHINS). Although SRS provided her with a bus ticket, mother failed to appear at the January 4, 2001 disposition hearing. The family court took some evidence and scheduled a second hearing on February 1, 2001. Mother appeared for that hearing and stipulated to a disposition plan calling for reunification between M.P. and herself. A State of Virginia home study requested by SRS through the interstate compact recommended against placing M.P. with mother in Virginia because of the unavailability of services to meet M.P.'s intensive needs. Accordingly, mother stipulated that reunification would occur in Vermont. Nevertheless, mother never returned to Vermont, and had no contact with her son, after the February disposition hearing. She did not appear, but was represented by counsel, at a June 19, 2001 permanency hearing, after which the family court granted SRS's petition to terminate her parental rights.

In its August 23, 2001 termination order, the family court found that mother had seen M.P. for a total of approximately eight-to-ten hours since he came into SRS custody in June 2000, and that mother had had no contact with her son since February 2001. The court also found that M.P. had significant developmental delays in all areas and appeared to have Attention Deficit Disorder, but that he had shown "striking improvement" over the previous year and one-half while living with his foster parents, who had provided day care for him since he was two years old and now wanted to adopt him. The court determined that the grandmother's two-hour supervised weekly visit with M.P. was laudatory but insufficient to offset mother's abandonment of the child. In the court's view, clear and convincing evidence demonstrated that mother had, in effect, abandoned M.P. in favor of her new romantic relationship in Virginia, had

ceased to play a constructive role in the child's life, and would not be able to resume parental duties within a reasonable period of time. Given M.P.'s significant needs, the court concluded that termination of parental rights was in his best interests.[(1)]

Mother's sole argument on appeal is that the family court's finding of abandonment is clearly erroneous because the evidence demonstrates that she never intended to abandon M.P., but rather arranged for her mother to care for him. We find no merit to this argument. As the court found, mother essentially left her son to pursue her own interests. Even if her initial intent was to return to Vermont after being out of state for two months, her conduct since that time, including her failure to maintain contact with her son since the disposition hearing, was sufficient evidence to support the family court's conclusion that she had, in effect, abandoned him. See In re A.F., 160 Vt. 175, 178 (1993) (individual findings will be upheld unless clearly erroneous, and conclusions of law will be upheld if supported by those findings; when findings are attacked on appeal, court's role is limited to determining whether they are supported by credible evidence).

Affirmed.

BY THE COURT:

_____
Jeffrey L. Amestoy, Chief Justice

_____
John A. Dooley, Associate Justice

_____
Marilyn S. Skoglund, Associate Justice

1. The parental rights of M.P.'s father were terminated in a September 13, 2001 entry order, which has not been appealed.