

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

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2003-183

AUGUST TERM, 2003

	}	APPEALED FROM:
	}	
	}	Orleans Family Court
	}	
In re G.M., Jr., Juvenile	}	
	}	DOCKET NO. 70-7-02 OsJv
	}	
	}	Trial Judge: Alan W. Cheever
	}	
	}	
	}	

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

Mother appeals the termination of her parental rights over G.M., Jr. She argues that the trial court erred because it did not assess whether she would be able to parent within a reasonable period of time from the child= s perspective. We affirm.

G.M., Jr. was born in July 2002, shortly after mother and father moved to Vermont from Maine. Mother has four other children, none of whom remain in her custody. Two of her children were removed by the State of Maine. A Maine court found, among other things, that mother would not be able to protect her children from jeopardy, nor would she be able to take responsibility for her children ever, much less within a time frame reasonably calculated to meet either child= s needs. Mother has a history of living with convicted sexual offenders and has serious cognitive limitations. Father has a history of domestic violence and alcohol abuse. Based on this history, the Commissioner of Social and Rehabilitative Services (SRS) detained G.M., Jr. shortly after his birth and filed a petition to have him adjudicated a child in need of care and supervision (CHINS). After a hearing in September 2002, G.M., Jr. was adjudicated CHINS.

In December 2002, SRS filed a motion to terminate parental rights. Father voluntarily relinquished his parental rights, and after a hearing, the court terminated mother= s parental rights. The court concluded that mother was parentally unfit because she had failed to make any meaningful change in her behavior over many years with regard to her five children that would demonstrate any ability to adequately and safely parent G.M., Jr. The court concluded that G.M., Jr.= s best interests required that he be assured of a safe, secure and stable home, free of the threat of being removed from that home and having to adjust to a new situation. The court therefore found termination of mother= s parental rights in G.M., Jr.= s best interests. This appeal followed.

On appeal, mother argues that the family court=s findings and conclusions do not explain, and therefore, do not support its order. Specifically, she asserts that the court failed to measure, from G.M., Jr.=s perspective, her ability to resume parental duties within a reasonable period of time. She argues that the court should have made a specific finding as to whether her parenting skills had improved.

The family court may terminate parental rights during an initial disposition proceeding if it finds by clear and convincing evidence that termination is in the child= s best interests. See In re J.R., 153 Vt. 85, 98 (1989). In making this determination, the court must consider four statutory factors, the most important of which is the likelihood that the parent will be able to resume her parental duties within a reasonable period of time. See 33 V.S.A. ' 5540; In re B.M., 165 Vt. 331, 336 (1996). The court must examine a reasonable period of time from the perspective of the child= s needs. In re B.S., 166 Vt. 345, 353 (1997). As long as the court applies the proper standard, we will not disturb its findings on appeal unless they are clearly erroneous; we will affirm its conclusions if they are supported by its findings. In re G.S.,

153 Vt. 651, 652 (1990) (mem.).

In this case, the court considered the factors set out in 33 V.S.A. ' 5540 and concluded that termination of mother= s parental rights was in G.M., Jr.= s best interests. As to the most important factor, the court concluded that mother was would not be able to resume her parental duties within a reasonable period of time. The court based its conclusion on numerous findings, including mother= s pattern of living with convicted sexual offenders and abusive alcoholics, inability to acquire parenting skills to adequately parent G.M., Jr., and the State of Maine= s conclusion that mother= s parental unfitness required the removal of two of her children. As the court explained, mother has demonstrated a chronic A incapacity to provide her children with a safe stable home, free from violence@ and has shown a A continued inability to achieve any real insights into the needs of her child for a safe, stable and nurturing home@ so as to meet G.M., Jr.= s basic developmental needs. The court did not need to make a specific finding whether mother= s parenting skills had improved in arriving at its conclusion. The court= s findings are supported by the record, and they support a conclusion that termination of mother= s parental rights is in G.M., Jr.= s best interests.

It is apparent from the court=s opinion that it conducted its assessment of mother=s ability to resume her parental duties from the perspective of G.M., Jr.= s needs. Cf. In re C.L., 151 Vt. 480, 488-89 (1989) (trial court= s failure to explicitly state that it used clear and convincing standard of proof did not require reversal where findings indicated that correct standard had been applied). The court found that G.M., Jr. had a positive relationship with his foster parent, mother did not play a constructive role in his life, mother= s parental unfitness had been clearly established by her behavior toward G.M., Jr.= s four siblings, and there was no likelihood that her parenting skills would improve within a reasonable period of time. The court= s conclusion that mother would be unable to resume her parental duties within a reasonable period of time, as measured from the perspective of G.M., Jr.= s needs, is well-supported by the record.

Affirmed.

BY THE COURT:

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Jeffrey L. Amestoy, Chief Justice

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Denise R. Johnson, Associate Justice

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Marilyn S. Skoglund, Associate Justice