

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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2004-412

APRIL TERM, 2005

In re H.C., Juvenile	}	APPEALED FROM:
	}	
	}	
	}	Chittenden Family Court
	}	
	}	
	}	DOCKET NO. 364-7-02 CnJv
	}	
		Trial Judge: David A. Jenkins

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

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

H.C. was born in January 2002. At the time, his mother and father were living together with father's two other children and mother's other child. In July 2002, the Department for Children and Families (DCF) took custody of H.C. and petitioned to have him adjudicated a child in need of care and supervision (CHINS). The child was placed with his father with the understanding that mother would move out of the home. In November 2002, H.C. was adjudicated CHINS based on the admissions of his parents. In February 2003, the family court returned custody of H.C. to DCF based on a report that the father had abused one of his other children. In August 2003, DCF filed a petition to terminate the residual rights of both parents with respect to H.C. Following a termination hearing held over two days in April 2004, the father voluntarily relinquished his rights, and the family court terminated mother's rights.

On appeal, mother argues that the termination order must be reversed because DCF failed to present evidence, and the family court failed to make findings, regarding what a reasonable period of time would be, from H.C.'s perspective, for mother to resume her parental duties. See In re B.M., 165 Vt. 331, 337 (1996) (reasonable period of time is measured from standpoint of child). According to mother, DCF failed to adduce evidence, and the family court failed to make findings, concerning H.C.'s specific needs relative to mother's ability to resume parental duties.

We find no reversible error, if any error at all. The family court found that, despite having received numerous services over several years, mother had shown little improvement in her parenting skills or in understanding her behavior towards her children. In the court's view, mother could not provide a safe environment for H.C. because she had not adequately addressed issues concerning her past emotional and physical abuse of her children. Nor had she followed through on mental health counseling or other services offered to her. Nor had she been able to maintain appropriate housing. The court concluded that mother would not be able to resume her parental duties within a reasonable period of time, which had already passed, because of the pervasive instability in her life, her persistent lack of insight into her harmful behavior toward her children, and her failure to make any significant progress toward obtaining adequate parenting skills, notwithstanding the years of services she had received. Cf. In re J.S. & S.S., 168 Vt. 572, 574 (1998) (mem.) (reasonable time for reunification had already passed, considering age of children, length of time that they had been separated from parents, and their need for permanence; even assuming that reasonable time had not already passed, evidence indicated little hope that in near future parents would be able to overcome their deeply

ingrained and longstanding problems).

Mother faults the family court for not relating her shortcomings to H.C.'s specific needs, but the court found that H.C. was thriving with his foster family, who had provided a safe and nurturing environment for him. As stated in H.C.'s case plan, his first foster mother described H.C. as probably the saddest baby she had ever worked with. He had a flat affect with extreme responses to frustration and confusion. He cried often and showed a risk for delay in speech and language. After several months in foster care, he began to show gradual improvement in his behavior and a marked reduction in signs of stress that he had exhibited before, such as continuous crying and self-injurious behavior. His speech and sense of security had improved. At the time of the termination hearing in April 2004, H.C. had spent fourteen months—two-thirds of his entire life—in foster care, painstakingly recovering from the abusive environment to which he had been exposed the first seven months of his life. Against this backdrop, mother's persistent lack of insight into her problems and utter failure to put herself in a position to resume her parental duties, despite having received numerous services for years, manifestly demonstrated that she would not be able to resume parental duties within a reasonable period of time, even assuming that a reasonable period of time had not already passed.

Affirmed.

BY THE COURT:

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Frederic W. Allen, Chief Justice (Ret.),
Specially Assigned