



A hearing on the petition and motion was held over six days in November and December 2004. Although father's mother was present, the court denied her motion to intervene and to be accorded party status. The court issued a written decision in February 2005, concluding that termination of both parents' rights was in the child's best interests, and therefore granted the petition. Mother and father have separately appealed.

Mother contends the evidence fails to support the court's findings that she has not played a constructive role in the child's welfare, and that it was not likely she could resume parental responsibilities within a reasonable period of time. Our review is limited. We will uphold the trial court's findings of fact unless clearly erroneous, and will uphold the court's conclusions if supported by the findings. In re K.F., 2004 VT 40, &8, 176 Vt. 636, 852 A.2d 584. The court found, and the evidence showed, that despite mother's stipulation and the strong evidence to the contrary, mother consistently denied that the child had been abused; that mother was unable or unwilling to learn to establish minimal child care routines necessary to maintain a safe and stable home environment; that she violated the provisions of the case plan and court order by exposing the child to potential abusers, placing the child at risk while denying that there was any danger; that she failed to complete anger management classes and failed to consistently take the child to day care; and that she was verbally and physically hostile to service workers. Social workers and parent educators also testified to the almost total absence of any knowledge of boundaries by the child; of withdrawn and extremely needy behavior; of extreme masturbation; of ill health; and of little sign of attachment or bonding with mother. Additional evidence demonstrated that since her placement in foster care, the child's behavior and health had improved substantially.

The foregoing evidence of mother's behavior and the child's condition amply supports the trial court's conclusion that mother had failed to play a constructive role in the child's welfare. The evidence of mother's failure to make significant progress in developing parenting skills and insight into the child's needs for safety and stability also fully support the court's conclusion that she could not resume parental responsibilities within a reasonable period of time. See In re A.W., 167 Vt. 601, 603-04 (1998) (mem.) (evidence of parent's failure to progress in acquiring parenting skills, denial of abuse, stress on child from impermanence, and progress in foster care all supported court's conclusion that parent could not resume parental responsibilities within reasonable period of time). Although mother cites other evidence that she had not physically abused the child, had completed a parenting class, and had been able to maintain a clean apartment, these instances of minimal progress do not undermine the substantial evidence supporting the court's findings and conclusion that termination was in the child's best interest. See In re J.B., 167 Vt. 637, 639-40 (1998) (mem.) (upholding termination of mother's parental rights where, despite her progress, it had not brought her to a point where she could safely resume parenting within a reasonable period of time). Accordingly, we discern no basis to disturb the judgment terminating mother's parental rights.

Father does not contest the court's findings, based on substantial evidence, that father suffers from various mental health disorders and serious anger management problems that significantly impair his ability to be a parent. Despite this, father failed to engage in anger management counseling, as contemplated in the case plan. Furthermore, he was abusive toward mother during their relationship, often with the child present; has never cared for D.D. on his own; and is incapable of doing so. Thus, the evidence showed, and the court found, that there was no likelihood father would be in any position to effectively parent D.D. within the foreseeable future.

Father contends, nevertheless, that the court was required to defer to his request that the court transfer custody to his mother, the child's paternal grandmother, citing testimony that she loved the child, would be an appropriate caregiver, and that she would obey any order to prohibit or supervise contact between the child and father. Having determined in response to the State's petition that termination of parental rights was in the child's best interests, however, the court was not required to address the alternative disposition of a long-term guardianship. In re T.T., 2005 VT 30, & 7, 872 A.2d 334. Of course, the court could consider the grandmother for any post-termination custodial placement.

Father also claims, in this regard, that the evidence fails to support the court's finding that the grandmother would not be able to prevent or limit contact, as necessary, between father and D.D. The evidence had shown that D.D. had significant reactive behaviors after being with either parent, resulting apparently from trauma sustained while in their

care in the past. The court was concerned that placement with the grandmother would allow for future traumatization. Although the grandmother testified that she would obey any court order requiring that she limit contact with father, there was also substantial evidence that the grandmother had not been able to control an abusive environment in the past, and as a result both the DCF caseworker and child=s forensic evaluator both opined that the child would not feel secure, and could be at risk, in the grandmother=s custody. Thus, there was ample credible evidence to support the finding. We discern no basis, therefore, to disturb the judgment.

Affirmed.

BY THE COURT:

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John A. Dooley, Associate Justice

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Denise R. Johnson, Associate Justice

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Marilyn S. Skoglund, Associate Justice