ENTRY ORDER

VERMONT SUPREME COURT FILED IN CLERK'S OFFICE

SUPREME COURT DOCKET NO. 2009-275

JAN 1 5 2010

JANUARY TERM, 2010

In re C.H. and M.H., Juveniles	} APPEALED FROM:
	} Windham Family Court
	DOCKET NOS. 7-1-08 & 8-1-08 Wmjv
	Trial Judge: Katherine A. Hayes

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

Mother appeals from a family court order terminating her parental rights to the minors C.H. and M.H. She contends the court's findings fail to support its conclusion that mother could not resume parental responsibilities within a reasonable period of time. We affirm.

The facts may be summarized as follows. In early January 2008, C.H. and M.H. were taken into DCF custody pursuant to an emergency detention order after mother was admitted to the Brattleboro Retreat for treatment, following threats to her domestic partner. The children were four and three years old at the time. They were placed with a foster family, where they have since remained.

Prior to the incident in January 2008, mother had a long history of mental illness and domestic disturbances, including a conviction for domestic assault. Her two older children are both in DCF custody. During the several months following her discharge from the Retreat, mother was arrested for aggravated domestic assault and pled guilty to a reduced charge of domestic assault, and it was discovered that a convicted sex offender had been in her home.

The children were adjudicated CHINS in March 2008. Although the initial goal was reunification, the case plan cautioned that the children's need for permanency made it imperative that mother commit to a variety of services, including individual therapy, anger management counseling, and other therapies based upon a psychological evaluation, and that she refrain from any further involvement with the court system. In July 2008, mother was involved in an altercation with a neighbor. The following month, she was involved in two angry confrontations with the police and admitted to violating conditions of probation. In September 2008, mother was arrested with several other people involved in the break-in of a local store and was charged with aiding in the commission of a felony. During this period, efforts to engage mother in an intensive therapy program were unsuccessful, the result—the court found—of her unwillingness to engage in the process. Mother also continued to have regular contact with her former domestic partner, despite her social worker's warnings that the violence engendered by the relationship was detrimental to the goal of reunification. In September 2008, DCF altered the goal to termination of parental rights.

Following an evidentiary hearing in April 2009, the family court issued a written decision containing extensive findings and conclusions. The court concluded that mother's ability to care

for the children had stagnated, if not indeed deteriorated, since they entered DCF custody; she had failed to meet the case plan goals; had engaged in "violent, unpredictable and anti-social behavior" including domestic assaults, violent confrontations with the police, and involvement in a burglary; allowed strange men to enter the home; failed to obtain necessary psychiatric care; and maintained a violence-prone domestic-partnership relationship. The court further concluded that mother's "chaotic" life "seriously threatened" the children's wellbeing and put them "at risk of emotional trauma." The court thus determined that termination of mother's parental rights was "required in order to enable [C.H. and M.H.] to have an opportunity for a safe, loving, and permanent home" and that there was "no chance" that mother could resume parental responsibilities within a reasonable time. The court also noted that the children had been residing with their foster family for nearly a year and a half, and were thriving. Accordingly, the court granted the State's petition to terminate parental rights without limitation as to adoption. This appeal followed.*

Mother challenges none of the underlying findings on appeal, but rather contends that the court's conclusion that she could not resume parental responsibilities within a reasonable time lacks crucial findings concerning "the needs of the children." Mother notes that the reasonable-time element "must be measured in terms of the child's needs," In re B.M., 165 Vt. 331, 337 (1996), and asserts that without findings concerning "the children's current situation, their needs, or a general time during which they should achieve permanency," the court's ultimate conclusion is unsupported.

Although the court did not expressly state that it was measuring a reasonable time "in terms of the children's needs," its findings and conclusions summarized above leave no doubt that its assessment was based precisely on their critical need—at the tender ages of five and six—for permanence, safety, and stability. This is implicit in the court's findings that mother's behavior threatened the children's welfare, and that termination was essential to afford them a "safe, loving, and permanent home." These findings, among others, are more than sufficient to show that the court considered the issue from the perspective of the children's needs. See In re E.B., 158 Vt. 8, 14 (1992) (court need not pronounce "magic words" from statute where its meaning is otherwise apparent); In re C.L. & H.L., 151 Vt. 480, 482-3 (1989) (we will uphold judgment in absence of explicit findings when record shows that the court considered requisite factors in terminating parental rights). Accordingly, we find no error.

Affirmed.

Paul L. Reiber, Chief Justice

THE COURT

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Marilyn S. Skoglund, Associate Justice

M. Dooley, Associate Justice

^{*} The court also terminated the parental rights of father, who was divorced from mother in 2006 and, as the court found, has had no relationship with the children. He has not appealed from the order terminating his parental rights.