

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

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2001-457

FEBRUARY TERM, 2002

In re M.R., Juvenile	}	APPEALED FROM:
	}	
	}	Chittenden Family Court
	}	
	}	DOCKET NO. 362-8-99 Cnjv
	}	
	}	Trial Judge: James R. Crucitti
	}	
	}	

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

Mother appeals from a disposition order of the family court approving the recommendation of the Department of Social and Rehabilitation Services that the minor remain in SRS custody in long-term foster care. Mother contends the court erred in failing to find a compelling reason for discontinuation of the reunification goal. We affirm.

In August of 1999, M.R., who was then eleven years old, was taken into SRS custody and the following month was adjudicated CHINS. Mother agreed at the time to begin counseling. At a disposition hearing in October, the court approved a plan of services, leading to reunification, that required mother to engage in individual mental health counseling to address her depression and other problems, obtain housing for herself and her children (M.R. has an older sister), work with Intensive Family Based Services to improve her parenting skills, attend family counseling, and acquire employment. At subsequent hearings in February and April 2000, evidence was presented indicating that mother was not participating in counseling, and refused to do so. The court ordered a psychological evaluation to determine if counseling was necessary, and mother agreed to abide by any recommendations in the evaluation. The evaluation recommended that, in lieu of individual counseling, mother participate in a number of services to address her depression and other mental health problems, and attend parenting classes and Intensive Family Based Services. In May 2001, mother filed a motion seeking transfer of custody of M.R. to herself. Shortly thereafter, SRS filed a new case plan seeking long-term foster care.

Following a hearing in August, the court issued a written decision, approving the SRS recommendation. The court found that despite significant efforts to engage her in an acceptable mental health treatment program, mother had steadfastly refused to accept such a program, and had failed to follow through in addressing the day-to-day parenting needs of the minor. Although the court found that mother would not be able to parent the minor within a reasonable period of time, it also found - in light of the minor's age and close relationship with both mother and her foster parent - that termination was not suitable. Therefore, it concluded that there was a compelling reason for the minor to remain in long-term foster care, and so ordered. This appeal followed.

On appeal, mother contends the court erred in failing to find a compelling reason for not maintaining the goal of reunification. See 33 V.S.A. § 5531(d)(4) (permanency plan of "planned permanent living arrangement" such as long-term foster care requires "compelling reason that it is not in the child's best interest to return home, to have residual parental rights terminated and be relased for adoption or placed with a fit and willing relative or legal guardian"). Mother challenges none of the court's underlying findings, however, which include an express finding that the State had demonstrated compelling reasons for the minor to remain in long-term foster care based on mother's steadfast refusal to

engage in recommended mental health counseling and failure to address the needs of the minor. We have held that the family court need not couch its findings concerning the best interests of the child in the precise statutory language where the record otherwise demonstrates that the child's best interests were considered in accordance with the statutory criteria. See In re J.C., 169 Vt. 139, 144 (1999). Viewed in this light, the court's findings leave no doubt that it found compelling reasons not to continue the goal of reunification. Accordingly, we discern no basis to disturb the judgment.

BY THE COURT:

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Jeffrey L. Amestoy, Chief Justice

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John A. Dooley, Associate Justice

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James L. Morse, Associate Justice