

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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2002-085

MAY TERM, 2002

In re A.B., Juvenile

}	APPEALED FROM:
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}	Chittenden Family Court
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}	
}	DOCKET NO. 11-1-99 Cnjv
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}	Trial Judge: David A. Jenkins
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}	
}	

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

Father appeals the family court's order terminating his parental rights with respect to his daughter, A.B.

A.B. was born on September 5, 1987. Her parents both have long histories of drug dependence and unsuccessful residential treatment. In October 1998, A.B. was adjudicated a child in need of care and supervision (CHINS) after she informed police and school officials that she was afraid to go home because of her parents' heroin use and domestic violence. She was initially placed with her paternal grandmother, but that lasted only a short time, and she was later placed in foster care. In November 2000, the Department of Social and Rehabilitation Services (SRS) filed a petition to terminate the mother's and father's residual parental rights, citing a lack of progress toward reunification. Following a September 2001 hearing, the family court granted SRS's petition.

Father appeals the family court's January 16, 2002 decision, arguing that the court failed to make any findings or conclusions regarding his demonstrated love for his daughter, and thus was unable to exercise its discretion properly in choosing a disposition option. Father points out that one of the best-interest criteria the court is required to consider under 33 V.S.A. § 5540 is "(4) Whether the natural parent has played and continues to play a constructive role, including personal contact and demonstrated love and affection, in the child's welfare." (Emphasis added). According to father, the court's decision is devoid of any mention of paternal love, despite abundant evidence on the subject.

We find no merit to this argument. For the most part, father cites his own testimony professing his love for his daughter as evidence of his paternal love. The court found that father had essentially disappeared from his daughter's life after she was removed from his custody; that he had steadfastly refused to take advantage of opportunities to visit her, despite knowing the importance of those visits to her; that he was far from achieving personal stability or playing any sort of positive role in his daughter's life; that the possibility of federal jail time stemming from a recent drug conviction, and not the possible loss of his residual parental rights, was the impetus for his most recent attempt to address his drug problems; and that he had shown an inability to place the needs of his daughter above his own. These and other findings and conclusions sufficiently addressed whether father had played a constructive role in his daughter's welfare through personal contact and demonstrated love and affection. Cf. *In re B.M.*, 165 Vt. 331, 341 (1996) (despite father's obvious concern and love for his daughter, he had not played a constructive role in her life); *In re M.B.*, 162 Vt. 229, 236 (1994) (despite father's protestations of love and concern for his children, he had not proven capable of translating his professed feelings into action beneficial to them); *In re L.A.*, 154 Vt. 147, 155 (1990) (despite mother's love for children, she was unable to place their needs above her own).

Affirmed.

BY THE COURT:

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James L. Morse, Associate Justice

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Denise R. Johnson, Associate Justice

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Marilyn S. Skoglund, Associate Justice