

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

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2002-551

MARCH TERM, 2003

In re J.B. and A.L., Juveniles

}	APPEALED FROM:
}	
}	Orleans Family Court
}	
}	DOCKET NOS. 9-2-2 and 9-3-02 OsJv
}	
}	Trial Judge: John P. Meaker
}	
}	
}	

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

Mother appeals the termination of her parental rights with respect to her daughter, A.L., and her son, J.B. We affirm.

A.L. was born in March 2000 shortly after mother turned nineteen. In December 2000, A.L.'s doctor reported to the Department of Social and Rehabilitation Services (SRS) that she had observed facial bruising on A.L. indicative of a forceful grab. The following month, SRS offered mother intensive services, including parenting education and mental health counseling, to help her maintain custody of A.L. Mother refused the services, and SRS filed a petition alleging that A.L. was a child in need of care and supervision (CHINS). In March 2001, the family court issued a detention order placing A.L. in SRS custody. SRS referred mother, who was pregnant at the time, to the Lund home, where she participated in the residential treatment program, which provided twenty-four-hour parent support, day care, parenting classes, and respite care. During the following ten months, mother received intensive support services, including parenting classes, substance-abuse counseling, and GED class work. J.B. was born in July 2001 while mother and A.L. were living at the Lund home.

In February 2002, mother left the Lund home. The treatment program had been unsuccessful, and mother initially agreed to relinquish her parental rights to A.L. and J.B., both of whom were placed in foster care. Later, mother decided that she did not want to give up her children, and the family court entered a disposition order of protective supervision. When mother failed to meet the conditions of the order, SRS filed a petition to terminate her parental rights. Following a three-day hearing, the family court granted the petition, finding that mother had failed to make progress toward reunification despite receiving intensive services aimed at improving her ability to parent, and had failed to follow through on case plan goals aimed at addressing her substance abuse and mental health problems. The court concluded that mother would not be able to resume her parental duties within a reasonable period of time.

On appeal, mother argues that the termination order must be reversed because the court's findings concerning SRS services were erroneous and inconsistent. According to mother, part of the basis for the court's termination order was its finding that she had failed to make progress in learning how to parent even though SRS had provided adequate services; yet, at the same time, the court found that the services SRS offered were inadequate because mother needed more structure than the Lund home could offer.

Mother misconstrues the single statement upon which her argument rests. The record and the court's findings make it abundantly plain that SRS provided mother with long-term, intensive services to help her keep her children, but that she

was unable to take advantage of those services. Mother received around-the-clock support for ten months in the Lund residential treatment program. Indeed, it is hard to conceive what more SRS could have done, and mother offers no suggestions. Mother focuses on the court's statement that she "required an even higher level of structure than even the Lund Family Center could provide." Considered in context, however, the court's statement meant simply that mother was not able to prevent her parenting skills from stagnating even after receiving the intensive services offered in the Lund residential treatment program during a ten-month period. The evidence supports the court's findings that mother's parenting skills had stagnated, and that the best interests of the children required termination because mother would be unable to resume her parental duties within a reasonable period of time. See In re J.T., 166 Vt. 173, 180 (1997) (family court is not required to make findings on whether SRS made reasonable efforts to assist parent, but SRS assistance is factor in determining whether SRS met its burden of showing that parent is unlikely to resume parental duties within reasonable period of time).

Affirmed.

BY THE COURT:

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Jeffrey L. Amestoy, Chief Justice

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Denise R. Johnson, Associate Justice

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Frederic W. Allen, Chief Justice (Ret.)

Specially Assigned