

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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2003-476

MARCH TERM, 2004

	} APPEALED FROM:
	}
	} Orleans Family Court
	}
In re M.R. and M.R., Juveniles	} DOCKET NO. 42/43-7-01 Osjv
	}
	} Trial Judge: Alan W. Cheever
	}
	}

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

Mother appeals the termination of her residual parental rights in her daughter Ma.R. and son Mi.R. She claims that numerous findings simply recite evidence that was presented at the termination hearing, and that the court failed to adequately explain why termination is in the children' s best interests. See 33 V.S.A. ' 5540 (court may modify disposition if the best interests of the children require it). In termination cases like this one, we require the court to make findings that explain what the court decided and how it reached its decision. E.J.R. v. Young, 162 Vt. 219, 225 (1994). In this case, many of the critical findings do not establish facts, but merely describe the testimony, observations, and opinions of various witnesses who appeared before the court. Descriptions of the evidence are not findings of fact. Embree v. Balfanz, 174 Vt. 560, 562 (2002) (mem.). Moreover, the court' s conclusions in this case merely quote the language of ' 5540, but do not explain how the findings relate to the conclusion that the best interests of both children require termination of their mother' s parental rights. Accordingly, we reverse and remand the matter to the family court for adequate factual findings and conclusions.

Reversed and remanded for adequate factual findings and conclusions.

BY THE COURT:

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Paul L. Reiber, Associate Justice