

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2007-133

AUGUST TERM, 2007

In re B.T., K.T. & T.T., Juveniles	}	APPEALED FROM:
	}	
	}	
	}	Windsor Family Court
	}	
	}	
	}	DOCKET NO. 73/74/75-6-05 WrJv

Trial Judge: Harold E. Eaton, Jr.

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

Mother appeals the family court's order terminating her parental rights with respect to her three children, B.T., K.T., and T.T. We affirm.

The children were born in October 2000, June 2002, and July 2004. Mother has a long history of substance abuse and became addicted to opiates following the birth of the third child. She dropped out of high school and began living with the father when she was sixteen years old. The father and mother married before the first child was born, but their relationship was abusive, and the father moved out of the home several months before the Department for Children and Families (DCF) became involved in June 2005 as the result of an incident of domestic abuse between mother and her mother. The children were adjudicated children in need of care and supervision (CHINS) in August 2005 and returned to mother under a protective supervision order requiring her to avoid drugs and submit to substance abuse and mental health assessments. That same month, a DCF caseworker visited mother and found her under the influence of drugs. In September 2005, the children were taken into DCF custody after mother violated the protective supervision order by leaving the children with their grandmother. The disposition order continued DCF custody and required mother to obtain safe housing, address substance abuse and domestic violence issues, and engage in the services offered to her.

Mother was resistant to services, however, and did not consistently visit her children. After attending an intensive substance abuse counseling program, mother entered the Lund Family Center, where she remained for about one month. On the night before her youngest child was scheduled to join her at the center, however, she had an anxiety attack and cut herself. Due to concerns about her mental health, she was transferred to the Brattleboro Retreat but left that facility after three days. Shortly after leaving the retreat, mother began using drugs again. On numerous occasions, mother tested positive for illegal substances, including opiates, amphetamines, and cocaine, the last time in January or February 2007. Between June and October 2006, mother had no visits with her children and only sporadically contacted DCF. Thereafter, at mother's request, DCF attempted to establish a regular visitation schedule, but mother often failed to keep the appointments.

In August 2006, DCF changed its case plan goal to termination of parental rights. The father voluntarily relinquished his parental rights. With respect to mother, three days of hearings on DCF's

termination petition were held at the end of February 2007. Following the hearing, the family court granted the petition, concluding that mother's lack of progress in addressing the problems that had led to DCF intervention amounted to changed circumstances, and that terminating mother's residual rights and freeing the children for adoption was in their best interests.

On appeal, mother argues that the family court failed to make adequate findings on what was a reasonable period of time in which she could resume her parental duties with respect to each child. We find no merit to this argument. Although the family court must consider and make findings on the statutory factors set forth in 33 V.S.A. § 5540, including whether the parent will be able to resume parental duties within a reasonable period of time, the court is not required to make specific findings on precisely what amount of delay will be harmful to a child or exactly how long a child can wait for a parent to resume parental duties. See In re J.T., 166 Vt. 173, 180 (1997) (stating that family court is required to make specific findings on statutory criteria, which do not include whether the Department made reasonable efforts to assist the parents). Here, after discussing the needs and progress of each child during their seventeen months in foster care, the family court made detailed findings with respect to each of the statutory factors, including whether mother would be able to resume her parental duties within a reasonable period of time.

While acknowledging that mother appeared to have made some recent progress in addressing her substance abuse problems, the court found that over the past one and one-half years mother had failed to take advantage of the substantial services offered to her to help her overcome her problems and put herself in a position to parent her children. In the court's view, although mother apparently had been drug free for a couple of months before the termination hearing, she remained resistant to the type of intensive intervention that would be necessary for her to maintain her sobriety over the long run. Nor had mother made any significant progress in improving her parenting skills, notwithstanding the various services offered to her. Moreover, mother had failed to address domestic violence issues, and in the fall of 2006 was living with a man who had been substantiated for sexual misconduct with children. Meanwhile, all of the children had made great progress and were thriving in the foster home. The court concluded that mother was still not able to parent her children, and that significant impediments to her resuming parental duties remained, notwithstanding the various services she had been offered in the seventeen months that her young children had already been in foster care. In short, the record amply supports the court's conclusion that mother will be unable to parent her children within a reasonable period of time.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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John A. Dooley, Associate Justice

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Denise R. Johnson, Associate Justice