

SUPREME COURT OF VERMONT

In re D.M. & T.P.

176 Vt. 639 (2004) · Decided April 28, 2004

SUMMARY

The Vermont Supreme Court affirmed the termination of a mother’s parental rights in two children based on parental stagnation and the children’s best interests. The court held that the mother’s inability to consistently apply parenting skills constituted stagnation even though she complied with the service plan and temporarily lost access to therapy because her therapist became ill. The court also concluded that the children’s need for permanency and stability outweighed the harm from ending their relationship with their mother.

CASE DETAILS

COURT	Supreme Court of Vermont
JURISDICTION	Vermont
DECIDED	April 28, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the juvenile court's order terminating her parental rights in D.M. and T.P.
STANDARD OF REVIEW	The Supreme Court will affirm a termination decision if the juvenile court's findings are supported by the evidence and support its conclusions; the juvenile court has broad discretion in deciding whether to terminate parental rights.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Mother v. Department of Social and Rehabilitation Services

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- child custody
- family law

PRACTICE AREAS

- family law
- termination of parental rights
- parental rights
- child custody

QUESTIONS PRESENTED

1. Whether the juvenile court properly found changed circumstances based on parental stagnation when Mother's therapy was interrupted for several months by circumstances beyond her control.
2. Whether termination of Mother's parental rights was improper because of the loving bond between Mother and the children and the potential emotional harm from severing that relationship.

HOLDINGS

1. The juvenile court properly found parental stagnation because Mother's inability to improve her parenting and protective behavior persisted despite her participation in the service plan; the temporary interruption of therapy with one therapist did not preclude that finding.
2. Termination was proper because the children's need for a permanent, predictable, and safe home outweighed the emotional harm from ending their relationship with Mother, which the juvenile court found would not be irreparable.

KEY QUOTATIONS

"The SRS case plan is not intended to be a mere checklist the parent must satisfy to ensure the automatic return of the children to the parent's care, however." (641)

"The children need to have a permanent home and a reliable stable relationship in a home where they know they will be loved and kept safe." (641)

FACTUAL BACKGROUND

SRS intervened after T.P. reported sexual abuse by his uncle while Mother and the children were living with multiple family members who had histories of sexual abuse. The children were adjudicated in need of care and supervision and placed in SRS custody. Although Mother complied with the service plan, she remained unable to consistently apply parenting techniques, protect the children from abuse, or live independently. The juvenile court found that her progress had stagnated and that the children's need for permanency and safety required termination.

PROCEDURAL HISTORY

After the Department of Social and Rehabilitation Services obtained custody of the children and the juvenile court adjudicated them children in need of care and supervision, the court approved a service plan for Mother. After approximately fifteen months in SRS custody, SRS petitioned to terminate Mother's parental rights. The juvenile court granted the petition, finding that Mother's progress had stagnated and that termination was in the children's best interests. The Supreme Court of Vermont affirmed.

DISPOSITION

affirmed

CASES CITED

- In re A.F., 160 Vt. 175, 178, 624 A.2d 867, 869 (1993)

- In re D.B., 161 Vt. 217, 219, 635 A.2d 1207, 1209 (1993)
- In re S.R., 157 Vt. 417, 421-22, 599 A.2d 364, 367 (1991)

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