

SUPREME COURT OF VERMONT

In re J.F.

180 Vt. 583 (2006) · Decided June 5, 2006

SUMMARY

The Vermont Supreme Court reversed a family court order denying termination of the parents' residual parental rights concerning four children. The court held that the family court's own findings demonstrated the parents' continuing inability or unwillingness to address longstanding neglect and that termination, rather than maintaining the status quo, was in the children's best interests.

CASE DETAILS

COURT	Supreme Court of Vermont
JURISDICTION	Vermont
DECIDED	June 5, 2006
DISPOSITION	reversed
PROCEDURAL POSTURE	The Department for Children and Families appealed the family court's denial of its petition to terminate the parents' residual parental rights concerning four children.
STANDARD OF REVIEW	A modification decision is upheld if the findings are not clearly erroneous and the conclusions are supported by the findings. The Supreme Court reviewed whether the family court's undisputed findings and conclusions supported denial of termination under the applicable statutory best-interests criteria.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Department for Children and Families v. Mother and father of Ja.F., Je.F., Ke.F., and Ka.F.

TOPICS

termination of parental rights parental rights family law procedure appellate procedure standard of review

PRACTICE AREAS

family law termination of parental rights child welfare appellate procedure

QUESTIONS PRESENTED

1. Whether the family court's undisputed findings and conclusions supported denying DCF's petition to terminate the parents' residual parental rights.
2. Whether the parents' continued inability or unwillingness to resume parental duties within a reasonable period of time, and their destructive rather than constructive role in the children's lives, required termination under the statutory best-interests criteria.
3. Whether the family court clearly erred by relying on the parent-child bond and maintaining the status quo despite findings that the children required permanence and stability.

HOLDINGS

1. The family court erred in denying termination because its own findings, which were supported by the evidence, overwhelmingly demonstrated that termination of the parents' residual parental rights was in the best interests of all four children.
2. A parent-child bond does not preclude termination when the bond is destructive, has contributed to the children's harm, and the parents cannot provide necessary permanence and stability within a reasonable period of time.
3. Maintaining the status quo was improper where the family court found that the children needed permanence and stability and that the parents would not be able to resume parental duties within a reasonable period of time.
4. A modification decision will be upheld if the findings are not clearly erroneous and the conclusions are supported by the findings; however, denial of termination is clear error when the undisputed findings do not support the conclusion that termination is contrary to the children's best interests.

KEY QUOTATIONS

“Public policy ... does not dictate that the parent-child bond be maintained regardless of the cost to the child; 33 V.S.A. § 5540 recognizes that severance of that bond may be in the child’s best interest.” (586)

“The family court barely mentioned the third and most important factor — the likelihood that the parents would be able to resume parental duties within a reasonable period of time — yet the evidence and the court’s own findings demonstrate that the parents will not be able to resume their parental duties within a reasonable period of time” (588)

“As with the other children, Ja.F. needs permanence and stability that cannot be provided by his parents, and thus termination of parental rights is necessary.” (589)

FACTUAL BACKGROUND

The parents subjected their seven children to prolonged educational, medical, and social neglect, including failure to provide schooling and medical care, extreme social isolation, unstable housing, and resistance to court orders and child-welfare services. The four children at issue were ultimately placed in foster care, where the younger three developed loving and stable relationships with foster families, while Ja.F. experienced greater difficulty and anxiety. Despite years of intervention and reunification plans, the parents continued to deny the

neglect, resist services, fail to cooperate with DCF and school officials, and engage in behavior that harmed the children's adjustment and welfare.

PROCEDURAL HISTORY

After years of educational, medical, and social neglect, the children were placed in state custody and foster care. The family court denied DCF's termination petition after an eight-day hearing, maintained existing placement and protective orders, and allowed supervised visitation. The Vermont Supreme Court reversed and granted the termination petition.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Supreme Court granted DCF's petition to terminate the parents' residual parental rights with respect to Ja.F., Je.F., Ke.F., and Ka.F.; no remand was ordered.

CASES CITED

- In re A.G., 2004 VT 125, ¶ 17, 178 Vt. 7, 868 A.2d 692
- In re A.G., 2004 VT 125, ¶¶ 45, 47
- In re M.B., 162 Vt. 229, 235, 238, 647 A.2d 1001, 1004, 1006 (1994)
- In re B.M., 165 Vt. 331, 337, 682 A.2d 477, 480 (1996)
- In re S.B., 174 Vt. 427, 428, 800 A.2d 476, 478 (2002) (mem.)