

SUPREME COURT OF VERMONT

In re A.D., Juvenile

Case No. 23-AP-173 · No. 23-AP-173 · Decided October 13, 2023

SUMMARY

The Vermont Supreme Court affirmed the termination of the mother's parental rights to A.D., concluding that she had stagnated in her progress toward reunification and would not be able to resume parental duties within a reasonable time. The court held that findings concerning visitation, housing, substance-abuse treatment, domestic-violence services, and involvement in the child's medical and educational care supported termination.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Harold E. Eaton, Jr.; Karen R. Carroll; Nancy J. Waples
JURISDICTION	Vermont
DECIDED	October 13, 2023
DOCKET	23-AP-173
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the Superior Court's order terminating her parental rights to A.D. after the court found stagnation in her progress toward reunification and determined that termination was in A.D.'s best interests.
STANDARD OF REVIEW	The Supreme Court will not disturb the trial court's findings unless they are clearly erroneous and will affirm its conclusions if they are supported by the findings, provided the trial court applied the proper legal standard.
PRECEDENTIAL VALUE	Nonprecedential entry order; decisions of a three-justice panel are not to be considered precedent before any tribunal.
PARTIES	J.B., Mother v. State

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- standard of review
- harmless error

PRACTICE AREAS

termination of parental rights

child welfare

appellate review

QUESTIONS PRESENTED

1. Whether the trial court properly found a change in circumstances based on Mother's stagnation in progress toward reunification.
2. Whether the trial court properly concluded that Mother could not resume parental duties within a reasonable time.
3. Whether any error in relying on Mother's inability to obtain housing or failure to attend school and medical appointments warranted reversal.

HOLDINGS

1. The trial court properly found a sufficient change in circumstances because Mother's ability to care properly for A.D. had stagnated and she had failed to make adequate progress in addressing the conditions that led to state custody.
2. The trial court properly concluded that Mother would not be able to resume parental duties within a reasonable time and that termination was in A.D.'s best interests.
3. Any alleged error did not warrant reversal because other substantial evidence independently supported the findings of stagnation and Mother's inability to resume parenting within a reasonable time.

KEY QUOTATIONS

"The key question for the court when considering whether stagnation has occurred is whether the parent has made progress in ameliorating the conditions that led to state intervention." (at 2)

"As long as the court applied the proper standard, we will not disturb its findings unless they are clearly erroneous, and we will affirm its conclusions if they are supported by the findings." (at 2)

"stagnation caused by factors beyond the parents' control could not support termination of parental rights." (at 2)

FACTUAL BACKGROUND

A.D. entered state custody after allegations that the parents used and sold illegal drugs in the home, exposed A.D. to domestic violence and unsafe living conditions, and left A.D. with the maternal grandmother for extended periods without legal authority for care. Over nearly four years, Mother made limited and inconsistent progress on the reunification plan, including inconsistent visitation, failure to engage in domestic-violence services, cessation of substance-abuse treatment, and insufficient knowledge of A.D.'s significant medical needs. At the termination hearing, the parents lacked stable housing and employment, and Mother acknowledged that she was not ready to resume full-time parenting and would need additional months or up to a year to do so.

PROCEDURAL HISTORY

The State filed a CHINS petition in 2019, and the parties stipulated to the merits. The trial court placed A.D. in the custody of the Department for Children and Families and adopted a reunification case plan. After DCF filed termination petitions in 2021, the Superior Court held a final hearing in April and May 2023, terminated both parents' parental rights, and Mother appealed. The Vermont Supreme Court affirmed; Father did not appeal.

DISPOSITION

affirmed

CASES CITED

- In re B.W., 162 Vt. 287, 291 (1994)
- In re T.M., 2016 VT 23, ¶ 12, 201 Vt. 358
- In re J.B., 167 Vt. 637, 639 (1998) (mem.)
- In re N.L., 2019 VT 10, ¶ 9, 209 Vt. 450
- In re S.R., 157 Vt. 417, 421-22 (1991)
- In re R.W., 2011 VT 124, ¶ 17, 191 Vt. 108