

Note: In the case title, an asterisk () indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

ENTRY ORDER

SUPREME COURT DOCKET NO. 2019-224

OCTOBER TERM, 2019

In re C.S., Juvenile
(C.S., Father*)

} APPEALED FROM:
}
} Superior Court, Windham Unit,
} Family Division
}
} DOCKET NO. 46-4-18 Wmjv

Trial Judge: Howard A. Kalfus, Acting
Superior Judge, Specially Assigned

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

Father appeals from the termination of his parental rights in C.S. We affirm.

C.S. was born in April 2018. She was taken into temporary custody of the Department for Children and Families (DCF) shortly after her birth based on concerns about mother's ability to safely parent her and meet her basic needs. Mother has an extensive history with DCF and a history of mental health instability; her rights in three other children have been terminated. C.S. was adjudicated as a child in need of care or supervision in July 2018 based on mother's history with her other children and inadequate treatment of her mental health issues. C.S. was placed in a foster home, where she remains.

The court terminated parents' rights at the initial disposition hearing. It made numerous findings. It recounted the termination of mother's rights in three other children; it also found that father was the parent of another child whom he did not currently parent. Neither parent completed a parenting class. Parents initially visited C.S. three times per week. Sometimes the visits went well; other times, mother became dysregulated and yelled at visit supervisors. In August 2018, visitation ceased at parents' request. Mother never resumed visitation. Father resumed visitation in February 2019 and saw C.S. six times until May 2019. At that point, he stopped visitation to work on his mental health and substance abuse issues. The day before the disposition hearing, father had an intake at the Brattleboro Retreat to address his use of marijuana and crack cocaine. Father confirmed his use of these drugs at the disposition hearing. As indicated above, C.S. had been in the same foster home since coming into DCF custody. She had a loving relationship with her foster family and was doing well in their care.

The court concluded that the statutory best-interest factors supported termination of parents' rights. As relevant here, it concluded that father had a minimal bond with C.S. given his limited contact with her. For the same reason, it found that father had not played a constructive role in C.S.'s life. The court also concluded that father could not assume parental duties for C.S. within a reasonable time. It explained that C.S. was now fourteen months old and she required a parent who could meet her needs immediately. Father did not know, and could not learn within a

reasonable period, C.S.'s emotional, behavioral, developmental, and medical needs given his limited contact with her. Given that father was still working on his own mental health and substance issues, moreover, he could not turn to C.S.'s needs within a reasonable period as measured from C.S.'s perspective. For these and other reasons, the court terminated parents' rights. Father appealed.

Father argues that the court erred in concluding that he could not parent C.S. within a reasonable time. He maintains that because C.S. has very few special needs, if any, there are no extraordinary issues that he needs to catch up on. He asserts that the court engaged in speculation in finding that he did not have a bond with C.S. Father acknowledges that he is addressing his own substance abuse issues, but argues that he could continue to work on these issues while also continuing to work on reunifying with C.S. He maintains that a reasonable time has not yet passed from C.S.'s perspective.

The court "may terminate parental rights at the initial disposition proceeding if [it] finds by clear and convincing evidence that termination is in the child's best interests." In re C.P., 2012 VT 100, ¶ 30, 193 Vt. 29. The court must consider the statutory best-interest factors in reaching its decision, the most important of which is "whether the parent will be able to resume parenting duties within a reasonable period of time." Id. "The reasonableness of the time period is measured from the perspective of the child's needs, and may take account of the child's young age or special needs." Id. (citations omitted). We will uphold the court's findings unless clearly erroneous and its conclusions where supported by the findings. Id.

The court's decision is well supported here. At the time of the court's decision, C.S. had been in DCF custody for fourteen months. Father visited her six times in the ten months prior to the hearing. It was reasonable to conclude, based on this infrequent visitation, that father's bond with C.S. was minimal. It was equally reasonable to conclude that father was not prepared to parent C.S. within a reasonable time as measured from C.S.'s perspective. After fourteen months in DCF custody, C.S. needed permanency, and father was not in a position to provide it. In arguing that he should have been afforded more time, father essentially disagrees with court's assessment of the weight of the evidence. "Our role is not to second-guess the family court or to reweigh the evidence, but rather to determine whether the court abused its discretion in terminating . . . parental rights." In re S.B., 174 Vt. 427, 429 (2002). We find no abuse of discretion here.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice