

*Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2003-168

AUGUST TERM, 2003

In re C.R., Juvenile	}	APPEALED FROM:
	}	
	}	Chittenden Family Court
	}	
	}	DOCKET NO. 78-2-02 Cnjv
	}	
	}	Trial Judge: David A. Jenkins
	}	
	}	

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

Mother appeals from a family court judgment terminating her parental rights to the minor, C.R. Mother contends the court failed to make the required finding that she would not be able to resume her parental duties within a reasonable period of time as measured by the child= s needs. We affirm.

The pertinent facts may be summarized as follows. C.R., mother= s third child, was born in February 2002, and was immediately ordered into the custody of the Department of Social and Rehabilitation Services. Mother= s parental rights to her first child had been terminated in 2000, and she had voluntarily relinquished her parental rights to her second child. The identity of C.R.= s father was not determined.

C.R. remained in the hospital for a month because of medical complications from a condition known as Myotonic Dystrophy, which causes muscle weakness affecting the ability to eat, breathe, and swallow, and requires close medical monitoring. During this time, SRS instituted a reunification plan for mother which included an intensive residential parenting program at the Lund Home and individual mental health counseling. C.R. was released from the hospital in March and placed with experienced foster parents who had adopted mother= s first child.

C.R. was adjudicated CHINS in late March 2002. SRS= s initial disposition recommendation was termination of parental rights based on mother= s failure to make any progress in acquiring the parenting skills necessary to meet the minor= s needs. An evidentiary hearing on SRS= s termination petition was held in January 2003. The court issued its written decision in March, granting the petition and transferring custody to SRS without limitation as to adoption. This appeal followed.

Mother= s sole contention on appeal is that the court, while expressly finding that mother would not be able to resume her parental duties within a reasonable period of time, failed to consider the issue from the child= s perspective. As mother notes, we have observed that this critical factor A must be measured in terms of the child= s needs. @ In re B.M., 165 Vt. 331, 337 (1996). Here, the court found that, despite the intensive training efforts of parent educators, mother had made almost no progress in acquiring even basic parenting skills, such as feeding and changing and recognizing the child= s needs, had developed no understanding of the child= s emotional or developmental needs, and had not bonded with the child. Among its other findings, the court expressly found that mother A remains unable to provide appropriately for [C.R.= s] care and she will be unable to offer that appropriate care within any foreseeable reasonable time, @ or A in the foreseeable future to provide a stable environment to parent her child. @ Although the court did not recite the phrase as A measured in terms of the child= s needs, @ its meaning from this and other similar findings is clearly that mother would not be able to meet C.R.= s needs for basic physical, emotional and medical care within a reasonable period of time from the perspective of the child= s reasonable needs. The findings were sufficient. See In re

E.B., 158 Vt. 8, 14 (1992) (court need not pronounce A magic words@ from statute where its meaning is otherwise apparent).

Affirmed.

BY THE COURT:

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Jeffrey L. Amestoy, Chief Justice

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Denise R. Johnson, Associate Justice

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Marilyn S. Skoglund, Associate Justice