

home in May 2008, became discouraged, and—despite being encouraged to continue services—told DCF that she did not want to work with service providers any longer. She began to discuss with DCF service providers the possibility of voluntarily relinquishing her parental rights. In July 2008, mother was homeless and tested positive for marijuana. She moved in with her mother in August 2008, but was removed by the police after a fight. Although she separated from R.D.’s father, mother began a new relationship with another man, D.G., who—at the time of the proceedings below—was on furlough from an aggravated domestic assault conviction, and had a record of two prior domestic assault convictions. In October 2008, DCF changed the case plan goal from reunification to adoption, and filed a petition for termination of parental rights.

Following an evidentiary hearing in April 2009, the court issued a written decision granting the petition. The court found that mother’s progress had stagnated, noting that she was still without a home; had taken no significant steps to understand her victimization by abusive men and, indeed, had entered a new relationship with an individual convicted of three separate domestic assaults; had worked off and on for months with a parent educator, but had made no significant progress; had discontinued counseling and rejected additional referrals; had tested positive for marijuana during her last screening; and, until several weeks before the hearing, had no employment or source of income.

Applying the best interests criteria, the court found that mother had played no constructive role in the children’s lives, and that they had been exposed to sexual and domestic violence while living with mother, resulting in significant and ongoing emotional trauma. Although mother had some positive interactions with the children during supervised visits, the court noted that she had made little or no progress to develop independent parenting skills and found that whatever gains she had made were offset by her continued inability to provide a safe and secure environment free of violence and drugs. The children, meanwhile, had made slow progress in their foster home. Both had initially displayed evidence of past sexual abuse, including inappropriate sexualized behavior, as well as agitated and aggressive behavior. Over time, however, both had made progress by living in a stable, structured household with a foster parent who understood their needs, and were attending counseling and working constructively with school personnel. The court thus concluded that termination of parental rights was in the best interests of the children. This appeal by mother followed.¹

Our role in reviewing the family court’s ruling “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 mother’s parental rights.” *In re S.B.*, 174 Vt. 427, 429 (2002) (mem.). We will not disturb the court’s findings if supported by clear and convincing evidence, nor its conclusions if reasonably supported by the findings. *In re A.W., K.W. & A.T.*, 167 Vt. 601, 603 (1998) (mem.). Mother contends the evidence fails to support the court’s finding that her ability to parent the children had stagnated over time. She asserts in this regard that the evidence of her commitment to the children was inconsistent with the court’s ruling, but the court did not question mother’s affection for the children or attendance at supervised visits, and its findings concerning her lack of progress in developing safe parenting skills and insight were not inconsistent with such affection. Mother also claims that the parent educator was biased against reunification, as evidenced by her discussion with mother of voluntary relinquishment of parental rights, and thus her testimony about mother’s lack of progress was fatally “tainted.” The record evidence does not support the claim. The parent educator testified that she discussed a range of possibilities with mother around the time that mother discontinued services, but there

¹ The court also terminated the rights of the children’s fathers, who have not appealed from the ruling.

is no evidence that the parent educator urged mother to voluntarily relinquish her rights or was biased in any manner. Mother's DCF social worker also testified that mother herself raised the possibility of voluntary relinquishment at about the same time. Thus, the evidence does not support the claim that DCF workers urged mother to terminate her parental rights or were in any way biased against reunification.

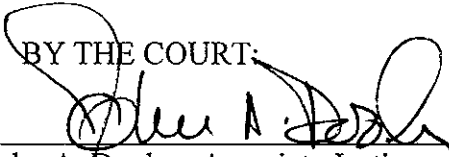
Mother further claims that the court erred in finding stagnation based, in part, upon her failure to show any significant progress in working with the parent educator because this was not part of the case plan. On the contrary, the case plans consistently called for mother to work closely with the parent educator to improve her parenting skills, with the goal of developing an ability to recognize and meet the children's physical and emotional needs.

Mother also contends the court erred in relying on her continued inability to find suitable housing, noting that Lund's rejection of her application was a circumstance beyond her control. The record shows, however, that it was mother who initially rejected the Lund option, and that mother thereafter refused to re-engage with service providers. Finally, mother contends the court erred in citing her new relationship with D.G. as evidence of stagnation, asserting that there was no evidence that he had harmed either mother or the children. In finding that mother continued to show little or no insight or ability to place the children's needs above her own, however, the court reasonably and properly took note of mother's pattern of abusive relationships and the risk that it would continue as evidenced by D.G.'s three prior domestic assault convictions, and his recent failure to complete a domestic-abuse counseling program. Accordingly, we find no basis to disturb the court's conclusion that mother's progress had stagnated.


Mother next contends the court's analysis of the best interests of the children was flawed in several respects. First, she contends that the ruling was based largely on her inability to provide safe and stable housing, a failing which she asserts was beyond her control. The premise of the claim is contradicted by the ruling, however, which was based principally on mother's demonstrated lack of progress in developing the parenting skills and insight necessary to provide a safe environment for the children, free from domestic violence and drugs, and not on mother's inability to find housing. Mother also claims that the court failed to consider the positive relationship and interaction between mother and the children as evidenced by her consistent visits with the children. As noted, however, the court found that mother had historically played no positive role in the children's lives and that, although she had shown some constructive involvement during supervised visits under the guidance of the parent educator, this was more than offset by her lack of progress in developing the skills to parent independently or the ability to provide a safe, secure environment free of drugs and violence. Accordingly, we find no basis to disturb the judgment.

Affirmed.

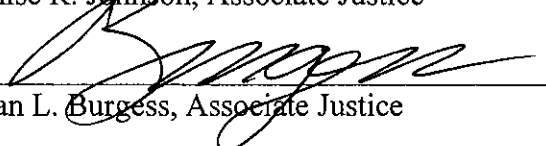
BY THE COURT:



John A. Dooley, Associate Justice



Denise R. Johnson, Associate Justice



Brian L. Burgess, Associate Justice