



*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**

AUGUST TERM, 2026

|                                                                |                       |                                                                                                                                                                                |
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| In re J.B. Jr., A.B., B.B., E.B., Juveniles<br>(U.C., Mother*) | }<br>}<br>}<br>}<br>} | APPEALED FROM:<br><br>Superior Court, Franklin Unit,<br>Family Division<br>CASE NOS. 24-JV-00912, 24-JV-00913, 24-<br>JV-00914 & 24-JV-00915<br>Trial Judge: Mary L. Morrissey |
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In the above-entitled cause, the Clerk will enter:

Mother appeals the court's order terminating her parental rights to her children, B.B., A.B., E.B., and J.B., born April 2017, April 2019, January 2022, and October 2023, respectively. On appeal, she argues that the evidence does not support the court's determination that termination was in the children's best interests. We affirm.

The following facts are derived from the court's findings and the supporting documents in the record. The Department for Children and Families (DCF) began involvement with mother and her family in 2017. In 2020, DCF opened two family-support cases to respond to concerns regarding medical and dental neglect, lack of supervision, excessive physical discipline, and parents' mental and physical health. The cases were closed after mother addressed the concerns. In February 2024, DCF opened another case regarding similar concerns, and in July 2024, the State filed petitions alleging that B.B., A.B., E.B., and J.B. were children in need of care or supervision (CHINS) due to lack of proper parental care. The affidavit accompanying the petition documented DCF's concerns about the same issues previously identified and also reported that E.B. had been hospitalized after accidental ingestion of suboxone.

In July 2024, the children were initially placed in the conditional custody of mother and father. The conditional custody order (CCO) required mother to, among other things, access medical and mental-health services, maintain releases for DCF to communicate with service providers, make appointments for developmental assessments for E.B. and J.B. and follow recommendations, schedule recommended appointments for the children's medical and dental needs, ensure A.B. received specialized dental care, provide a safe home, register A.B. for kindergarten and ensure the children attend school, and engage in family meetings and support

services. In August 2024, the court vacated the CCO due to parents' noncompliance and transferred custody to DCF.

The initial case plan identified steps for parents. Mother's action steps were similar to the items identified in the CCO, and included scheduling an appointment for a developmental assessment, maintaining releases for DCF, attending visits with the children, accessing medical care and mental-health services, meeting with a domestic-violence specialist, attending the children's medical, educational, and dental appointments, communicating with the children's teachers, and maintaining a clean home. In March 2025, mother stipulated to the merits of the CHINS petition, agreeing that the children were without proper parental care and at risk of harm due to interpersonal violence between parents, unmet medical, dental, and educational needs, and lack of a safe home.<sup>1</sup>

After July 2024, mother remained engaged with DCF and made some progress on the expectations. She completed an assessment and a parenting class. However, mother struggled to utilize the skills she learned and did not consistently maintain releases, so DCF was unable to obtain information regarding mother's participation in services. Mother had inconsistent contact with the children throughout the case. She initially was offered visits two days a week. From October 2024 to September 2025, mother attended twenty-one of seventy-two scheduled contacts with the children. Mother was offered virtual visits for B.B. and A.B., but those visits with B.B. ended in January 2025 after mother did not follow expectations of having age-appropriate conversations. During contact with the children, she was not attuned to the children's needs and not able to manage care for all the children. The children became dysregulated due to mother's inconsistency. In June 2025, the court suspended contact.

The children were placed in separate foster homes. When the children first arrived in their foster homes, all showed signs of physical and medical neglect. J.B. was soaked in urine, covered in dirt, and had severe diaper rash. He had significant delays in speech and required therapy for gross motor skills and eating; he also had significant sleeping issues. He developed a strong relationship with his foster parents and extended family, and by the time of the final hearing, he was eating solid food, running, and walking. Mother attended only one of J.B.'s medical appointments and none of his dental appointments.

A.B. struggled with emotional regulation, following directions, and toileting. She developed routines in her foster home and learned how to use stairs and to regulate food intake. She developed positive relationships in the home. She had significant dental work completed. At school, she received behavioral intervention services and therapy. She struggled with anxiety around contacts with mother. Mother did not attend any of A.B.'s appointments.

E.B. was placed in her foster home in August 2024 and developed a positive, loving bond with her foster family. When she arrived, she was dirty, her diaper was crusted with feces and urine, and her skin was infected. She had significant dental issues. She exhibited anxiety, which

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<sup>1</sup> In September 2024, father was charged with physically assaulting mother and held without bail. In March 2025, he pled guilty and was placed on probation. His probation conditions required him to engage in mental-health and domestic-violence counseling and prohibited contact with mother. He contested the merits of the CHINS petition, and after a hearing, the court found that father failed to provide the children with proper parental care and placed them at risk of harm. Father did not see the children after his release from custody in March 2025. He did not attend the termination hearing and did not appeal the termination order.

was displayed after contact with mother. Although she was two and a half, she could say only a few words and would only drink out of a bottle. She received services to address her developmental issues, began eating well, worked with a speech and language pathologist, and became potty-trained. Mother did not attend any of her appointments.

When B.B. was placed in her current foster home, she was defiant and argumentative, hoarded food, and had significant dental issues. She developed good brushing habits, began participating in mental-health counseling, and received educational support at school. She struggled behaviorally around contact with mother. She also expressed general fear of parents. She improved academically and learned to swim and ride a bike. She had a positive relationship with her foster mother.

In August 2025, the State filed petitions to terminate parents' rights at initial disposition. Following a hearing, the court made the following findings, determining that all statutory factors weighed in favor of terminating mother's parental rights. As to the interaction and interrelationships of the children, the court found that although mother loved the children, she struggled to maintain consistent contact and could not manage their needs during contact. She also did not participate in the children's medical, dental, educational, or therapeutic appointments. In contrast, the children had developed positive relationships with their foster families, and their needs were being met in those homes. Similarly, in assessing the children's adjustment to home, school, and community, the court detailed each child's benefit from their foster placement, including success at school, intervention support, improvements in behavior, and addressed dental and medical needs. As to the third factor, mother would not be able to resume parenting within a reasonable time given the children's young age and time in custody, and mother's inconsistent contact, inability to manage the children at one time, and lack of understanding of the children's medical, dental, and educational needs. Finally, as to mother's role in the children's lives, the court found that mother struggled to meet the children's needs during contacts and did not play a role in their daily care after August 2024. Mother appeals.

The family court may terminate parental rights at the initial disposition proceeding if the court finds by clear and convincing evidence that termination is in the child's best interests. In re J.T., 166 Vt. 173, 177, 179 (1997). In assessing the children's best interests, the court must consider the statutory criteria. 33 V.S.A. § 5114. The most important factor is whether the parent will be able to resume parenting duties within a reasonable time. In re J.B., 167 Vt. 637, 639 (1998) (mem.). The reasonableness of the time period must be measured from the child's perspective, In re B.M., 165 Vt. 331, 337 (1996), and may take account of the child's young age or special needs, In re J.S., 168 Vt. 572, 574 (1998) (mem.). On appeal, we will uphold the family court's conclusions if supported by the findings and affirm the findings unless clearly erroneous. In re A.F., 160 Vt. 175, 178 (1993).

On appeal, mother argues that the evidence does not support the family court's assessment of the children's best interests.<sup>2</sup> Mother argues that she accomplished twelve out of

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<sup>2</sup> Mother alleges that whether the court erred in terminating parental rights is a mixed question of fact and law and argues that the family court committed "legal error" by granting termination at initial disposition. This is not an accurate recitation of the proper standard of review. The court may terminate parental rights at initial disposition as long as the court finds termination is in the children's best interests based on an assessment of the statutory criteria. The court's findings regarding the children's best interests "will be upheld unless clearly erroneous." In re J.T., 166 Vt. at 177. Here, although mother claims that the findings regarding

the fourteen case-plan steps, completing a child-abuse prevention course and substance-abuse treatment, and working with a domestic-violence specialist. She asserts that there was a reasonable possibility that with more time, she could address the conditions that brought the children into custody, as demonstrated by her prior ability to address DCF's concerns.

The court's assessment of the best-interests factors is supported by the evidence. Although the court credited mother with making some progress and meeting certain expectations in the case plan, the court found that a large part of the reason for the children coming into custody centered on their unmet medical, dental, and educational needs, and mother did not address these issues. Mother was unable to incorporate what she learned in parenting classes. In addition, other than one medical appointment for J.B., mother did not attend the children's dental, medical, educational, and therapeutic appointments. Mother's absence from these appointments meant she lacked knowledge about the children's complex needs. Moreover, mother was not able to prioritize contact with the children, and this inconsistent contact negatively impacted the children to the degree that visits were suspended for a portion of time. These findings all support the court's assessment that mother was not able to resume parenting duties in a reasonable time, despite some progress. See *In re J.J.*, 143 Vt. 1, 6 (1983) (explaining that "while parental improvement is a factor to consider, the real test is whether there is a reasonable possibility of reuniting parent and child within a reasonable period of time").

There is no merit to mother's contention that it was premature to terminate her rights at initial disposition because mother did not understand what the expectations were. The issues identified by DCF continued to be the same as those identified in November 2024. Mother stipulated to merits, recognizing that the children were at risk of harm due to parents' violence, the lack of a safe home, and their unmet medical, dental, and educational needs. She had ample notice of what would be required to address those concerns.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Nancy J. Waples, Associate Justice

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the children's best interests are not supported by the evidence, she does not identify any particular finding that is in error. Instead, she asserts that the court did not properly weigh all the evidence, which is a matter subject to the court's discretion. See *In re S.B.*, 174 Vt. 427, 429 (2002) (mem.) (explaining that Supreme Court's role "is not to second-guess the family court or to reweigh the evidence, but rather to determine whether the court abused its discretion").