

VERMONT SUPREME COURT
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Case No. 26-AP-118

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

In re L.V., Juvenile	}	APPEALED FROM:
(K.V., Mother* and J.S., Father*)	}	
	}	Superior Court, Chittenden Unit,
	}	Family Division
	}	CASE NO. 24-JV-00958
	}	Trial Judge: Kate T. Gallagher

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

Mother and father each appeal from a family division order terminating their parental rights in son L.V. We affirm.

I. Background

The following background is drawn from the record and the unchallenged findings in the order on appeal. Parents share one child, L.V., who was eight years old at the time of the hearing on the State's petition to terminate parental rights. Mother resides in Vermont and father resides in California. Father has other children who also live in California.

Prior to L.V.'s birth, mother returned to Vermont from California, where she had been living with father. L.V. was born in May 2017. Shortly thereafter, the Vermont Department for Children and Families (DCF) filed a petition alleging that L.V. was a child in need of care or supervision (CHINS). The petition was primarily based on concerns that mother was using illicit substances and lacked stable housing. In August 2017, the court transferred custody of L.V. to DCF.

Father participated in the 2017 CHINS proceeding and had video and phone contact with L.V. while the case was pending. Although DCF explored the possibility of placing L.V. with father in California, the agency ultimately concluded it could not do so because father had a

history of neglect of his other children and there was an indication that he had recently tested positive for illicit substances.

Mother ultimately achieved her case-plan goals and regained unconditional custody of L.V. in April 2020. At the time, it was expected that father's remote contact with L.V. would continue. The contact, however, ceased at some point. Father has never met L.V. in person.

DCF opened a family case with mother in 2022 after receiving reports of physical abuse. Mother denied these reports. The agency worked to provide mother with services, including intensive family-based services through Easterseals. Mother had difficulty engaging with these services and meeting L.V.'s needs. She also struggled to get L.V. to school, resulting in many absences.

DCF then became concerned about mother's sobriety. Mother has acknowledged that she has a long history of illicit substance use, particularly opiates. By 2024, she had been engaged in a medication-assisted treatment (MAT) program for several years. She began to miss doses at the clinic. DCF received reports that unsafe individuals were accessing mother's home. A urinalysis test (UA) she took in June 2024 was positive for cocaine.

In July 2024, mother was facing eviction. She moved to a shelter, and staff reported that she was using illicit drugs there. When DCF conducted an unannounced visit, L.V. was not present. Mother stated that she had left him with a friend.

Based on these concerns, DCF filed the July 2024 CHINS petition giving rise to this case. The court transferred custody of L.V. to DCF under emergency- and temporary-care orders.

In October 2024, mother stipulated that L.V. was CHINS at the time of the petition.¹ Consistent with the stipulation, the court found in its merits order that in July 2024, mother was struggling with her mental health, admitted to using cocaine on two occasions, and was unable to maintain a consistent schedule. It also found that L.V. was experiencing significant behavioral challenges and mother, despite her efforts, was unable to consistently obtain mental-health assistance for him, meet his needs at home, or ensure his consistent school attendance, including when the school district arranged for him to attend summer school.

In November 2024, DCF filed a case plan calling for reunification between L.V. and mother within six-to-nine months. Neither parent objected to the case plan, which the court adopted in its December 2024 disposition order.

The State petitioned for the termination of parents' rights in L.V. in June 2025. The court held a contested termination hearing over two days in September 2025 and January 2026. It

¹ Father did not join the merits stipulation. Because he was not a custodial parent at the time the petition was filed, it was not necessary for him to do so. *In re M.P.*, 2019 VT 69, ¶ 16, 211 Vt. 20 (recognizing that it was not necessary for mother to join merits stipulation because she was not custodial parent at time CHINS proceeding was initiated).

heard testimony from both parents, L.V.'s foster mother, and the DCF worker assigned to the case. It subsequently issued an order including the following findings.

Mother's condition and circumstances deteriorated after L.V. was placed in DCF custody in July 2024. She was asked to leave the shelter where she had been staying due to alleged use of illicit substances. While unhoused in Burlington in September 2024, mother was sexually assaulted and severely traumatized. An individual found mother and brought her to the hospital emergency department, and she was later admitted to the psychiatric unit.

After mother stabilized at the hospital, she reached out to DCF. She stated that hospital staff were helping her transition to an inpatient substance-abuse treatment facility, and that she hoped to enter a sober-living program afterward. When mother left the hospital, however, she did not have a bed at the treatment facility. She went to an emergency shelter and no longer planned to seek inpatient treatment. Her engagement with DCF waned. During this period, mother had no in-person contact with L.V. and only sporadic virtual visits.

As to father, after the CHINS petition was filed, he was invited to attend a Family Safety Network meeting in September 2024. Father provided information about his family, and his siblings attended the meeting—but father did not. At the termination hearing, father testified that he was not invited to this meeting and was not aware that L.V. was in DCF custody until November 2024. The court did not find this testimony credible. It instead found that the DCF worker had reached out to father to discuss his intentions regarding custody and the initiation of parent-child contact. Father did not respond to these inquiries.

The case plan filed in November 2024 and adopted the following month called for mother to take steps to address her substance use and mental health and obtain stable housing. Father's action steps included scheduling a meeting with DCF by January 2025 to discuss his intentions around parenting and parent-child contact, working on a plan to begin virtual visits with L.V., and engaging with L.V. consistently.

Initially, mother made no progress toward her case-plan goals. She did not receive substance-use or mental-health treatment and reported that she continued to use opiates daily and cocaine sporadically. In March 2025, she was hospitalized for a short period after expressing suicidal ideation.

DCF attempted to schedule phone calls between mother and L.V., wanting mother to demonstrate consistent engagement before setting up in-person contact. Mother was unable to be consistent with the calls, even though DCF repeatedly told her that L.V. reacted negatively and often became distraught when she failed to attend a scheduled call. Mother's contact followed a pattern where she would engage for a week or two and then disengage.

Mother entered a new romantic relationship, and she and her partner began to reside in homes owned by the partner's employer, some of which were outside Vermont. The couple later learned that the employer was engaged in human trafficking and this arrangement ceased. Mother and her partner married in August 2025. L.V. met mother's husband once during a virtual visit but was not aware of the marriage.

After the first day of the termination hearing in September 2025, mother was in a serious car accident. She was severely injured and hospitalized for several weeks. Mother credited the accident as a “turning point” that led her to make changes in her life. She reengaged with the clinic and began receiving MAT and therapy there. She also started group counseling to address her lengthy trauma history.

In November 2025, mother reached out to DCF to schedule visits with L.V. DCF was concerned given mother’s past cycles of disengagement. Mother and DCF agreed that mother would call DCF weekly and, assuming she demonstrated consistency in this regard, DCF would consider scheduling a visit after meeting with mother’s therapist. At the time of the final hearing, mother had been calling DCF consistently.

Mother reported that she had been sober for almost three months as of January 2026, and her UAs from the clinic were negative for illicit substances since mid-November. Mother had not, however, completed updated mental-health or substance-use assessments as called for by the case plan. At the time of the final hearing, mother and her husband were working for Uber and seeking permanent housing. They were living in a hotel through the 211 program, and it was unclear whether they would have housing after March 2026.²

DCF initially placed L.V. with the foster family who cared for him during the first CHINS proceeding and with whom he had an ongoing relationship. His behavior soon became problematic, and he refused to comply with the foster family’s expectations and engaged in unsafe behaviors such as refusing to buckle his seatbelt. L.V. was jealous of a younger child living in the home and became highly aggressive and assaulted the child. In October 2024, L.V. was placed at Jarrett House for a reset to regulate his emotions. He then transitioned into a new foster placement. At first, he exhibited hoarding behaviors and appeared to be jealous of a younger boy in the home. The new foster family created structure for L.V. by implementing a strict routine and adhering to it consistently. The hoarding behaviors improved, and he began to see the younger child as a little brother rather than a rival.

L.V. had been diagnosed with ADHD and oppositional defiance disorder, although the latter diagnosis was under review. He was taking ADHD medication and, at school, had an IEP for emotional disturbance and an assigned paraeducator. At the time of the final hearing, he continued to struggle with getting to school and his behaviors while at school. He bullied and stole from peers and engaged in sexualized behaviors. He was continuing to see his therapist to address his trauma and behaviors, but more work was needed to address his aggression and negative peer interactions.

² Although the trial court found that mother and her husband had housing through the program “until March of 2025,” this appears to be a typo. In its subsequent analysis, the court noted that mother’s housing was guaranteed only through the coming March—i.e., March 2026. This was consistent with the evidence presented at the January 2026 hearing, where mother testified that her 211 housing was “kind of going to be consistent until at least March.”

Mother and L.V. had no in-person contact between his removal in July 2024 and the final day of the termination hearing in January 2026. L.V. missed mother very much and blamed himself for her situation. He looked forward to contact with her and, when she failed to engage in visits, would become dysregulated, acting out aggressively with other children and becoming confrontational with his foster parents. When L.V. had even minimal contact with mother, L.V. would entertain false hopes that he would be going to live with her immediately.

Father was not in contact with DCF and took no steps to initiate contact with L.V. or otherwise complete his case-plan action steps until the termination petition was filed in June 2025. He appeared for the first time at a pretrial hearing the following month, where he sought virtual visits with L.V. DCF connected father to L.V.'s therapist, and the parties agreed that father should meet with her regularly to learn about L.V. and develop a plan to proceed with contact therapeutically, given that father and L.V. did not have a relationship. The therapist asked father to write L.V. a letter to begin the process of integrating into his life. Father's contact with the therapist, however, waned over time. He never provided the letter to the therapist or DCF, although he said he had drafted it.

L.V. had no knowledge of father's existence. Despite this, father believed that a transition to his care in California would be relatively easy. Father was employed as a maintenance technician. He worked long hours and had a demanding on-call schedule. When on call, father was required to respond to requests within two hours and, if there were emergencies, he could be required to work twenty-four hours a day. Father had prior involvement with California's child-welfare system in connection with his other children. He testified that he no longer has restrictions on his contact with those children, who were in the custody of their mother and lived near him. Father also testified that he was sober.

L.V. had relationships with his extended family on his mother's side. He had a close bond with his aunt, who he spent time with weekly. He also had weekly phone contact with his grandfather and step-grandmother, who live in Kansas, and had at least one in-person visit with them. They indicated that they would like to adopt L.V. if he is freed for adoption.

As detailed below, the court concluded based on these findings that there had been a change in circumstances requiring modification of the initial disposition order and that it was in L.V.'s best interests that mother and father's parental rights be terminated. This appeal followed.

II. Analysis

Where—as here—a petition to terminate parental rights is filed after initial disposition, the trial court undertakes a two-step analysis. In re D.S., 2016 VT 130, ¶ 6, 204 Vt. 44. It must first determine whether there has been a change in circumstances sufficient to justify modification of the original disposition order. In re B.W., 162 Vt. 287, 291 (1994); 33 V.S.A. § 5113(b). Changed circumstances are “most often found when a parent’s ability to care for a child has either stagnated or deteriorated over the passage of time.” In re S.W., 2003 VT 90, ¶ 4, 176 Vt. 517 (mem.) (quotation omitted). If this threshold is met, the court must then consider whether termination is in the child’s best interest by weighing the statutory criteria set forth at 33 V.S.A. § 5114(a)(1)-(4). The State bears the burden of proof at both stages of the analysis “and,

as to each point, must meet its burden by clear and convincing evidence.” In re R.W., 2011 VT 124, ¶ 15, 191 Vt. 108 (quotation omitted). The decision to terminate parental rights, however, “is committed to the discretion of the family court.” In re D.M., 162 Vt. 33, 38 (1994). Provided the court applied the proper standard, we will uphold its findings unless clearly erroneous and will affirm its conclusions if supported by the findings. In re N.L., 2019 VT 10, ¶ 9, 209 Vt. 450.

A. Mother’s Arguments

Mother contends that the court erred in concluding that it was in L.V.’s best interests to terminate her parental rights because she may have been able to address the issues that gave rise to the proceeding if given more time. Throughout her brief, however, mother incorrectly asserts that her parental rights were terminated at initial disposition—an outcome we have recognized “should be rare.” In re B.M., 165 Vt. 194, 199 (1996). As discussed above, mother’s rights were not terminated at initial disposition: the State filed its termination petition after the court’s disposition order adopting a case-plan goal of reunification between mother and L.V.³

Given this misapprehension of the case’s procedural posture, mother does not challenge or otherwise address the court’s conclusion that there had been a change in circumstances arising from her stagnation. We note, however, that the court’s conclusion in this regard was amply supported by its findings. “Stagnation may be found if the parent has not made the progress expected in the plan of services for the family despite the passage of time.” In re D.M., 2004 VT 41, ¶ 5, 176 Vt. 639 (mem.). Here, the case plan called for mother to—among other things—reengage with the MAT clinic to obtain programming and dosing, participate in updated substance-use and mental-health evaluations and follow all resulting treatment recommendations, and work with housing authorities to obtain stable housing. The court recognized that, after the first day of the termination hearing, mother began seeking MAT and had maintained her sobriety with only one short relapse. She had not, however, participated in updated substance-use or mental-health evaluations. And while mother and her husband were seeking safe and stable housing, they were living in a hotel and it was unclear whether they would have housing in the spring. Though the court commended mother’s recent progress, it observed that considering her past pattern of periods of engagement followed by disengagement, there was no guarantee that she could remain sober and create the stability in her life necessary to parent L.V. in light of the trauma he had experienced. On this basis, it concluded that while mother had demonstrated improvement, the improvement was insufficient to preclude a finding of stagnation: she failed to make significant progress with the case-plan goals during the year and a half L.V. had been in custody.

³ The State requests that we decline to address mother’s arguments as inadequately briefed on this basis. See V.R.A.P. 28(a)(4) (setting forth requirements for arguments in appellant’s principal brief); In re Snyder Grp., Inc., 2020 VT 15, ¶ 26 n. 10, 212 Vt. 168 (observing that this Court generally will not consider inadequately briefed arguments). We reject the State’s request and reach each of mother’s arguments. Though the oversight impacts the way mother’s arguments are framed, the briefing is nonetheless adequate to support our consideration of the substance of each contention in the context of the case’s actual procedural history.

As we have recognized, “the mere fact that a parent has shown some progress in some aspects of his or her life does not preclude a finding of changed circumstances.” In re A.F., 160 Vt. 175, 181 (1993). Rather, the court’s “main concern must always be whether the individual parent has demonstrated the improvement contemplated at the time the children were removed from the parent’s care.” In re D.M., 2004 VT 41, ¶ 7 (concluding that court did not abuse its discretion in finding that, despite mother’s recognized efforts, she had stagnated because she “did not demonstrate the improvement expected of her”). Here, the court determined that mother’s improvement was insufficient to demonstrate that she would have the capacity “any time soon” to be a stable force in L.V.’s life and parent him effectively. This conclusion was amply supported by the court’s findings. We see no indication that the court abused its discretion in concluding that there was a change in circumstances arising from mother’s stagnation. See In re A.G., 2004 VT 125, ¶ 23, 178 Vt. 7 (recognizing that changed-circumstances determination “is a matter within the sound discretion of the family court” (quotation omitted)).

We next consider mother’s challenges to the court’s assessment of the statutory best-interests factors. She focuses primarily on the third and “most important” of the four factors, In re D.S., 2014 VT 38, ¶ 22, 196 Vt. 325, which calls for the court to consider “the likelihood that the parent will be able to resume or assume parental duties within a reasonable period of time,” 33 V.S.A. § 5114(a)(3). The reasonableness of the period is considered from the perspective of the child and may take into account the child’s age and individual needs. In re D.S., 2014 VT 38, ¶ 22.

The court concluded that this factor weighed “heavily” in favor of termination. It explained that L.V., then eight years old, had been in and out of DCF custody for his entire life and needed and deserved permanency. The court also recognized that L.V.’s individual needs were “significant.” It found that mother’s circumstances, absences, and neglect created substantial trauma for L.V., and that he had developed problematic behaviors that still remained to be addressed. The court also explained that L.V. “desperately need[ed] consistency and structure,” which were things mother had been unable to provide for him. Mother’s sobriety was “new and fragile,” and she still had “a great deal of work to do”—addressing her own trauma to ensure she could maintain her sobriety and mental health, and finding stable housing or work—before she would be in a position to care for L.V. and focus on his needs.

Mother argues that the court abused its discretion in weighing this factor because there was a “reasonable possibility” that, with the benefit of more time, she could address the conditions that brought L.V. into DCF custody—noting that she did so in connection with the 2017 CHINS petition. Although the § 5114(a)(3) inquiry “is forward-looking in the sense that the court must consider the parent’s prospective ability to parent the child, past events are relevant in this analysis.” In re N.L., 2019 VT 10, ¶ 9 (quotation omitted). The court, however, drew a different conclusion from the past events mother points to. It observed that although DCF had been providing services to mother for the majority of L.V.’s life, she still had “a great deal of work to do” before she could meet L.V.’s needs. “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 mother’s parental rights.” In re S.B., 174 Vt. 427, 429 (2002) (mem.). Mother has not demonstrated that the court abused its discretion in weighing this evidence and

concluding that she would not be able to resume parenting L.V. and meet his significant needs within a reasonable period. See Rogers v. Parrish, 2007 VT 35, ¶ 20, 181 Vt. 485 (“That the evidence could have been weighed or balanced differently towards a different result does not render the court’s opposite conclusions an abuse of discretion.”).

Mother also argues that termination was not in L.V.’s best interests because the two had a bond; she notes that the best-interests criteria must be construed “to preserve the family and to separate a child from his or her parents only when necessary to protect the child from serious harm or in the interests of public safety.” 33 V.S.A. § 5101(a)(3). The statutory factors call for the court to consider “the interaction and interrelationship of the child with his or her parents,” 33 V.S.A. § 5114(a)(1), as well as “whether the parent has played and continues to play a constructive role, including personal contact and demonstrated emotional support and affection, in the child’s welfare,” *id.* § 5114(a)(4). The court did so here, explaining that although mother and L.V. were strongly attached, that attachment had “been a source of great pain for [L.V.]”

As we have long held, “[p]ublic policy . . . does not dictate that the parent child-bond be maintained regardless of the cost to the child.” In re M.B., 162 Vt. 229, 238 (1994). While we recognize that “in some cases a loving parental bond will override other factors in determining whether termination of parental rights is the appropriate remedy,” we have also explained that “where the evidence and findings plainly demonstrate that the bond is destructive in nature and has greatly harmed the child[],” it is an abuse of discretion “to rely on that bond to reject termination of parental rights as an option.” In re J.F., 2006 VT 45, ¶ 13, 180 Vt. 583 (mem.). The court recognized the bond between mother and L.V., but it also found that this bond had been harmful for L.V. Mother has not demonstrated that the court abused its discretion in concluding that it was in L.V.’s best interest that her parental rights be terminated.

Finally, mother contends that because DCF was exploring familial adoption as a permanency option for L.V., there was no reason why a permanent guardianship could not have been ordered as an alternative to termination. This argument fails. “We have repeatedly rejected the claim . . . that the court must consider less drastic alternatives to termination once it has determined the parent to be unfit and unable to resume his or her parental responsibilities.” In re G.F., 2007 VT 11, ¶ 20, 181 Vt. 593 (mem.); see In re R.B., 2015 VT 100, ¶ 20, 200 Vt. 45 (recognizing that “a termination proceeding is not a custody case in which the family court must balance the respective advantages of different placement options,” but instead “a legislatively created . . . proceeding in which the court is required to weigh specified statutory factors when determining whether to grant a petition for termination of residual parental rights” (quotations omitted)).

Mother has not demonstrated that the court erred in terminating her parental rights.

B. Father’s Arguments

Father principally contends that the court erred in terminating his parental rights because any shortcomings in his ability to parent were caused by factors outside his control, specifically, DCF’s alleged failure to make reasonable efforts toward reunification. He argues that the court faulted him for not taking steps to initiate contact with L.V. as set forth in the case plan or

appearing at any of the hearings in the proceeding until July 2025, but that this was caused by circumstances beyond his control.

Before addressing each circumstance father identifies in support of this argument, we reiterate that the reasonable-efforts determination required by 33 V.S.A. § 5321(h) is separate from the decision to terminate parental rights, “and the former is not a prerequisite to the latter.” In re C.P., 2012 VT 100, ¶ 38, 193 Vt. 29. That said, “[t]he reasonableness of DCF’s efforts to promote reunification may be relevant to whether a parent’s progress has stagnated,” In re D.F., 2018 VT 132, ¶ 49, 209 Vt. 272, because changes circumstances may not be found on the basis of “stagnation caused by factors beyond a parent’s control,” In re D.M., 162 Vt. 33, 38. Similarly, although “the extent of DCF’s efforts to achieve the permanency plan is not one of the best-interests factors to be considered at termination,” the “level of assistance provided to parents is relevant to determining whether a parent” is likely to be able to resume or assume parental duties within a reasonable time. In re N.L., 2019 VT 10, ¶ 27; see 33 V.S.A. § 5114(a)(3). None of father’s arguments, however, demonstrate that the court impermissibly based its conclusions at either stage of the analysis on factors outside his control.

Father first points out that he was not served with the CHINS petition, case plan, disposition report, and petition to terminate parental rights until September 2025.⁴ He does not, however, demonstrate prejudice arising from the delay in service. Under the harmless-error standard we apply to termination cases, “an error warrants reversal only if a substantial right of the party is affected.” In re R.W., 2011 VT 124, ¶ 17, 191 Vt. 108 (quotation omitted). While the delay in service is unfortunate, the court found—and the record supports—that father had actual notice of the proceeding.

It is true that father did not appear at any of the hearings held below until July 2025. His attorney, however, was present on his behalf throughout the proceedings. Indeed, at the emergency-care hearing held one day after the petition was filed in July 2024, father’s attorney stated, “I actually have been in touch with my client and sent him a copy of the petition and affidavit, and I’ve been communicating with him since I found out about this case.” Then, at an October 2024 hearing, father’s attorney represented that father “has received any copies of anything that’s been filed with the court.” And at the disposition hearing in December 2024, father’s attorney indicated that she had not yet had an opportunity to discuss the disposition case plan with him and requested an additional week to ascertain his position. The court granted this request, indicating that if no objections were filed within a week, it would issue a disposition order adopting the case plan. Father did not file an objection, and the court accordingly adopted the case plan—to include father’s action steps—and the corresponding goal of reunification with mother. Father did not appeal.

⁴ We note that father raises this argument only in connection with his contention that the court impermissibly based its termination decision on circumstances beyond his control. He does not contend that the timing of service violated his due-process rights or otherwise assign error based on the delay in service. But see In re H.A., 153 Vt. 504, 510 (1990) (finding no due-process violation where, despite “technical failure to provide notice in [termination] case at the outset of the proceedings, it was corrected in sufficient time to avoid any prejudice to the parents”).

Moreover, the court found that father was invited to the Family Safety Network meeting in September 2024, and that DCF reached out to him after the petition was filed to discuss his intentions with regard to parenting L.V. and initiating contact with him. To the extent father challenges these findings, he has not shown they are clearly erroneous. Father and the DCF worker offered conflicting testimony on this point, and the court credited the DCF worker's testimony and did not credit father's. It was for the trial court, not this Court, to determine the credibility of the witnesses. In re A.F., 160 Vt. 175, 178 (1993) ("We leave it to the sound discretion of the family court to determine the credibility of the witnesses and to weigh the evidence."). Because the evidence supports these findings, we will not disturb them on appeal. In re N.L., 2019 VT 10, ¶ 9.

Any error arising from the delay in service was harmless in that it did not impact father's ability to engage with the proceedings or DCF. In re R.W., 2011 VT 124, ¶ 17. As a result, the delay does not support father's contention that his lack of engagement was attributable to circumstances beyond his control.

Father also points to evidence in the record concerning the timing and frequency of the DCF worker's communications to him, suggesting that his engagement may have followed a different course had the worker been more proactive. The court did not make specific findings regarding the timing of these contacts, but it did find that father "never made efforts to reach out to DCF or otherwise act affirmatively to determine his son's status or provide him with support" and instead appeared "to have essentially waited for others to reach out to him." The record and findings support the conclusion that it remained within father's control to reach out to DCF.

Father also contends that he "was never given meaningful action steps to take towards a goal of reunification." As set forth above, however, father had the opportunity to object to his action steps and the case-plan goal and failed to do so. Nor did he exercise his right to appeal from the disposition order. To the extent father did not feel that his action steps were "meaningful," it was in his power to contest them through the statutory procedures designed for this purpose. He did not.

Next, father asserts that the court failed to consider that he made an oral request for "[a]n ICPC"⁵ to support a potential placement with him at the July 2025 hearing, followed by a written motion in September 2025. In an order following the July hearing, however, the court noted the request was unclear and directed father "to file a motion for any relief sought." Father did not file a written motion until the first day of the termination hearing. DCF opposed it, arguing that father's request was premature given his lack of contact with L.V. and that the ICPC process could delay the termination proceedings, and therefore permanency for L.V. In October 2025, the court indicated that, at the next day of the termination hearing, father would be given an opportunity to present evidence as to whether a modification of the disposition order to reflect a

⁵ The Interstate Compact on Placement of Children (ICPC) is a statute intended "to allow authorities in another state where [a] child is to be placed to have full opportunity to ascertain the circumstances of the proposed placement," and a family court may request an ICPC study when "considering whether to place a child with a noncustodial parent out of state." In re M.P., 2019 VT 69, ¶¶ 38, 40, 211 Vt. 20 (quotation omitted).

goal of reunification with father or a member of his family was in L.V.'s best interests. It explained that, if father prevailed on his request to modify, it would order an ICPC. At the same time, it denied father's included request for immediate contact with L.V., reasoning that given father's "long absence" from L.V.'s life and "the alleged emotional impact this has had on L.V.," it would "not require visitation in a manner that is not approved by L.V.'s therapist."

In sum, father's attorney alluded to an ICPC request at the July 2025 hearing, the court promptly directed father to file a written motion in support of any request for relief, and he did not do so until the first day of the termination hearing. The court then indicated that it would grant the motion in the event that father demonstrated that a corresponding modification of the case-plan goal was in L.V.'s best interests. Father did not make this showing; the court instead concluded that termination of his parental rights was in L.V.'s best interests after finding that father had stagnated and weighing the statutory factors.

The court considered the following in its analysis. Father appeared to have "disappeared from [L.V.'s] life after only a few years of limited contact." Father and L.V. had no relationship and father had no role in L.V.'s life. Father did not indicate that he wanted contact with L.V. until after the termination petition was filed—despite, as discussed above, having actual notice of the proceedings—and then failed to follow through with L.V.'s therapist consistently or provide the letter to his son that she requested. Father's introduction into L.V.'s life would require a significant period of therapeutic intervention, and L.V. could not be expected "to transition to live with a total stranger far from all his current contacts." In addition, father worked long hours and did not act in a primary caretaking role with his other children. As a result, the court found it difficult to see how father could meet L.V.'s needs for extensive structure and consistency and concluded that father would not be able to begin parental caretaking "anytime soon."

The court acted well within its discretion in concluding that father had stagnated, that he could not begin parenting L.V. within a reasonable period, and that it was in L.V.'s best interests that his parental rights be terminated. See, e.g., *In re D.C.*, 2012 VT 108, ¶ 22, 193 Vt. 101 ("[T]he critical question in a termination proceeding is whether the parent is fit or will be fit within a reasonable period of time, to parent the particular child who is the subject of the termination proceeding"). Father has not shown that his late-filed ICPC request compelled a different result. He has not shown that the court's stagnation and best-interests findings were based, to any degree, on factors beyond his control.

Finally, father contends that the court should have given greater weight to the opinion of L.V.'s guardian ad litem (GAL). After the close of evidence on the termination petition, the court asked the GAL—who attended both days of the hearing—for her thoughts on the petition based on the evidence.⁶ There is nothing to suggest that the court failed to consider the GAL's

⁶ The GAL stated her opinion that father "very much wants to be a father to [L.V.]," though the two had never met in person, which resulted in "a very difficult situation" where "you have an eight-year-old child who knows nothing about his father, and a father who knows a little bit about his kiddo and really wants to parent him." She concluded by stating her hope "that somehow both of these parents would be able to have a relationship with [L.V.] in whatever the next phase of his life is, wherever he is."

stated position, and it was not required to expressly address her position in its decision. In re H.T., 2020 VT 3, ¶ 36 & n.6, 211 Vt. 476 (rejecting argument that court erred by disregarding GALs’ opinions where it sought those opinions and there was nothing to suggest it failed to consider them, and holding that court “was not required to expressly consider the opinions of the [GALs] in reaching its decision”). As we have explained, the opinion of a child’s GAL—where authorized under Vermont Rule of Family Procedure 6(e)(3)—is “important and worthy of consideration,” but, “[u]ltimately, it is for the trial court to evaluate the evidence and determine what course of action is in [the] child’s best interests.” Id. ¶ 36 n.6.

Father, too, has not shown that the court abused its discretion in terminating his parental rights.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice