



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

SEPTEMBER TERM, 2026

In re R.W., Juvenile	}	APPEALED FROM:
(C.H., Mother*)	}	
	}	Superior Court, Chittenden Unit,
	}	Family Division
	}	CASE NO. 24-JV-01555
	}	Trial Judge: Laura C. Rowntree

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

Mother appeals termination of her parental rights to R.W., born in March 2022. On appeal, mother argues that the trial court erred in assessing R.W.'s best interests by failing to give more weight to her strong bond with R.W., improperly faulting mother for not securing daycare for R.W., and not crediting mother for her progress towards goals in the case plan. We affirm.

The court made the following findings by clear and convincing evidence. Mother has an extensive history with the Department for Children and Families (DCF). She relinquished her parental rights to two children in 2008 after a petition to terminate her rights was filed. Since R.W.'s birth, mother has been the sole caretaker when R.W. was not in DCF custody. Before this proceeding was initiated, there were prior interventions by the State. In September 2022, the State filed a petition alleging that R.W. was a child in need of care or supervision (CHINS) based on concerns about mother's mental health and her ability to safely care for R.W. R.W. returned to mother's care in November 2022, and the case was closed a month later. In August 2023, DCF received a report of neglect and physical harm after mother called emergency services and first responders found her naked in her apartment chewing wood laced in insecticide and R.W. was in his crib with a soiled diaper and shirt. Mother also tested positive for cocaine.

In December 2024, the State filed the CHINS petition that initiated this case.¹ The petition alleged that emergency services went to mother's home after a neighbor heard her

¹ The family court's termination order indicates that the CHINS proceeding began in November 2024, but the record indicates that the order was filed at the beginning of December 2024. The discrepancy has no bearing on the outcome of the appeal.

yelling. First responders found mother without pants and behaving erratically. Mother appeared under the influence and was unable to care for R.W., who was very dirty and not properly dressed. Mother stipulated to the merits of the CHINS petition, agreeing that when the petition was filed, she was behaving erratically, was confused, and could not safely care for R.W.

The court issued a disposition order that set several goals for mother. These included continuing to take all medication as prescribed, following medical recommendations, accessing mental-health treatment, engaging with in-home services, following up on R.W.'s medical appointments, maintaining safe and stable housing, ensuring R.W.'s attendance at childcare, and submitting to random urinalysis tests (UAs). Mother received a number of services. Easter Seals provided nine hours per week of services, and Intensive Family Based Services (IFBS) worked with mother, including visits to her apartment. DCF coordinated enrollment for R.W. in a special behavioral preschool for youth on the autism spectrum, Bounce, to address his behavioral needs and social skills.

In August 2025, the family court issued a conditional custody order (CCO) granting mother legal custody subject to DCF supervision.² In September 2025, the court vacated the CCO and R.W. was returned to DCF custody after an incident where law enforcement and DCF responded to mother's home because she was hanging out of the window naked. Mother was belligerent and incomprehensible. The apartment was in disarray and filthy. R.W. was in a very soiled diaper.

During the pendency of the case, mother made minimal progress on the goals of the case plan. After October 2023, mother refused mental-health treatment or claimed she was receiving it without providing DCF with records or releases to verify this treatment. Mother had a history of substance use and did not comply with action steps requiring her to submit to testing. After mother was hospitalized from the September 2025 incident, she completed two UAs and tested positive for cocaine and THC. Mother canceled DCF's visits to her home and in March 2026 when a DCF worker visited, the apartment was in disarray, filled with clutter, and mother had pills on the counter. Mother also provided DCF with letters of support that appeared to be falsified. Her parent-child contact was inconsistent after R.W. was returned to DCF custody. She attended some of R.W.'s appointments but her engagement with R.W.'s providers at Bounce was minimal and she did not attend the meeting for R.W.'s individualized education plan.

R.W. was in DCF custody three times since birth and was in over fourteen placements. He exhibited challenging behaviors and developmental delays. In August 2025, he was diagnosed with being on the autism disorder spectrum. His enrollment at Bounce enabled him to make strides towards decreasing aggressive behaviors and improved his communication skills. He required structured routines and an emotionally stable caregiver. He was placed in his current foster home in September 2025 and was thriving with his foster mother.

In October 2025, the State filed a petition to terminate mother's parental rights based on her lack of progress towards the goals in the case plan. Following a hearing, the court found that there was a change in circumstances due to mother's lack of progress. The court recognized that mother made some progress, but her mental-health crisis in September 2025 was a setback and mother did not consistently engage with DCF after that. The court examined the statutory best-interest factors. As to the first factor, the court found it weighed against termination in that

² The family court granted mother's request for a CCO on the record at the hearing in July 2025. The CCO was not entered until August 2025.

mother and R.W. loved each other and mother took steps to engage with R.W. The court found that the remaining factors supported termination. R.W. was well adjusted to his current school and community, particularly the Bounce program. R.W. was experiencing tremendous growth in his current school and learning strategies to soothe himself. Mother did not play a constructive role in R.W.'s life given that she had not engaged with Bounce or learned to employ strategies to soothe R.W. Mother would not be able to resume parenting with a reasonable time as measured from R.W.'s perspective, especially given his young age and critical need for permanency. Mother appeals.

When the State moves to terminate parental rights after the initial disposition, the court must first find that there is a change of circumstances, 33 V.S.A. § 5113(b), and second, "that termination of parental rights is in the child's best interests." In re K.F., 2004 VT 40, ¶ 8, 176 Vt. 636 (mem.). In assessing the child'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 period of time. In re J.B., 167 Vt. 637, 639 (1998) (mem.). On appeal, we will uphold the family court's conclusions if supported by the findings and affirm the findings unless clearly erroneous. Id.

Mother argues that the family court abused its discretion in assessing the best-interests factors by failing to give sufficient weight to the close and enduring bond shared by mother and R.W., faulting mother for not finding appropriate daycare for R.W., and not crediting mother for the progress she made towards achieving the goals in the case plan.

Mother has failed to demonstrate that the family court abused its discretion in assessing the best-interests factors. In reviewing the court's assessment, "[o]ur 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 re S.B., 174 Vt. 427, 429 (2002) (mem.).

As to the first factor—R.W.'s relationships with significant persons, 33 V.S.A. § 5114(a)(1), mother emphasizes the evidence showing that R.W. was excited to visit with mother, that they had a close relationship, and that R.W. looked to mother for comfort and care. She asserts that the family court failed to consider this evidence and the impact of severing the relationship. See In re J.F., 2006 VT 45, ¶ 13, 180 Vt. 583 (mem.) (recognizing that "in some cases a loving parental bond will override other factors"). The court acknowledged mother's love towards R.W. and factored that into its analysis, finding that this relationship weighed against terminating mother's parental rights. The court explained, however, that this was outweighed by its analysis of the remaining factors, which all supported termination. See In re M.B., 162 Vt. 229, 238 (1994) (recognizing that child's best interests are paramount and "[p]ublic policy . . . does not dictate that the parent-child bond be maintained regardless of the cost to the child").

As to the second factor—R.W.'s adjustment to his school, home, and community, 33 V.S.A. § 5114(a)(2), the court found that R.W. had made tremendous growth during his time at Bounce and with his foster mother, but mother did not play a significant role in that progress and had not engaged with Bounce or learned consistent strategies to help R.W. regulate his behavior. Mother argues that the court improperly faulted her for failing to find appropriate care providers for R.W. because she attempted to do so but no spots were available at the time. Mother's argument misconstrues the court's findings. The court properly assessed R.W.'s current situation, including his daycare. The court did not fault mother for failing to secure R.W.'s spot in Bounce; rather, the court explained that R.W.'s progress in that program was not attributable

to mother because mother had not engaged with Bounce or with R.W. enough to have incorporated the strategies learned at the program. The court pointed to a particular incident in January 2026 where mother's actions triggered R.W.'s dysregulation and then she directed him to "yell it out," instead of providing him with strategies to deescalate.

As to the third factor—mother's ability to resume parenting within a reasonable time, 33 V.S.A. § 5114(a)(3), mother argues that she completed portions of the case plan and therefore the court erred in finding that this factor weighed against her. The court's assessment of this factor was supported by evidence. Mother's substance use and mental health had led to R.W. coming into custody and mother had not taken steps to address these concerns. She did not provide releases so that DCF could confirm her treatment or comply with UA testing. Mother also did not consistently engage in visitation with R.W. or demonstrate that she could implement strategies she learned or maintain a home that was safe for a child. Given R.W.'s young age, time in custody, and need for permanency, the court acted well within its discretion in determining that mother would not be able to resume parenting in a reasonable time, as measured from his perspective. See *In re D.S.*, 2014 VT 38, ¶ 22, 196 Vt. 325 (explaining that family court has discretion to weigh evidence and in assessing whether parent can resume duties "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" (quotation omitted)).

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Christina E. Nolan, Associate Justice