

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

N.P.,

Applicant,

v.

STATE OF VERMONT,

Respondent.

On Petition for a Writ of Certiorari
to the Supreme Court of the State of Vermont

**APPLICATION FOR EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

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**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI**

TO: Sonia Sotomayor, Circuit Justice for the United States Court of Appeals for the Second Circuit:

Under this Court's Rules 13.5 and 22, Applicant N.P. requests an extension of sixty days to file his petition for a writ of certiorari. That petition will challenge the decision of the Vermont Supreme Court in *In re G.L.*, No. 22-AP-004, 2022 WL 2189545 (Vt. 2022) (unpub.) (mem.), a copy of which is attached. In support of this application, Applicant provides the following information:

1. The Vermont Supreme Court issued its initial decision in on June 17, 2022. App. 1. A timely motion to reargue was filed, that motion was denied on July 14, 2022. App. 7. Without an extension, the petition for a writ of certiorari would be due on October 13, 2022. With the requested extension, the petition would be due on December 12, 2022. This Court's jurisdiction will be based on 28 U.S.C. § 1257(a).

2. Petitioner's parental rights to her daughter, G.L. were terminated applying a Vermont statute that allows the court to terminate parental rights without proof that the parent abused or neglected the child. Specifically, the statute allows a court to terminate parental rights if it finds that there has been a change in circumstances and termination of parental rights would serve the child's best interests. 33 V.S.A. § 5113. Here, the State proved only

that G.L.'s half-brother sustained "unexplained injuries" while in the care of his father and Petitioner and that domestic violence within the home had impacted both children.

3. This case is a serious candidate for review. The issue presented is important. Termination of parental rights is one of the most severe and irreversible remedies available at law – it is commonly referred to as a "civil death penalty." See, *Martinez-Cedillo v. Sessions*, 896 F.3d 979, (9th Cir. 2018) (vacated as moot by *Martinez-Cedillo v. Barr*, 923 F.3d 1162 (9th Cir. 2019) (mem.)). Parents whose parental rights are terminated are made strangers to their children – they typically never see their children again. This Court has outlined the *procedural* requirements for terminating parental rights several times. See, e.g. *Santosky v. Kramer*, 455 U.S. 745, 769, 102 S. Ct. 1388, 1403, 71 L. Ed. 2d 599 (1982) (requiring proof by "clear and convincing evidence" but not defining what the State must prove prior to terminating parental rights). But this Court has never defined what *substantive* limitations exist when the state wishes to permanently and irrevocably sever the parent-child relationship.

As a result, states have adopted incredibly different substantive standards to guide terminations of parental rights. In numerous states, a termination of parental rights requires the state to prove the existence of an identifiable harm caused by the parent to the child. In other states, including Vermont, the court may permanently sever the parent-child relationship

upon evidence that the child was abused, neglected, or exposed to “risk of harm,” and that termination is “in the child’s best interests” even if the child was harmed by someone other than the parent whose rights are being terminated. There is a need for this Court to reconcile the many differing standards for termination of parental rights.

4. This application seeks to accommodate Applicant’s legitimate needs. Undersigned counsel is the Chief Juvenile Defender and Deputy Defender General for the State of Vermont. Undersigned counsel has a heavy a caseload of previously assigned appellate and trial court cases while also supervising the juvenile division and providing management for the entire public defense system. In light of undersigned counsel’s other pending appeals and responsibilities, the undersigned would not be able to adequately prepare a petition by October 13.

For these reasons, Applicant requests that the due date for his petition for a writ of certiorari be extended to December 12, 2016.

Respectfully submitted,



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