

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

C.W., Petitioner

v.

Vermont Department for Children and Families, Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPREME COURT OF VERMONT

APPLICATION TO EXTEND TIME TO FILE

A PETITION FOR A WRIT OF CERTIORARI

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To the Honorable Sonia Sotomayor, Associate Justice of the United States Supreme Court and Circuit Justice for the Second Circuit:

1. Pursuant to Rule 13.5, Rules of the Supreme Court, Petitioner respectfully seeks a sixty (60) day extension of time, to and including October 5, 2026, within which to file a petition for a writ of *certiorari* in this Court. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). This application is submitted at least ten (10) days prior to the scheduled filing date for the petition.
2. This application is made solely on behalf of Petitioner C.W., the father of the minor child C.W.
3. The pertinent dates are:
 - a. May 8, 2026: Entry of the written opinion of the Supreme Court of Vermont affirming the termination of Petitioner's parental rights to his minor daughter, C.W. A copy of the opinion is attached as Attachment A. No petition for rehearing was filed, and no order respecting rehearing was entered.
 - b. July 27, 2026: Last day on which an application to extend the time to file a petition for a writ of *certiorari* may be filed. *See* Sup. Ct. R. 13.5, 30.2.
 - c. August 6, 2026: Expiration of the time for filing a petition for a writ of *certiorari*, unless extended.

4. No prior application for an extension of time has been made in this case.

Good cause supports the requested extension. Petitioner is indigent, and undersigned counsel is a public defender and one of only two attorneys within unit that responsible for handling juvenile appeals and overseeing juvenile defense for the State of Vermont. Due to a high caseload, combined with significant administrative responsibilities, the undersigned is unable to complete the petition without the requested extension consistent with C.W.'s right to effective assistance of counsel. The additional time will permit counsel to obtain and review the record below, to consult with Petitioner, and to frame and prepare the federal questions presented for this Court's consideration.

5. Petitioner's parental rights were terminated under a Vermont statute permitting termination on findings of changed circumstances and the child's best interests, without proof that the parent abused or neglected the child. 33 V.S.A. § 5113; 33 V.S.A. § 5114. After his daughter was placed under a temporary care order, Petitioner completed the case plan action steps — family time coaching, substance abuse treatment, and regular visitation — and the child was returned to him and his wife under a conditional custody order. Following a September 2024 argument that produced an unsubstantiated domestic assault allegation, the State moved to terminate. The trial court's stagnation finding rested on that unsubstantiated allegation, supported by hearsay, and the court stated that the child's best interests

supersede parental rights without qualifying that principle by any finding of unfitness.

6. This Court has recognized that a parent's right to raise their child is a fundamental one. *Stanley v. Illinois*, 405 U.S. 645, 651 (1972). Depriving a parent of that right demands due process. *Troxel v. Granville*, 530 U.S. 57, 66–67 (2000). Because termination works a complete and irrevocable severance of the relationship, this Court has required heightened procedural protection before a State may sever it. *See Santosky v. Kramer*, 455 U.S. 745, 753–54 (1982). Petitioner intends to present the question whether a State may terminate parental rights on a best-interests finding untethered to any determination of parental unfitness. That question is a substantial one, and the requested extension will allow it to be framed and presented properly.
7. The question recurs. Vermont trial courts grant 98.8 percent of termination petitions not voluntarily withdrawn by the Department. Email from Leda Moloff, General Counsel, Vermont Judiciary (Jan. 30, 2026). Every such judgment reaching the Vermont Supreme Court in the last six years has been affirmed; the last reversal was *In re A.W.*, 2020 VT 34, ¶ 11, 212 Vt. 225, 235 A.3d 518.
8. WHEREFORE, Petitioner respectfully requests that the time within which to file a petition for a writ of *certiorari* be extended by sixty (60) days, to and including October 5, 2026.

Respectfully submitted,

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