



and decisions that he was incapable of providing an appropriate home for R.C. The court also found that father had not played a constructive role in R.C.'s life, and it concluded that father would never be able to resume his parental duties. The court thus ordered the termination of father's residual parental rights in R.C. Father appealed.

Father asserts that the court erred in evaluating R.C.'s best interests because it overlooked the role that he could play in R.C.'s life as a noncustodial parent. Father maintains that it is irrational to terminate his rights merely because he may be unfit to be R.C.'s custodial parent, particularly when, pursuant to 15 V.S.A. ' 650, maximum contact with a noncustodial parent is considered in a child's best interest unless such contact is harmful.

We reject father's argument. In determining whether termination of a parent's rights is in a child's best interests, the family court must consider four statutory factors. 33 V.S.A. ' 5540(1)-(4). The most important factor is the likelihood that the natural parent will be able to resume his or her parental duties within a reasonable period of time. See In re B.M., 165 Vt. 331, 336 (1996). As long as the court applied the proper standard, we will not disturb its findings on appeal unless they are clearly erroneous; we will affirm its conclusions if they are supported by the findings. In re G.S., 153 Vt. 651, 652 (1990) (mem.).

In this case, the family court considered the factors set forth in ' 5540 and made numerous findings to support its decision that termination of father's residual parental rights was in R.C.'s best interests. Father does not challenge any of the court's findings as clearly erroneous. Instead, he asserts that the court overlooked the valuable role that he could have played in R.C.'s life as a noncustodial parent. In support of this assertion, father cites ' 5540(1), which requires that the family court consider the interaction and interrelationship of the child with his natural parents, his foster parents, and any other person who may significantly affect the child's best interests. The family court's findings reflect its consideration of this factor. It specifically found that father had not played a constructive role in R.C.'s life; his interaction with R.C. had always been limited, and that contact ceased altogether as of June 2004. Father offers no persuasive support for his assertion that, although he ceased visiting R.C., the court should have nonetheless concluded that he had the capacity to play a valuable role in his life. Father's reliance on statutes and cases addressing assignment of parental rights and responsibilities in divorce proceedings is misplaced. A divorce proceeding does not involve the same considerations present in a termination proceeding. In contrast to termination proceedings, allocation of parental rights and responsibilities under the divorce and parentage statutes, 15 V.S.A. " 650, 665, is not predicated upon parental fitness, or a lack thereof. The factors relevant in a termination proceeding, as noted above, are set forth in ' 5540. The family court's decision reflects its consideration of these factors, and its findings support its conclusion that termination of father's residual parental rights was in R.C.'s best interests. We find no error.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Marilyn S. Skoglund, Associate Justice

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Brian L. Burgess, Associate Justice