*Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

ENTRY ORDER

SUPREME COURT DOCKET NO. 2006-006

MAY TERM, 2006

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| In re K.C.S., Juvenile | } | APPEALED FROM: |
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| | } | Orleans Family Court |
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| | } | DOCKET NO. 16-2-05 Osjv |

Trial Judge: Alan W. Cheever

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

Father appeals the family court=s order terminating his parental rights with respect to his son, K.C.S. We affirm.

K.C.S. was born on July 7, 1998, the child of a Aweekend relationship.@ The child was raised by his mother and had no contact at all with father. In February 2005, mother informed the Department for Children and Families (DCF) that she could not handle the boy, who was aggressive to other children and was exhibiting

sexualized behaviors. At an emergency detention hearing, the family court placed custody of the child with DCF, and in June 2005 mother stipulated that K.C.S. was a child in need of care or supervision. In September 2005, mother voluntarily relinquished her parental rights, and DCF filed a termination petition. Following a brief hearing, the family court terminated father=s parental rights. Father appeals, arguing that the evidence and the court=s findings do not support its conclusion that father will not be able to assume parental care of K.C.S. within a reasonable period of time.

The following facts are undisputed. Father had no contact with his son in the more than seven years since the child=s birth. Since 1990, father had been in and out of prison on charges of aggravated assault, unlawful mischief, forgery, unlawful trespass, petit larceny, violation of an abuse-prevention order, violation of probation, violation of conditions of release, and two counts of lewd and lascivious conduct. At the time of the termination proceedings, father was incarcerated on a 2005 charge of lewd and lascivious conduct with a child. At the termination hearing, father testified that if he were released from jail, he would like to live with his sister and work as her housekeeper.

Meanwhile, K.C.S. had significant problems growing up. He was exposed to fights, stabbings, and drug use. He was sexually abused by a Afamily friend@ while visiting his grandfather. He presented highly sexualized behaviors, and he was physically and verbally aggressive to school peers. K.C.S.=s behavior changed dramatically, however, after he became acclimated to the structure and consistent environment of his foster home. His self-esteem improved and he began to adjust to his home, school, and community.

Nevertheless, because of his traumatic background, the family court concluded that K.C.S. needed permanence as soon as possible. The court also concluded that father was in no position to even commence parental duties because of his current incarceration. The court stated that even if father were not currently incarcerated, he would need to obtain housing and employment and would have to take parenting classes and participate in sex offender treatment. The court determined that a reasonable period of time for father to assume parental duties had already passed, considering the child=s background of abuse and need for stability.

The evidence cited above overwhelmingly supports the family court=s conclusion that father would be unable to assume parental duties in a reasonable period of time. See In re C.L., 2005 VT 34, & 17 (paramount concern is parent=s ability to resume parental duties within reasonable period of time as measured from perspective of child=s needs). In challenging the court=s conclusion that he was in no position to parent K.C.S. within a reasonable period of time, father argues that there was only hearsay evidence of his failure to engage in sex offender treatment, that he might be acquitted of the latest lewd-and-lascivious behavior charge, that DCF never cited housing or employment as an issue, and that there was no evidence he had parenting deficiencies. These arguments are without merit. Father never objected to the DCF case worker=s testimony regarding father=s failure to participate in sex offender treatment, and that testimony was corroborated by the disposition report, which was admitted into evidence without objection. See In re R.L., 148 Vt. 223, 228 (1987) (parents waived claim of error by failing to object to hearsay evidence at disposition hearing). Further, father=s need for housing, employment, and parent education was self-evident. In any event, even if each of father=s arguments were well-founded, there was still overwhelming evidence supporting the termination order.

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