

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of S.R.N., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROSCOE GILLIAN,

Respondent-Appellant.

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UNPUBLISHED

July 12, 2002

No. 237211

Kalamazoo Circuit Court

Family Division

LC No. 98-000110-NA

Before: Hood, P.J., and Saad and E. M. Thomas\*, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating his parental rights to his daughter pursuant to MCL 712A.19b(3)(g).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established a statutory ground for termination of respondent's parental rights. Respondent indicated in writing that he wished to have custody of the child; however, MCL 712A.19b(3)(g) clearly states that a

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<sup>1</sup> The trial court's order also terminated the parental rights of non-participating respondents Turinea Newton, the mother of this child and three other children, and William Newton, the father of the other children. Turinea Newton and William Newton have not appealed the order.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

parent's intent is not relevant to the determination of his or her ability to provide proper care and custody for a child. The undisputed evidence showed that respondent rejected petitioner's attempts to refer him to various services, and thereafter voluntarily moved to Wisconsin. Respondent did not visit the child after he relocated, and contacted her only sporadically by telephone and mail.

No evidence established that respondent was able to provide the child with appropriate housing, etc. Respondent's inability to provide financial support for the child was not the specific basis of the trial court's ruling. Rather, the court based its decision on the undisputed evidence that respondent had failed to provide even a token demonstration, through the giving of a small gift or by a visit, of his desire to develop a parent-child relationship with the child. Respondent's due process rights were not violated. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the ground that respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time. MCL 712A.19b(3)(g). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Harold Hood  
/s/ Henry William Saad  
/s/ Edward M. Thomas