

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.L.H., Minor.

DEBORAH MORAN,

Petitioner-Appellee,

v

JEFFREY HAMILTON,

Respondent-Appellant.

UNPUBLISHED

August 2, 2002

No. 237649

Wayne Circuit Court

Family Division

LC No. 01-399353

Before: Murray, P.J., and Sawyer and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating his parental rights to his son pursuant to MCL 712A.19b(3)(f)(i) and (ii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Petitioner, the child's maternal aunt, began caring for the child after his mother, her sister, was murdered by respondent. Petitioner became the child's legal guardian and received authority to adopt him; subsequently, she filed a petition seeking termination of respondent's parental rights.¹

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(D); *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 Minors*, 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 the trial court did not clearly err in finding that clear and convincing evidence existed to terminate respondent's parental rights. It was undisputed that although respondent was

¹ The filing of such a petition by a guardian is specifically authorized by MCL 712A.19b(1).

incarcerated and did not hold a job in prison, he made no effort to provide even a token amount of financial support for the child or to have his relatives do so on his behalf. In addition, respondent claimed to have telephoned the child, but only once, and apparently was unable to actually speak with the child. Moreover, respondent made no attempt to maintain contact with the child in any other manner.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted under MCL 712A.19b(3)(f)(i) and (ii) (the child has a guardian and the parent, having the ability to provide support and remain in contact with the child, has without good cause failed to do so). The trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra