

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.H., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TIMOTHY HAMILTON,

Respondent-Appellant.

UNPUBLISHED

August 20, 2002

No. 239586

Calhoun Circuit Court

Family Division

LC No. 00-000429-NA

Before: White, P.J., and Neff and Jansen, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating his parental rights to his child pursuant to MCL 712A.19b(3)(g), (h), and (j).¹ 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 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 the trial court did not clearly err in finding that petitioner established by clear and convincing evidence one or more statutory grounds for termination of respondent's parental rights. Respondent made no effort to cooperate with petitioner or to take the steps necessary to gain custody of the child. While the case was pending respondent was reincarcerated for a parole violation. He had no guarantee that he would be paroled before 2011, and did not put forth a viable plan for the child's care in the meantime. The evidence showed that respondent

¹ The trial court's order also terminated the parental rights of non-participating respondent Roberta Helm, the mother of J.H. Helm has not appealed the order.

had an unstable lifestyle, and that as a juvenile he was convicted of a sexual offense involving a minor relative.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that respondent failed to provide proper care and custody for the child 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. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen