

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MIRACLE MARY TYNER, a/k/a
BABY GIRL DOE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KEITH MACO TYNER,

Respondent-Appellant,

and

AUDRITA NICOLE LYNN,

Respondent.

UNPUBLISHED

January 6, 2004

No. 245380

Wayne Circuit Court

Family Division

LC No. 02-406997

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent-appellant, Keith Maco Tyner, appeals from the order of the trial court terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(b)(ii). We affirm.

Respondent-appellant contends that the trial court erred in finding that clear and convincing evidence supported termination of his parental rights. Contrary to respondent-appellant's contentions, ample evidence existed on the record to support the trial court's decision.

The mother of the child delivered the baby without medical assistance in the bathroom of the home that she shared with respondent-appellant and their three other young children and then put the baby in the family's trashcan and placed the lid on the can. Though the couple thereafter sought medical attention for the child's mother, it was not until they reached the hospital that authorities were informed of the existence of the child, and even then, the location of the child was discovered by police without assistance from the parents.

Respondent-appellant contends that he had no idea the child's mother was pregnant, that she had delivered a baby on that day, or that she had placed it in the trashcan, and he therefore cannot be found to be culpable for the neglect of the child. Respondent-appellant shared the home with the child's mother, had regular sexual relations with her without using birth control, and was present in the couple's home on the night before the birth as she labored to deliver the child. If respondent-appellant's explanation is true, then the trial court correctly noted that his total oblivion to the extreme circumstances indicates a complete lack of awareness, communication, and basic observation. His inability or unwillingness to take note of the pregnancy and to take steps to ensure the safe birth of the child evidences a deficiency so dramatic that there is a reasonable likelihood that the child would again suffer neglect if returned to his care. The trial court therefore did not err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Similarly, termination of respondent-appellant's parental rights was not contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen