

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of STARR MARIE BUCKEY,
Minor.

UNPUBLISHED
January 8, 2004

FAMILY INDEPENDENCE AGENCY

Petitioner-Appellee,

V

BRIAN EDWARD PHILLIPS,

Respondent-Appellant.

No. 249384
Grand Traverse Circuit Court
Family Division
LC No. 02-000075-NA

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

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g) and (j). Because the claimed error of limited cross-examination was harmless, the trial court's findings were not clearly erroneous, and the child's best interests were appropriately considered, we affirm. Respondent argues that the trial court abused its discretion in limiting cross-examination of the foster mother concerning her daughter's intentions to adopt Starr. However, reversal is not required on this ground because no specific offer of proof was made, and the foster mother's testimony was cumulative of other evidence in the case. Any error was harmless and did not result in substantial injustice. MRE 103(a); *Temple v Kelel Distributing Company*, 183 Mich App 326, 330; 454 NW2d 610 (1990).

Further, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). At the time of the dispositional hearing, respondent was incarcerated with an earliest release date of February 2004. He had visited the child sparingly and had a history of substance abuse and criminal activity. Further work on his parent-agency agreement was prevented by his commission of a new crime in November 2002 and his subsequent incarceration. Respondent also owed \$17,000 in restitution, jointly and severally, with the individual with whom he committed the first set of crimes. The evidence clearly and convincingly showed that respondent was unable to provide proper care and custody for Starr, and there was no reasonable expectation that he would be able to do so in a reasonable time considering the child's age. MCL 712A.19b(3)(g). The evidence also showed clearly and

convincingly that there was a reasonable likelihood that Starr would suffer emotional harm if placed with respondent. MCL 712A.19b(3)(j). Consequently, we find no error and affirm the judgment terminating respondent's parental rights to the minor child.

Affirmed.

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