

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAITLIN REANNE AIKENS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KENNETH AIKENS,

Respondent-Appellant.

UNPUBLISHED

January 27, 2004

No. 249639

Cass Circuit Court

Family Division

LC No. 02-000321-NA

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

MEMORANDUM.

Respondent appeals as of right from the circuit court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g). Because the trial court did not clearly err in finding that there was no reasonable expectation that the respondent would be able to provide proper care and custody within a reasonable time considering the child's age, we affirm.

The circuit court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The child's mother's parental rights had been terminated. Respondent was unable to sever his relationship with the minor child's mother, though he understood that her presence was a barrier to reunification with the child. Record evidence revealed continued contact between respondent and the child's mother, notwithstanding the court's directive to the contrary. The expert opinion of record is that respondent's personality is such that he can not deny contact with the child's mother. The evidence supported the finding that, without regard to intent, respondent would be unable to provide proper care or custody for the child within a reasonable time. Further, 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); *In*

re Trejo, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Therefore, the circuit court did not err in terminating respondent's parental rights to the minor child.

Affirmed.

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