

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAMES HESTER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES PORTER HESTER,

Respondent-Appellant,

and

BRIDGET ORTEGA,

Respondent.

UNPUBLISHED
February 17, 2004

No. 249918
Kent Circuit Court
Family Division
LC No. 01-053301-NA

Before: Schuette, P.J., and Meter and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g) and (h). We affirm.

Respondent-appellant does not contest that the statutory grounds for termination were established by clear and convincing evidence.¹ Instead, respondent-appellant challenges the trial court's decision on the grounds that it was contrary to the child's best interests to terminate his parental rights because he offered paternal relatives who were willing and able to care for the child until he was released from prison.²

¹ A witness at the termination hearing testified that respondent-appellant was incarcerated at the time of the termination hearing and would remain incarcerated until 2011.

² We note the child had been placed with maternal relatives upon entering foster care and apparently remained in that placement at the time of the termination hearing.

However, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court was not required to place the child with relatives instead of terminating parental rights. *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999); *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The evidence established that the child, approximately three and a half years old at the time of the termination hearing, needed permanency, and the trial court did not err in providing such permanency through the termination of respondent-appellant's parental rights.

Affirmed.

/s/ Bill Schuette
/s/ Patrick M. Meter
/s/ Donald S. Owens