

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of Jasmine McDonald-Butler, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HOWARD EUGENE BUTLER,

Respondent-Appellant,

and

JAIMIE McDONALD,

Respondent.

UNPUBLISHED

March 25, 2004

No. 251622

Ottawa Circuit Court

Family Division

LC No. 02-041598-na

Before: Zahra, P.J., and Saad and Schuette, JJ.

PER CURIAM.

Respondent Howard Butler appeals by delayed leave granted the order terminating his parental rights to Jasmine McDonald-Butler. We affirm.

I. FACTS

Jasmine entered foster care after she was left for an extended period of time with friends of her mother. Her mother had serious drug problems. Respondent visited Jasmine sporadically before she entered foster care and was on parole for uttering and publishing. After Jasmine entered foster care, respondent rarely visited her and was arrested for manufacturing methamphetamine and fleeing and eluding, as well as parole violations. Respondent was then incarcerated and his earliest release date was May 29, 2005. Due to respondent's failure to cooperate with caseworkers, his minimal involvement with Jasmine, his criminal activity and incarceration the court terminated respondent's parental rights.

II. STANDARD OF REVIEW

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 617

NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.*, 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.*, 356.

III. ANALYSIS

The petition alleged that respondent failed to rectify conditions leading to the petition and failed to provide proper care and custody. MCL 712A.19b(3) provides for termination when

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

There is clear and convincing evidence to support the termination of respondent's parental rights. Respondent failed to cooperate with the caseworker and he offered no evidence that he could rectify the conditions that led to the adjudication or provide proper care and custody within a reasonable time. His involvement in his daughter's life was minimal and there was no reasonable basis for him to rely on the mother to provide proper care. There was no evidence that he could provide proper care and custody within a reasonable time given the child's age.

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Bill Schuette