

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HEATHER GUEST, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRIAN GUEST,

Respondent-Appellant.

UNPUBLISHED

April 20, 2004

No. 251477

Genesee Circuit Court

Family Division

LC No. 89-080769-NA

Before: Cavanagh, P.J., and Murphy and Smolenski, 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)(a)(ii), (c)(i), (g), (h), and (j). We affirm.

The trial court did not clearly err in finding that §§ 19b(3)(a)(ii), (g), and (j) were established by clear and convincing evidence.¹ MCL 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The court assumed jurisdiction over the child after her guardian, with whom she had been placed since 1994, was no longer willing to care for her and respondent's whereabouts were unknown. Respondent had no contact with the agency from October 2001 until June 2002. Although he admitted that he was told that a parent/agency agreement existed, respondent never met with the foster care worker to learn its requirements as he had been instructed to do. At the time of the termination hearing, respondent was incarcerated and was unavailable to parent the child. He would not be released from prison for at least a year following the termination hearing.

Further, the evidence did not show that termination of respondent'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 evidence established that the child did not want to be adopted and did not want respondent's parental rights terminated. However, the evidence also

¹ Because only one statutory ground is required for termination, we need not address the trial court's findings under § 19b(3)(c)(i) and (h).

established that the child had an unrealistic bond with respondent, who had not parented her in approximately nine years.

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski