

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TRENT ALLEN CARTER,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

JOE JAMES DILLEY,

Respondent-Appellant.

UNPUBLISHED
November 3, 2005

No. 262503
Cass Circuit Court
Family Division
LC No. 04-000193-NA

Before: Talbot, P.J., and White and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent first argues that the statutory ground for termination were not established by clear and convincing evidence where he could have corrected the remaining issues within a reasonable time. This Court reviews decisions terminating parental rights for clear error. MCR 3.77(J). Clear error has been defined as a decision that strikes this Court as more than just maybe or probably wrong. *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000).

After learning that he was Trent's father through a paternity test, respondent put forth a commendable effort to comply with the parent-agency treatment plan. However, respondent still had remaining issues with substance abuse, unstable housing, lack of transportation, and police involvement. Trent was eight months old at the time of trial and his very young age shortened the period of time for which it was reasonable to allow respondent to rectify the conditions leading to adjudication, pursuant to section (c)(i), and provide proper care and custody for Trent, pursuant to section (g). The trial court did not clearly err in finding that sections (c)(i) and (g) were established by clear and convincing evidence where respondent's remaining issues could not be corrected within the short period of time that was reasonable considering Trent's age.

Respondent also argues that the trial court clearly erred in its best interests determination. Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); *Trejo*, *supra* at 344. Trent's young age necessitated

quick action on respondent's part. Because respondent had issues that needed to be resolved and because it was unlikely that he would be able to resolve those issues within a short period of time, the trial court did not clearly err in its best interests determination.

Affirmed.

/s/ Michael J. Talbot
/s/ Helene N. White
/s/ Kurtis T. Wilder