

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KEITH JOSEPH MAES, JR.,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
December 20, 2005

Petitioner-Appellee,

v

KEITH JOSEPH MAES, SR.,

No. 262534
Oakland Circuit Court
Family Division
LC No. 03-681781-NA

Respondent-Appellant,

and

CAROLYN SUE HAYES,

Respondent.

Before: Owens, P.J., and Saad and Fort Hood, 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), (j) and (l). We affirm.

The trial court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The grounds for termination found in MCL 712A.19b(3)(l) were indisputably established by the admission of a previous order terminating respondent-appellant's rights to another child. Respondent-appellant has been incarcerated for substantial portions of the child's life and was incarcerated at the time of the termination trial. The evidence indicated that respondent-appellant placed the child with inappropriate caregivers during his incarceration and failed to meet minimal parental responsibilities, such as arranging for the child's attendance at school. Respondent-appellant did not provide the child's caregiver with financial support or medical insurance for him. Respondent-appellant's tendency to act impetuously, to experience abrupt shifts in inhibitory controls, and to disregard alternatives and consequences, all indicated by his psychological evaluation, would appear to suggest a likelihood of further criminal conduct. Given the pervasive history of neglect that is clearly intertwined with respondent-

appellant's criminal involvement, and again considering his psychological evaluation, which indicates that he is unstable and highly volatile, it appears wholly reasonable to conclude that the child would continue in a pattern of multiple and inappropriate caregivers and instability in the long term if returned to the care of respondent father. Therefore, termination of respondent appellant's parental rights under MCL 712A.19b(3)(g) and (j) was not clearly erroneous.¹

Finally, the trial court did not clearly err by finding that termination of respondent-appellant's parental rights was not clearly contrary to the best interests of the child. MCL 712A.19b(5). Even assuming that respondent-appellant achieves an early release from prison, his psychological evaluation and personal history indicate that he is not a suitable long-term placement for the child. We also conclude that the trial court did not abuse its discretion by failing to adjourn the best interests hearing for a psychological evaluation of the child. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993).

Affirmed.

/s/ Donald S. Owens
/s/ Henry William Saad
/s/ Karen M. Fort Hood

¹ We are satisfied, further, that the trial court adequately stated its findings of fact and conclusions of law on the record. MCR 3.977(H)(1).