STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ZACHARY CHANDLER, ALEX CHANDLER, and RYAN CHANDLER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DOUGLAS G. CHANDLER,

Respondent-Appellant,

and

BARBARA CHANDLER,

Respondent.

UNPUBLISHED
December 20, 2005

No. 263656
Muskegon Circuit Court
Family Division
LC No. 02-031353-NA

Before: Owens, P.J., and Saad and Fort Hood, JJ.

PER CURIAM.

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

The trial court did not clearly err in finding clear and convincing evidence to terminate respondent-appellant's parental rights under MCL 712A.19b(3)(g). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Since approximately October 2003, respondent-appellant has been imprisoned for third-degree fleeing and eluding, contrary to MCL 750.479A(3). His sentence was thirty months to twenty-five years. Before that, respondent-appellant was imprisoned for a September 2001 conviction for the same offense, and later he was jailed for a parole violation. The children came into care in November 2002 because of environmental and educational neglect and alleged substance abuse by respondent Barbara Chandler. Because of his imprisonment, respondent-appellant was not available to assist with supporting and caring for the children or maintaining the home. Incarceration is one of the facts and circumstances the trial court may properly consider in deciding whether petitioner has met its burden under subsection (g). See *In re Huisman*, 230 Mich App 372, 385; 584 NW2d 349

(1998), disapproved on other grounds, *Trejo, supra* at 353 n 10; *In re Perry*, 193 Mich App 648, 649-650; 484 NW2d 768 (1992). Here, respondent-appellant was not incarcerated for a short time during the pendency of the case but committed another crime and returned to prison. He did sign a parent agency agreement (PAA) and took classes in prison on parenting, substance abuse, and commitment to change. However, he may not be released on his earliest release date in April 2006; even if he is released then, he will need additional time to complete the requirements of a PAA. The trial court did not clearly err in determining that respondent-appellant failed to provide proper care or custody and that there was no reasonable expectation that he would be able to do so within a reasonable time considering the children's ages. MCL 712A.19b(3)(g) was satisfied by clear and convincing evidence.

Having found clear and convincing evidence under subsection (g), we need not reach the issue of sufficiency of evidence under (h) and (j). Only one statutory ground is required to terminate parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Respondent-appellant had a good relationship with the children and they were bonded to him. However, he was absent from their lives for many years, and there was no guarantee that he would be released in 2006. The children need a permanent, safe, stable home, which respondent-appellant cannot provide. A permanent foster family agreement was considered and possibly might have been in Alex's and Ryan's best interests, but we have no definite and firm conviction that a mistake was committed in the trial court's ruling to terminate parental rights. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Thus, the trial court order terminating respondent-appellant's parental rights to the minor children must be affirmed.

Affirmed.

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