

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESTINY PERKINS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TOMMY CHATMAN,

Respondent-Appellant,

and

MARKESHA LATAE CURRY and
CHRISTOPHER BROWN,

Respondents.

UNPUBLISHED

October 23, 2007

No. 276831

Kent Circuit Court

Family Division

LC No. 05-053130-NA

Before: Owens, P.J., and Bandstra and Davis, 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). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent desired to care for eight-year-old Destiny upon his release from prison, which was anticipated two months after the termination hearing. However, the trial court correctly found no reasonable expectation that respondent would be able to provide proper parental care within a reasonable time because the evidence showed that respondent did not have a stable parent-child relationship with Destiny before his June 2005 incarceration and had not had contact with Destiny since becoming incarcerated. In addition, the evidence showed that respondent had a history of criminality and substance abuse and would require a significant amount of time to demonstrate rehabilitation before reunification would be considered.

Respondent argues on appeal that the agency did not provide him reasonable reunification services. The agency was not required to provide reunification services to a

respondent in prison. Respondent lacked services because he chose to engage in criminal activity and became incarcerated. Additionally, the evidence was clear that the caseworker attempted communication with respondent but respondent did not reply or request materials and information from her regarding reunification, the proceedings, or Destiny.

Additionally, the evidence did not show that termination of respondent's parental rights was clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed that respondent had not been a consistent father figure to Destiny in terms of either contact or financial support, had not maintained contact with her during the proceeding, and that his new wife was a stranger to her. His incarceration left her without a parent able to care for her during the 18-month proceeding, and would leave her without a parent until he rehabilitated. Given no reasonable expectation that respondent would become a long-term, stable and suitable parent within a reasonable time, there was no evidence that termination was clearly contrary to Destiny's best interests.

Affirmed.

/s/ Donald S. Owens
/s/ Richard A. Bandstra
/s/ Alton T. Davis