

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of KAYLA NICOLE STREETING,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KENNETH TASKEY,

Respondent-Appellant,

and

STACEY STREETING,

Respondent.

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UNPUBLISHED

November 29, 2007

No. 278954

Muskegon Circuit Court

Family Division

LC No. 03-032450-NA

Before: Schuette, P.J., and Borrello and Gleicher, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating his parental rights to his minor child under MCL 712A.19b(3)(a)(ii) and (g).<sup>1</sup> We affirm.

**I. FACTS**

Respondent is the father of the minor child.<sup>2</sup> The minor child was removed from her mother's care in April 2006 because of allegations of drug use and physical neglect. Respondent lives in Arkansas, so he did not attend any of the hearings, but he was initially represented by counsel. However, after a June 10, 2006 hearing, respondent did not participate in any of the proceedings, either personally or through counsel. At trial, the foster care worker assigned to this case testified that respondent had not attempted to provide care or custody to the minor child

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<sup>1</sup> Respondent Stacey Streeting is not a party to this appeal.

<sup>2</sup> Respondent was determined to be the legal father of the child in a 2002 paternity action.

since she took over the case in December 2006. She further testified that the minor child did not know who respondent was and that he had not visited the child. The trial court terminated respondent's parental rights under MCL 712A.19b(3)(a)(ii) and (g), concluding that respondent failed to provide proper care and custody for the minor child with no reasonable expectation that such care would be provided within a reasonable period of time and that respondent had not sought custody of the minor child for more than 91 days.

## II. STATUTORY GROUNDS FOR TERMINATION

### A. Standard of Review

To terminate parental rights, the trial court must find that at least one statutory ground for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). We review the trial court's decision for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A decision is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made, giving due regard to the trial court's special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

### B. Analysis

The trial court did not clearly err in finding that the statutory ground for termination under MCL 712A.19b(3)(a)(ii) was proven by clear and convincing evidence. Under MCL 712A.19b(3)(a)(ii), the trial court may terminate parental rights where "[t]he child's parent has deserted the child for 91 or more days and has not sought custody of the child during that period." Here, respondent failed to appear, either personally or through counsel, from the dispositional hearing on August 9, 2006, through the trial on May 7, 2007. Nor did respondent contact petitioner's caseworker between October 8, 2006, until after the filing of the February 23, 2007 termination petition. This period exceeds 91 days. From the caseworker's testimony, it appears that respondent has never seen, or had any other contact with the child. Respondent also admitted to the caseworker that he has never paid child support. Under the circumstances, the finding that respondent deserted the child and did not seek custody of her for more than the 91-day period is not clearly erroneous. See e.g., *In re Mayfield*, 198 Mich App 226, 229-230, 235; 497 NW2d 578 (1993).

Nor did the trial court clearly err in finding that petitioner established a ground for termination under MCL 712A.19b(3)(g). Under MCL 712A.19b(3)(g), the trial court may terminate parental rights where "[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age." In this case, apart from an initial expression of interest in having his home certified by a home study, respondent had not provided any care or custody to the child since her birth. He appears to have been satisfied to allow the child's mother to raise the child, even after learning of the mother's inability to care for the child, or learning that his rights were likely to be terminated if he did not become involved in the child's life. Given respondent's minimal level of involvement, it was not clearly erroneous for the trial court to determine that respondent was not interested in providing proper care and custody for the child, and that respondent would unlikely be able to do so within a reasonable time.

### III. BEST INTERESTS OF THE CHILD

#### A. Standard of Review

Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights unless there is evidence that termination is clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 353. We review the trial court's decision on the best interests question for clear error. *Trejo, supra* at 356-357.

#### B. Analysis

Given respondent's attitude and a total lack of familial bonding with the minor child, the trial court did not clearly err in determining that termination was not clearly contrary to the child's best interests.

Affirmed.

/s/ Bill Schuette  
/s/ Stephen L. Borrello  
/s/ Elizabeth L. Gleicher