

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIARA MARIE DELAROSA-
WITT, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DERRICK LEE DONALD,

Respondent-Appellant.

UNPUBLISHED

December 18, 2007

No. 278994

Saginaw Circuit Court

Family Division

LC No. 04-029488-NA

Before: Murray, P.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

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

Respondent argues that the trial court erred in finding that the evidence supported termination of his parental rights. We disagree. This Court reviews the trial court's factual findings for clear error. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996). A finding is clearly erroneous if, although there is evidence to support it, the Court is left with a definite and firm conviction that the trial court made a mistake. *In re Miller, supra* at 337; *In re Conley, supra* at 42. Once a statutory ground for termination is established by clear and convincing evidence, the court must order termination of parental rights, unless it finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

The evidence established that more than 182 days had elapsed since the initial dispositional order was entered. The conditions that led to the adjudication included respondent's incarceration and failure to provide emotional or financial support for the child. Respondent remained incarcerated during most of the 2-1/2 years that the child was in care and failed to meaningfully participate in the proceedings. During a ten-month period when respondent was not incarcerated, he failed to establish a relationship with the child, and failed to provide financial, emotional, or physical support for the child. Contrary to what respondent argues, he had ample opportunity to demonstrate his willingness and ability to establish a relationship with the child, but did not do so. Considering respondent's history, conduct, and

lack of involvement, there is no reasonable likelihood that his circumstances will sufficiently change or improve within a reasonable time and, therefore, no reasonable expectation that he will be able to provide proper care and custody within a reasonable time considering the child's age. The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Also, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 354. Therefore, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Christopher M. Murray
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder