

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of C.A.M., Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL MODESITT,

Respondent-Appellant,

and

RITA MODESITT,

Respondent.

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UNPUBLISHED  
February 14, 2008

No. 280121  
Wexford Circuit Court  
Family Division  
LC No. 06-019841-NA

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

MEMORANDUM.

Respondent Michael Modesitt appeals as of right the order terminating his parental rights to the minor child under MCL 712A.19b(3)(g) and (j). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). In the present case, respondent never supported the child financially, helped parent the child for only a brief time before his incarceration, and sent the eight-year-old child only two letters from prison over one year. His decision to commit aggravated robbery and then abscond from release denied this child and his other children the care of their father for a significant period. There was no evidence he was prepared to be the primary caregiver when he was eventually released. Therefore, we find that at least MCL 712A.19b(3)(g) was established by clear and convincing evidence.

When a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). There is no specific burden on either

party to present evidence of the child's best interests; rather, the trial court should weigh all evidence available. *Id.* at 354.

The strength of the bond between respondent father and the child, his age, and the time he spent in respondent father's care were relevant to the best interests decision. See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001). A child's need for permanence is also relevant to the determination whether termination is in his best interests. *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The trial court must consider how long the child can wait, based on his age and particular needs. *In re Dahms*, 187 Mich App 644, 647-648; 468 NW2d 315 (1991).

The child only knew respondent father for about five months and testimony indicated that, although he initially bonded with respondent father, during the next year he was indifferent toward him and rarely spoke of him. This child had attachment issues and was younger than children typically left in permanent foster care situations. A guardianship or other arrangement could not provide the permanency of termination and adoption. The trial court did not err when it held that termination was not clearly against the child's best interests and terminated respondent father's parental rights.

Affirmed.

/s/ Michael J. Talbot

/s/ Mark J. Cavanagh

/s/ Brian K. Zahra