

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JASMYNE MCKINNEY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TOMMY PARKER,

Respondent-Appellant,

and

BAKIR MCKINNEY,

Respondent.

UNPUBLISHED

August 21, 2008

No. 283886

Genesee Circuit Court

Family Division

LC No. 06-122026-NA

Before: Schuette, P.J., and Zahra and Owens, JJ.

MEMORANDUM.

Respondent Parker appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(i), (a)(ii), (c)(i), (g), and (j). We affirm.

Although termination of respondent's parental rights was not appropriate under § 19b(3)(a)(i), given that respondent was identifiable, the trial court did not clearly err in finding that the remaining statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). Due to his repeated incarcerations, respondent had little involvement in the child's life. When given an opportunity to plan for the child, he left the foster care worker's office before a service plan could be drawn up and did not thereafter participate in the case or seek custody of the child. At the time the supplemental petition was filed, respondent was once again incarcerated for a controlled substance offense.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). While the court may continue temporary wardship and place a child with relatives if it is in the child's best interests to do so, *In re McIntyre*, 192 Mich App 47, 53; 480

NW2d 293 (1991), there was no basis for finding that it was in the child's best interests to place her with an unrelated adult who could not communicate with the child in her primary language and had not even seen her for more than a year. Therefore, the trial court did not err in terminating respondent's parental rights to the child. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Bill Schuette

/s/ Brian K. Zahra

/s/ Donald S. Owens