

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAMES MICHAEL PARKS,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ELVIN J. PASLEY,

Respondent-Appellant.

UNPUBLISHED

August 21, 2008

No. 284847

Cass Circuit Court

Family Division

LC No. 06-000157-NA

Before: Cavanagh, P.J., and Jansen and Kelly, JJ.

MEMORANDUM.

Respondent appeals by right the family court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i),¹ (g), and (j). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

In order to terminate parental rights, the court must find that at least one of the statutory grounds set forth in MCL 712A.19b has been met by clear and convincing evidence. *In re Terry*, 240 Mich App 14, 21-22; 610 NW2d 563 (2000). Once a ground for termination is established, the court must terminate the respondent's parental rights unless it finds that termination is clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review the trial court's findings for clear error. MCR 3.977(J).

Respondent argues that he was motivated to comply with the parent-agency agreement, had made significant progress with its requirements, and should have been granted additional time to comply. Respondent mischaracterizes his compliance, however, when he describes it as "significant progress." Although he participated in services starting in July 2007, he began to

¹ MCL 712A.19b(3)(c)(i) was not cited in the amended termination petition and respondent does not address § 19b(3)(c)(i) in his brief on appeal. We need not address whether there was sufficient evidence to establish the statutory ground for termination contained in § 19b(3)(c)(i) because the family court properly found that there was sufficient evidence to prove the statutory grounds contained in §§ 19b(3)(g) and (j). *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

miss appointments and fail to participate with services by early September 2007. He never resumed participation, nor did he attend the October 2007 permanency planning hearing. Moreover, after respondent's arrest in December 2007, his incarceration prevented any further participation.

Respondent argues that his lack of participation was caused by his uncle's death, which was an especially traumatic event for him. Regardless of whether respondent stopped participating due to grief and bereavement, or because he felt overwhelmed in general, the individual who suffered most from respondent's lack of participation was the minor child, who was thereby deprived of a stable home environment and the benefit of permanency. In light of respondent's lack of participation in services, his noncompliance with the parent-agency agreement, his incarceration, and his past criminal behavior, the family court did not clearly err by finding that the statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J). Nor was termination clearly contrary to the minor child's best interests. MCL 712A.19b(5).

Respondent also argues that the family court was unfairly biased against him, as exhibited by certain of the judge's statements implying that respondent was a violent or dangerous criminal. This argument was not preserved for appeal by a timely objection or a motion to disqualify the judge based on the allegedly prejudicial statements. See MCR 2.003. Even if the argument had been properly preserved, however, it would fail. The evidence overwhelmingly established that respondent could not properly provide for the child, that respondent had failed to comply with services, and that he would not likely come into compliance within a reasonable time. The family court's ruling was based on the actual evidence before it rather than on any alleged bias.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly