

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LETHANIAL CROOM III,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LETHANIAL CROOM,

Respondent-Appellant,

and

DANIELLE DENISE STANCIEL,

Respondent.

UNPUBLISHED
September 23, 2008

No. 283649
Kent Circuit Court
Family Division
LC No. 06-053180-NA

Before: Saad, C.J., and Sawyer and Beckering, JJ.

PER CURIAM.

Respondent-appellant appeals by right the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (g), and (j). We affirm.

On appeal from termination of parental rights proceedings, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

At the time of the termination hearing, respondent-appellant had not seen his 18-month-old child for over a year because of his failure to remain drug free and his noncompliance with the treatment plan and court orders. Thus, he had clearly deserted his child for more than 91 days. Further, a verbal request for custody after more than a year of noncompliance was not sufficient to support a claim that respondent-appellant "sought custody." Thus, we find that the trial court did not clearly err in finding sufficient evidence to terminate respondent-appellant's parental rights under MCL 712A.19B(3)(a)(ii). Because of his noncompliance with treatment

plans and court orders, and continued use of illegal substances, there was no reasonable expectation that respondent-appellant would be able to provide proper care and custody for the minor child within a reasonable time considering the child's age. We further agree with the trial court that there was a reasonable likelihood, based on respondent-appellant's conduct, that the child would be harmed if he were placed with respondent-appellant. Thus, there was sufficient evidence to support termination under MCL 712A.19b(3)(g) and (j) as well.

Furthermore, we find no clear error in the trial court's best interests determination.¹ Once a statutory ground for termination of parental rights is established, the court must terminate parental rights unless it finds that termination of the parental rights is clearly not in the child's best interest and "additional efforts at reunification of the child with the parent may not be made." MCL 712A.19b(5); MCR 3.977(E)(3); MCR 3.977(F)(1); MCR 3.977(G)(3); *In re Trejo*, 462 Mich 341, 350; 612 NW2d 407 (2000); *Gazella, supra* at 673-674. At the time of the termination hearing, respondent-appellant had not seen his child for almost a year. Any bond that existed when the child was an infant no longer existed with the 18-month-old child. At any time during this case, respondent-appellant could have had visitation and been a part of his child's life if he had complied with services and the court's orders to be drug free. His last minute half-hearted compliance was not sufficient to give the court a reasonable expectation that respondent-appellant would be able to provide proper care and custody for the child within a reasonable time. It was not in the child's best interest to remain in limbo without permanency or the hope for a stable life. The trial court did not clearly err in finding that termination of respondent-appellant's parental rights was in the child's best interests.

Affirmed.

/s/ Henry William Saad
/s/ David H. Sawyer
/s/ Jane M. Beckering

¹ The trial court in this case went beyond the statutory best interests inquiry to find that termination of parental rights was in the minor child's best interests.