

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MALIK NAZIR LAROACH,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JAMES CHRISTOPHER LAROACH,

Respondent-Appellant,

and

STEPHANIE BINDER,

Respondent.

UNPUBLISHED

April 21, 2009

No. 288777

Eaton Circuit Court

Family Division

LC No. 07-016520-NA

Before: Borrello, P.J., and Murphy and M. J. Kelly, JJ.

PER CURIAM.

Respondent James Christopher LaRoach appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(ii), (g), and (j). Because there were no errors warranting relief, we affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, there was clear and convincing evidence that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5).

The same evidence supported the trial court's findings with regard to each statutory ground for terminating respondent's parental rights. The allegations in the original petition and subsequent plea arose from the child's mother's substance abuse and arrest. At the time the original petition was filed, respondent had been in jail for two months and would be there another five months. At the time of the termination hearing, he was again in jail. Respondent admitted that he still faced charges for felony retail fraud when released.

Throughout the case, respondent failed to demonstrate any commitment to regaining custody of his child. The child had been in foster care for over one year and respondent's participation in the case was limited to attending one parenting class and submitting two positive drug screens. Respondent did not undergo a psychological evaluation or a substance abuse evaluation. Respondent did not participate in counseling or obtain housing or employment. Respondent did not have any contact with his child during the case because he failed to comply with the trial court's order to submit six negative drug screens before visitation could be instituted. Although respondent was incarcerated for much of the case, he failed to make any efforts at reunification even when he was not incarcerated.

Respondent also testified that he had witnessed a drug crime involving guns in Lansing and, as a result, was afraid for his life and the lives of his family members. Respondent explained that he moved to Ohio following his first release from jail to hide from the men who committed the crime that he had witnessed. Respondent did not tell the foster care workers or the trial court about his dilemma or that he had moved to Ohio because he did not think that they could protect him. Respondent thought that he would be able to submit random drug screens, obtain a psychological evaluation and attend counseling sessions from Ohio. Respondent failed to explain how he thought that this was possible, especially in light of his testimony that he did not have a car and that transportation was difficult. Accordingly, the trial court did not clearly err in concluding that clear and convincing evidence existed to support the statutory grounds for termination.

Having found the statutory grounds for termination were proven by clear and convincing evidence, the trial court was obligated to terminate respondent's parental rights if it was in the child's best interests to do so. MCL 712A.19b(5). Considering that respondent failed to participate in the treatment plan, did not have employment or housing, had not seen his child in over one year, and was unable to take custody of the child at the termination hearing because he was again in jail, the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Stephen L. Borrello
/s/ William B. Murphy
/s/ Michael J. Kelly