STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of LOGAN DAKOTA PARK,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JEREMY AARON PARK,

Respondent-Appellant,

and

DANIELLE REBECCA PARK BACK,

Respondent.

UNPUBLISHED
June 30, 2009

No. 289930
Berrien Circuit Court
Family Division
LC No. 2008-000029-NA

Before: O'Connell, P.J., and Bandstra and Donofrio, JJ.

PER CURIAM.

Respondent Jeremy Aaron Park appeals as of right from the trial court order terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

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 Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The minor child was removed from the home because of domestic violence and filthy and dangerous conditions in the home. When responding to a domestic violence call, a police officer became aware that the minor child was in respondent's home and noticed that the condition of the home was not safe for a two-year-old child. There were crumbs, pieces of food, and cigarette butts on the floor throughout the home, trash strewn throughout the home (including dirty diapers), moldy food in a crock pot in the kitchen, pill containers on the floor, and a pornographic magazine on top of the trash in the kitchen. At trial, the minor child's babysitter testified that the home was often in this condition and that she was fearful the minor child would be harmed if he were not closely monitored in the home. She also testified that when the minor child was brought to her home so that she could

babysit him, he was always filthy, with food caked on him, and his diaper was often full. Further investigation of the home revealed that child pornography was on respondent's computer and that a pornographic DVD was mixed in with the minor child's videos.

Respondent was charged with possession of child pornography and pleaded no contest to two counts. His sentence included 270 days' incarceration, five years' probation and tether, registration as a sex offender for 25 years, and no contact with any minor under the age of 17 for the five years he was on probation. In the best-case scenario, respondent would be able to have contact with the minor child in one year if the terms of his probation were modified because of his compliance, and in the worst-case scenario, he would not be able to have contact with the minor child for another four years. The likelihood that the terms of probation would be revised to allow respondent contact with the minor child was not great given respondent's failure to admit responsibility for his criminal actions. Based on this evidence, the trial court did not clearly err in finding that respondent had failed to provide proper care and custody in the past, and he would be unable to provide proper care and custody in the foreseeable future, particularly in light of the fact that the minor child was only two years old. Therefore, termination was appropriate under MCL 712A.19b(3)(g). In addition, given respondent's apparent willingness to view children as sex objects, his history of neglecting the minor child, his laxity with regard to exposing his child to pornography, and his failure to take the parenting classes offered to him, there was a reasonable likelihood that the minor child would be harmed if returned to respondent. Consequently, termination was also appropriate under MCL 712A.19b(3)(j).

Respondent argues that petitioner was not zealous in its efforts toward reunification, that he could have made the necessary progress for reunification if he had been given additional time and additional services, and that there was not a determination of how long he would need before he would be ready to be reunified with the minor child. However, these arguments are not supported by an accurate assessment of the facts. Petitioner was unable to refer respondent for counseling because respondent refused to provide petitioner with his home address. In addition, respondent was referred for parenting classes and failed to attend before his incarceration. Although respondent did attend most of the visitations offered before he went to jail, after he was incarcerated he inquired only once by letter regarding how the minor child was doing and did not make any inquiries after he was released from jail. Further, under the terms of his probation, respondent was unable to have contact with the minor child for five years. Respondent refused to admit responsibility with respect to those charges, and the testimony of his probation officer was that the terms of his probation would not likely be modified. Respondent's further argument that there was no parental neglect, including long-term neglect or serious threats to the future welfare of the child, is without merit based on the evidence presented at trial.

Finally, the evidence established that termination of respondent's parental rights was in the best interests of the minor child. MCL 712A.19b(5). There was not a strong bond between the minor child and respondent, and there was no identifiable impact on the minor child relative to his separation from respondent. Respondent had not provided the minor child with the basic requirements of cleanliness and safety from harm in the home, and it was questionable whether respondent could provide the love, affection and guidance that the minor child needed.

Affirmed.

/s/ Peter D. O'Connell
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio