

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SEMA'J NEVAEH SHANAE
KNIGHT, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JAMES EDWARD KNIGHT,

Respondent-Appellant,

and

SHANIDA TERE E CAVER,

Respondent.

UNPUBLISHED
September 1, 2009

No. 291038
Wayne Circuit Court
Family Division
LC No. 02-413289-NA

Before: M. J. Kelly, P.J., and K. F. Kelly and Shapiro, JJ.

MEMORANDUM.

Respondent James Knight appeals as of right from a circuit court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), (h), and (j).¹ Because we conclude that there were no errors warranting relief, we affirm.

The trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g), (h), and (j) were each established by clear and convincing evidence. MCR 3.977(G)(3), (J); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The child came into care at birth, in part because respondent was incarcerated. The child became a temporary court ward in April 2008. The supplemental petition was filed approximately seven months later. At that time, respondent was once again incarcerated and was not due to be released for seven years. Although respondent would be

¹ Contrary to respondent's contention, the record discloses that the trial court relied on § 19b(3)(a)(ii), not § 19b(3)(a)(i). Further, there is no indication that the court relied on § 19b(3)(k)(i).

eligible for parole in a little over a year, there was no evidence that he was likely to be paroled at that time. Any error in relying on § 19b(3)(a)(ii) as an additional statutory ground for termination was harmless, because the trial court properly found that termination was warranted under the remaining grounds cited. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Further, based on the record as a whole, and given that the child had no bond to respondent, who was serving a lengthy prison sentence and even admitted that it would not be fair to the child to delay permanency until he was released, we are not left with a definite and firm conviction that a clear error was made in the trial court's best interests determination. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357. Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Michael J. Kelly
/s/ Kirsten Frank Kelly
/s/ Douglas B. Shapiro