

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
April 17, 2012

In the Matter of M. JOHNSON, Minor.

No. 306332
Eaton Circuit Court
Family Division
LC No. 10-017741-NA

Before: FORT HOOD, P.J., and CAVANAGH and K. F. KELLY, JJ.

PER CURIAM.

Respondent appeals by right the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding clear and convincing evidence to support the statutory grounds for termination. See MCR 3.977(K); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Although respondent was present at the child's birth and signed the birth certificate as her father, he demonstrated no interest in participating in the child's life from the beginning of the child protective proceedings. He was present in court at the first dispositional hearing and was deemed to be the child's putative father. Arrangements were made for him to take a paternity test, and he was told by the worker that visitation could be arranged for him, even as the putative father. He was provided with the worker's contact information and told to maintain contact. However, respondent did not try to arrange visitation, "forgot" to attend the first scheduled paternity test, and did not maintain contact. Instead, he moved to a different residence without updating his information and his whereabouts were unknown for some time. The child was removed from her mother right after her birth, and respondent did not take the paternity test until seven months later. He did not contact the worker until three months after the test. The worker went to his home shortly after this contact, and respondent angrily refused to cooperate and refused to sign the parent/agency treatment plan or the release of information form. Again, he was offered visitation but did not try to arrange a visit. At the termination hearing, over a year after the child's removal from her mother, respondent had never attempted to visit with the minor child or provided any care or support. His testimony, during which he exhibited his anger and blamed others for the situation, clearly demonstrated that he did not intend to cooperate or acknowledge any responsibility for the situation.

Respondent's argument that he did not want to establish a relationship with the child until he was declared the legal father fails to explain his delay in taking the paternity test or his failure

to cooperate or arrange a visit after he learned that he was the biological father. Respondent's argument that he was not "required to be involved" until he was declared the legal father fails to acknowledge that he was offered visitation from the beginning of this case, but chose not to visit or even maintain any contact with petitioner. His appellate argument that he was obeying an earlier court order, which had suspended visitation, is without merit. The record clearly shows that he was offered the opportunity to visit, even as the putative father.

Based on respondent's conduct during the case, the trial court did not err in finding that he would not rectify the conditions of adjudication or provide proper care and custody for the child within a reasonable time considering her age. Respondent was incarcerated at the time of the termination hearing for an incident that demonstrated serious anger issues. He faced several additional felony charges. Even if the charges were dismissed, as he believed, respondent would be required to comply with a treatment plan that would most certainly provide for psychological evaluations, anger management classes, parenting classes, and a suitable home and income.

The trial court also did not err in concluding that petitioner complied with its statutory mandate to provide services to meet the goal of reunification. See MCL 712A.18f; *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005). The record clearly shows that respondent made no attempt to comply with anything that was asked of him. His refusal to sign the necessary paperwork and his failure to maintain contact prohibited petitioner from providing services, even though the workers made every effort to locate and work with him toward reunification.

Finally, the trial court did not clearly err in concluding that termination of respondent's parental rights was in the child's best interests. See MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-367; 612 NW2d 407 (2000). The record contains sufficient evidence to support the court's finding. Respondent's life was unstable, his relationship with his fiancé was on and off, and he was incarcerated at the time of the termination hearing for felonies that included violence and displays of immature and uncontrollable anger. He had never established any relationship with his child, even to visit her, and had refused to cooperate with petitioner. His failure to acknowledge the many times the court and petitioner informed him that he could have visitation with his child demonstrates his unwillingness to take any responsibility for her.

Affirmed.

/s/ Karen M. Fort Hood

/s/ Mark J. Cavanagh

/s/ Kirsten Frank Kelly