

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY FRANK, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD FRANK,

Respondent-Appellant,

SHAWN FRANK,

Respondent.

UNPUBLISHED
February 16, 2001

No. 226555
Macomb Circuit Court
Family Division
LC No. 96-043390-NA

Before: Hood, P.J., and Doctoroff and K. F. Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (3)(c)(i), (3)(g), and (3)(j); MSA 27.3178(598.19b)(3)(a)(ii), (3)(c)(i), (3)(g), and (3)(j). We affirm.

Review of the record reveals that respondent had a history of criminal behavior as well as a history of drug abuse. Respondent's parental rights to three other children were terminated due to neglect. Specifically, respondent left the children in the care of his wife, the children's biological mother, when he knew she was a heroin user. Respondent was incarcerated for periods of time between 1995 and 1998. Despite petitioner's involvement with the couple since 1995, the two reunited and conceived the minor child at issue. They made no attempts to satisfy the needs of their children, but merely looked after their own personal needs. This minor child tested positive for opiates at birth and was immediately taken into foster care. Mother disappeared, and respondent was incarcerated and unable to care for the minor child. While respondent was to be released shortly from confinement at the time of disposition, he had never seen nor provided for his fourteen month old minor child and did not have housing established.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 352; 612 NW2d 407 (2000). There was no evidence that respondent could provide proper care and custody within a reasonable period of time considering the child's age. Termination was required unless the court found that termination was clearly not in the child's best interests. *Id.* at 364-365. On this record, we cannot conclude that termination was clearly not in the child's best interests. Finally, we cannot conclude that the trial court abused its discretion in denying respondent's request for an adjournment. *In re King*, 186 Mich App 458, 466; 465 NW2d 1 (1990).

Affirmed.

/s/ Harold Hood

/s/ Martin M. Doctoroff

/s/ Kirsten Frank Kelly