

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JERMAINE DONTAY ANTON
HYDE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JERMAINE HYDE, SR.,

Respondent-Appellant,

and

CATHERINE SMITH,

Respondent.

UNPUBLISHED
February 22, 2002

No. 236620
Berrien Circuit Court
Family Division
LC No. 2000-000057-NA

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (g), and (j). We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Trejo Minors*, 462 Mich 341, 356; 612 NW2d 407 (2000). If the court determines that the petitioner has proven by clear and convincing evidence one or more of the statutory grounds for termination, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 351-354.

The trial court did not clearly err in finding that petitioner established the existence of one or more grounds for termination by clear and convincing evidence. Respondent admitted that he had no contact with the child for a lengthy period of time, and he did not seek custody of the child during that period. He failed to attend hearings, he failed to participate in needed services to improve his parenting skills, and he lied concerning his whereabouts until he was

eventually jailed. Therefore, petitioner established the ground for termination contained in MCL 712A.19b(3)(a)(ii).

Further, with regard to subsection (3)(g), the evidence established that respondent lacked the skills and judgment necessary to provide proper care or custody for this special needs child, and his refusal to accept instruction negated any reasonable expectation that he would be able to do so within a reasonable time. For the same reasons, termination was appropriate under subsection (3)(j). Respondent's indifference about exposing the child to health risks and improperly feeding him, along with his admitted unawareness of the child's medical problems, made it likely that the child would be harmed if returned to respondent once he is out of jail. Termination of respondent's parental rights was therefore proper.

Finally, respondent argues that the trial court erred in determining that termination was in the child's best interests. We disagree. Contrary to respondent's argument, the evidence did not show that termination was clearly not in the best interests of the child. MCL 712A.19b(5). The trial court did not commit clear error. *Trejo, supra* at 356-357.

Affirmed.

/s/ Michael R. Smolenski
/s/ Martin M. Doctoroff
/s/ Donald S. Owens