

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EK and TK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PHILLIP KEMP,

Respondent-Appellant.

UNPUBLISHED

March 5, 2002

No. 235280

St. Clair Circuit Court

Family Division

LC No. 99-000731-NA

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating his parental rights. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341, 350; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.*, 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.*, 356.

MCL 712A.19b(3) provides for termination of parental rights when

(c) The parent was a respondent in a proceeding brought under this subchapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

* * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

There was clear and convincing evidence to support the termination of respondent's parental rights. Respondent took no steps to provide proper care and custody of the children. When the children's mother relinquished her parental rights, respondent was in prison and he did not propose any alternative custody arrangement. The fact that respondent loved his daughters was not sufficient to maintain his parental rights when he did not provide proper care and custody for them.

We affirm.

/s/ Richard A. Bandstra
/s/ William B. Murphy
/s/ Christopher M. Murray