

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.A.L., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBERT LUCAS,

Respondent-Appellant,

and

ALONDA BROWN,

Respondent.

UNPUBLISHED

April 19, 2002

No. 236778

Berrien Circuit Court

Family Division

LC No. 2001-000066-NA

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

MEMORANDUM.

Respondent Robert Lucas appeals as of right the order terminating his parental rights to A.A.L. We affirm.

Respondent, the putative father of A.A.L., was incarcerated during these proceedings. A petition was filed asserting that respondent failed to provide proper care and custody of the child, and respondent's incarceration would deprive the child of a normal home for more than two years. MCL 712A.19b(3)(g) and (h). Notice was provided to respondent, and he took no action. The trial court terminated his parental rights, finding that it was in the best interest of the child to terminate respondent's parental rights where he had done nothing for the child.

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; 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.

There was clear and convincing evidence to establish both statutory grounds for termination. Respondent did nothing to provide proper care and custody for the child. His maximum prison out date was May 5, 2005, and his earliest release date was August 5, 2002. The trial court acted within its discretion in providing notice to respondent as the putative father, and in terminating his parental rights. MCR 5.921(D).

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh