

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HELENA MESHELL MULLINS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

DONALD STEVEN MULLINS, JR.,

Respondent-Appellant,

and

DIANE SUSAN NORRIS FAULHABER,

Respondent.

UNPUBLISHED

January 13, 2004

No. 246441

Wayne Circuit Court

Family Division

LC No. 02-409646

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g). The child was removed from the home when she was less than one month old after a petition seeking termination of parental rights at the initial dispositional hearing was filed. Protective services received the referral because the child's mother, who voluntarily relinquished her parental rights, had previously had her parental rights terminated to another child. Because respondent's parental rights were terminated at the initial dispositional hearing, reunification efforts were not required. Respondent's current incarceration precluded reunification attempts. His incarceration would extend beyond the hearing by at least five additional months, and respondent is required upon release to undergo substance abuse rehabilitation, obtain a source of income, and establish a home. There was no relationship between father and child, and because the stated factors and the child's young age and need for permanency are established by clear and convincing evidence, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(A) and (E)(1)(b).

Respondent-appellant's argument that the petitioner failed to make reasonable efforts to reunite him with his child is without merit. Because termination of parental rights was sought at

the initial dispositional hearing, the petitioner was not required to make efforts at reunification. MCL 712A.19b(4); MCR 5.974(D), now MCR 3.977(E).

Moreover, the trial court did not clearly err in finding that the statutory ground was established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The evidence established that Helena was removed from the home shortly after birth, and respondent-appellant had no relationship with her. Respondent-appellant was incarcerated at the time of the termination hearing and would remain incarcerated for at least five months after the termination hearing. Moreover, once being released from prison, respondent-appellant would have to address his substance abuse problem, establish a home, and obtain an income. The trial court did not clearly err in finding that it would take respondent-appellant an unreasonable amount of time to address these issues, considering Helena's young age and need for permanency.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard A. Griffin
/s/ Kathleen Jansen