

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SELESTINO WELLS, ANGEL
WELLS, STEVEN WELLS, ANGELO WELLS,
and SESILIA WELLS, Minors

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEVEN HARRIS,

Respondent-Appellant,

and

ROSHELLE ALTAMIRANO, ALFREDO
AMAYA, NOEL PANCHO, and SAUL AVILA,

Respondents-Not Participating.

UNPUBLISHED

June 8, 2004

No. 252943

Kent Circuit Court

Family Division

LC No. 02-263700-NA

Before: Markey, P.J., and Wilder and Meter, JJ.

MEMORANDUM.

Respondent-appellant appeals by right from the trial court order terminating his parental rights to his minor child Steven Wells under MCL 712A.19b(3)(a)(ii), (c)(i), and (g). We affirm.

The trial court did not clearly err when it found that statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant did not make any effort to contact his child or caseworkers for five months. He therefore deserted his child and failed to seek custody for at least ninety-one days. See MCL 712A.19b(3)(a)(ii). The conditions leading to adjudication, specifically lack of employment and independent housing and an unstable lifestyle, also continued to exist at the time of termination and were unlikely to change within a reasonable time. See MCL 712A.19b(3)(c)(i). Finally, respondent-appellant did not provide proper care and custody in the past because he was incarcerated, and he was unable to do so within a reasonable time, considering his lack of employment and stable housing and his failure to contact his child or caseworkers for five months. See MCL 712A.19b(3)(g).

The evidence also did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357, 365; 612 NW2d 407 (2000). Although respondent-appellant acted appropriately during visits, there was no evidence the child bonded with respondent-appellant, who had no contact with the child for his first eight years. Further, respondent-appellant's lack of employment and stable housing suggested he could not adequately provide for the child's basic needs.

Therefore, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Jane E. Markey
/s/ Kurtis T. Wilder
/s/ Patrick M. Meter