

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KEVIN KING, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VICTOR WIGFALL,

Respondent-Appellant,

and

KYNA KING,

Respondent.

UNPUBLISHED

June 15, 2004

No. 252300

Berrien Circuit Court

Family Division

LC No. 03-000053-NA

Before: Sawyer, P.J., and Gage and Owens, 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) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that at least one statutory ground for termination of parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed that because of his arrest for home invasion seven months prior to Kevin's birth, and subsequent assault of an officer, respondent-appellant was incarcerated and unable to provide care or custody for Kevin. Given the fact that respondent-appellant had no certain release date from prison, no home of his own and no job, that his past was replete with criminality, and that he would be required to comply with significant services upon release from prison, the trial court did not err in determining that there was no reasonable expectation that respondent-appellant would be able to provide proper care or custody for Kevin within a reasonable time.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in Kevin's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341,

356-357; 612 NW2d 407 (2000). There was no established parent-child bond. Permanency with respondent-appellant within a reasonable time was not an expectation, and even placing Kevin with paternal relatives until the unknown time at which respondent-appellant may be able to parent would not provide Kevin with permanence.

Respondent-appellant also argues that the agency abrogated its duty to provide him with services. However, a case service plan need not be directed at reunification. MCL 712A.18f(3)(d). In this case, the initial goal of both the September 26, 2002, and May 8, 2003, petitions was termination of respondent-appellant's parental rights because of his incarceration and inability to participate in the type of extensive services required. Therefore, the agency's plan for respondent-appellant was not to provide services, and there was no reversible error in its failure to provide them.

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens