

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ALYSSA MARIE FRANK,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARK FRANK,

Respondent-Appellant,

and

MELINDA MILLER,

Respondent.

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UNPUBLISHED  
September 30, 2004

No. 255027  
Saginaw Circuit Court  
Family Division  
LC No. 01-027244-NA

Before: Borrello, P.J., and Murray and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating his parental rights to the minor child, pursuant to MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Respondent-appellant was incarcerated at the time the minor child was taken into temporary custody. He was unable to provide the minor child with a place to live and was unable to financially support the child. He did not provide any alternate placements for the minor child during the course of the proceedings, even after receiving copies of the service plans that specifically stated that there was no relative placement identified and the minor child was placed in foster care after her mother's relapse into cocaine use. During the two and a half year pendency of this case, respondent-appellant was released from prison for approximately forty days and saw the child once for twenty minutes. Although he claimed that he was not allowed to visit more, he did not contact the FIA caseworker to ask for help with visitation. After the child's mother's rights were terminated, and approximately one month prior to the continuation of the termination trial with respect to respondent-appellant, he claimed to have sent the FIA

worker a letter indicating that his sister could care for the minor child until his release and that he had eleven brothers and sisters who could help. However, none of respondent-appellant's relatives appeared at the termination trial.

At the time of the termination trial, respondent-appellant was still incarcerated. He had already been denied parole once, and his earliest release date was October 2004 with the latest release date in 2007. The child was almost four years old and was dealing with behavioral problems and an emotional disorder and needed stability and permanency according to the therapist who was treating her. Respondent-appellant had done nothing during the pendency of this case to provide for the minor child. In fact, the only thing asked of respondent-appellant was that he maintain monthly contact with the FIA, and he failed to do even that.

Furthermore, the evidence failed to establish that termination of respondent-appellant's parental rights was not in the minor child's best interests. *In re Trejo Minors*, 462 Mich 341, 355-356; 612 NW2d 407 (2000). The court found that if the minor child were going to be able to bond and attach to people, she needed to have stability in the near future. Respondent-appellant could not provide this stability for her.

Affirmed.

/s/ Stephen L. Borrello  
/s/ Christopher M. Murray  
/s/ Karen M. Fort Hood