

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BABY GIRL BROWN, a/k/a
KEANU BROWN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CHARLES E. THOMAS, JR.,

Respondent-Appellant,

and

ARNETTA BROWN,

Respondent.

UNPUBLISHED

January 10, 2006

No. 263385

Genesee Circuit Court

Family Division

LC No. 03-117050-NA

Before: O'Connell, P.J., and Smolenski and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the child under MCL 712A.19b(3)(a)(ii), (c)(ii), (h), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In September 2003, petitioner filed a petition seeking temporary custody of Keanu and her four half-siblings, alleging that the children's mother had failed to properly care for the children. The children's mother admitted to the allegations in the petition, and the court took jurisdiction over the children. Respondent-appellant was incarcerated at the time, having been sentenced on June 13, 2001, when Keanu was three years old, to five to ten years on charges of armed robbery. His earliest release date was September 19, 2005, and his latest release date was September 19, 2010. He admitted that he had served a 3½-year sentence in 1992 for assault with intent to do great bodily harm and felony-firearm.

Respondent-appellant had last seen Keanu right after he was sentenced in 2001. He had not provided any financial support for the child since his incarceration. The caseworker conceded

that respondent-appellant loved Keanu and expressed concern over her well-being but found that, while Keanu cared about respondent-appellant as her father, there was only a loose bond between the two wherein Keanu enjoyed receiving letters from him and acknowledged him as her father. Petitioner filed a permanent custody petition in March 2005, and the termination trial was held in June 2005. The trial court concluded that the evidence supported termination of respondent-appellant's parental rights under §§ 19b(3)(a)(ii), (c)(ii), (h), and (j).

The trial court did not clearly err in terminating respondent-appellant's parental rights under each of the cited statutory grounds where the evidence showed that respondent-appellant had been incarcerated since Keanu was three years old, that he was incarcerated at the time of trial and could remain incarcerated for an additional five years after the termination trial, that he had not supported Keanu financially while he was incarcerated and not been in contact with her until the instant proceedings had commenced, and that he had a criminal history. MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, this evidence did not establish that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Peter D. O'Connell
/s/ Michael R. Smolenski
/s/ Michael J. Talbot