

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY MEGAN DEAKIN,
Minor.

PHILLIP EUGENE WILAMOWSKI and
DEBORA JEAN WILAMOWSKI,

UNPUBLISHED
June 22, 2006

Petitioners-Appellees,

v

ROBERT SCOTT DEAKIN,

Respondent-Appellant.

No. 267325
Wayne Circuit Court
Family Division
LC No. 05-082317-AY

Before: Davis, P.J., and Sawyer and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 710.51(6). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. *In re ALX*, 247 Mich App 264, 272; 636 NW2d 284 (2001); *In re Hill*, 221 Mich App 683, 691-692; 562 NW2d 254 (1997). Respondent failed to comply with a child support order, and five letters and one phone call in over two years did not constitute substantial and regular attempts to contact or communicate with the child.

Further, the evidence did not show that termination of respondent's rights was not in the child's best interests. *In re Newton*, 238 Mich App 486, 494; 606 NW2d 34 (1999); *Hill, supra* at 692. Respondent, who had been incarcerated on and off for the majority of the child's life, acknowledged that he had not been the father he wanted to be and that his child might reach the age of majority before his release from prison.

Affirmed.

/s/ Alton T. Davis
/s/ David H. Sawyer
/s/ Bill Schuette