

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESHAWN WILLIAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDWARD HUDSON,

Respondent-Appellant,

and

MARIAH WILLIAMS,

Respondent.

UNPUBLISHED

November 16, 2006

No. 270397

Berrien Circuit Court

Family Division

LC No. 2004-000041-NA

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

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the child under §§ 19b(3)(g) and (j). Because petitioner established by clear and convincing evidence at least one statutory ground for termination of parental rights and the record as a whole fails to establish by clear evidence that termination is not in the child's best interests, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Petitioner filed a petition seeking to place DeShawn into the court's custody shortly following his birth on April 10, 2004, alleging that his mother, Mariah Williams, had another child in the court's care and was unable to properly care for DeShawn. Williams had identified another man as DeShawn's biological father, but on the date of her termination trial, respondent-appellant appeared at the trial, claiming he had reason to believe he was the child's biological father. Williams agreed and executed an affidavit of parentage naming respondent-appellant DeShawn's legal father.

Respondent-appellant indicated he wanted to plan for DeShawn, and petitioner prepared a parent-agency agreement for him. Petitioner wanted respondent-appellant, who had a criminal history and had never established a relationship with DeShawn, to address issues of emotional

instability and parenting. Further, DeShawn had several medical issues, including partial paralysis of the left side of his body and seizures, and saw eight medical specialists a week. Accordingly, respondent-appellant's parent-agency agreement required that he complete a psychological evaluation, complete parenting classes, and visit DeShawn. Respondent-appellant never completed a psychological evaluation or parenting classes and visited DeShawn only three times during the year he participated in services. Because respondent-appellant lived in Cook County, Illinois, he acknowledged that petitioner was unable to provide services in that jurisdiction and he had to seek his own services. Although respondent-appellant contended that he was unable to visit DeShawn during several scheduled visits because he was either incarcerated or subject to a tether that prohibited his leaving Illinois, the caseworker testified that respondent-appellant delayed getting information to her regarding the authorization required by Illinois authorities to release respondent-appellant from his tether. The caseworker also testified that respondent-appellant failed to ask about the child even when he was not incarcerated or subject to the tether.

The foregoing evidence shows that the trial court did not clearly err in finding termination was appropriate under §§19b(g) and (j). MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence 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*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not clearly err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio