

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PRINCESS LAMAE DAVIS,
DWAYNE ANTOINE DAVIS, and DARREL
JEROME DAVIS, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
December 19, 2006

Petitioner-Appellee,

v

DERRICK DREW DAVIS,

Respondent-Appellant.

No. 270134
Oakland Circuit Court
Family Division
LC No. 04-701331-NA

Before: Murphy, P.J., and Smolenski and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. 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's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent had been incarcerated for ten years, had no definite outdate other than his maximum outdate of 2009, and had no plan for housing or employment upon his release. Respondent had not supported or actually seen his children in ten years because of his incarceration. At the time the original petition was filed because of sexual abuse, respondent denied any knowledge of what was going on with his children or even where they were living. Respondent wanted his children to live with relatives during the remainder of his incarceration. However, none of his relatives came forward to offer a plan for the children. Accordingly, the trial court did not clearly err in terminating respondent's parental rights rather than delaying

permanency for any more of the children's lives in the hope that respondent might be released from prison and be able to provide proper care and custody for them.

Affirmed.

/s/ William B. Murphy
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly