

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ELEXIA NEWMAN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ESTEE NEWMAN,

Respondent-Appellant,

and

RHONDA BELL,

Respondent.

UNPUBLISHED

December 19, 2006

No. 271766

Genesee Circuit Court

Family Division

LC No. 04-117887-NA

Before: Meter, P.J., and O'Connell and Davis, JJ.

MEMORANDUM.

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

The trial court did not 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). The child was a twin who was born prematurely at 24 weeks' gestation. She had numerous medical problems as a result, including a tracheotomy and chronic lung problems. Respondent-appellant was incarcerated during much of the proceedings, but in the five-month period that he was able to avail himself of services, he failed to do so. Aside from parenting classes, anger management classes, and substance abuse classes that the trial court generously credited respondent-appellant with attending while in prison, respondent-appellant was in noncompliance with his parent-agency agreement. Respondent-appellant claimed that he had housing and employment available to him after his release, but there was no verification of that. He refused to submit to drug screens and he failed to submit to a substance abuse evaluation or psychological evaluation. The workers testified that respondent-appellant's visits with the child were sporadic and that, when he did visit, he was belligerent and verbally abusive to the workers. He failed to contact the workers to check on the child's status. Respondent-

appellant argues that workers failed to investigate his grandmother as a potential placement. However, there was no evidence that she would have been able to care for the child and, more importantly, she did not come forward to do so. The most critical failure on respondent-appellant's part was his failure to familiarize himself with the medical training needed to care for his child's special needs. The child needed specialized and intensive care that he was not able to provide.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court was required to terminate respondent-appellant's parental rights unless it appeared from the record that termination 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). The child had been in foster care for almost two years. Respondent-appellant admitted that he had not seen the child since 2004. There was no bond to speak of. Additionally, the child was medically fragile and needed specialized care. She was entitled to permanence and stability.

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O'Connell
/s/ Alton T. Davis