STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of TONY JAMES ALBERT, JR,
Minor.

DEPARTMENT OF HUMAN SERVICES,

      Petitioner-Appellee,

v

TONY JAMES ALBERT, SR,

      Respondent-Appellant.

UNPUBLISHED
January 3, 2008

No. 278306
Berrien Circuit Court
Family Division
LC No. 2005-000021-NA

Before: Murray, P.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g). 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 JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). Respondent regularly visited his son and participated in a variety of services, but he failed to benefit from those services to the point where his child would not be at risk in his custody. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). Although respondent asserts that more time was needed to allow him to participate in more intensive support services, the court had already given him two years, which was sufficient to enable respondent to demonstrate whether he was capable of properly parenting his child. Respondent's last-minute offer of a support plan at the termination hearing was simply insufficient. Although respondent complains that he was never offered unsupervised visits with his child, we find no basis in the record for concluding that respondent ever reached a level where unsupervised visits were appropriate.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 354. Therefore, the trial court did not err in terminating respondent's parental rights to the child. *Id.* at 356-357.

Affirmed.

/s/ Christopher M. Murray
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder