

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DARREN WILLIAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DARREN JOHNSON,

Respondent-Appellant.

UNPUBLISHED

January 29, 2009

No. 288295

Berrien Circuit Court

Family Division

LC No. 2007-000041-NA

Before: Hoekstra, P.J., and Fitzgerald and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from an order that terminated his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions leading to adjudication involved an inability to locate the child's mother as well as respondent's continued imprisonment. When respondent was released from prison, petitioner identified parenting skills, substance abuse issues, communication, interpersonal skills, employment, housing, and income management as possible barriers to reunification. The evidence revealed that many of these obstacles remained at the time of trial. Although substance abuse was not an issue, respondent was unemployed and his housing situation could not be verified because he failed to supply the worker with the necessary information. His parenting skills remained a mystery because he failed to visit the child. In fact, respondent visited the child only seven times out of 30 opportunities to do so. In addition to these problems, respondent was facing the possible revocation of his probation for failing to submit to a couple of substance screens and for lying about his employment. Respondent's instability justified the termination of his parental rights under each of the enumerated subsections.

Having found the statutory grounds for termination proven by clear and convincing evidence, the trial court was obligated to terminate respondent's parental rights if it was in the child's best interests to do so. MCL 712A.19b(5). The child was four years old when respondent went to prison and was seven years old when respondent was released. Although respondent was offered 30 visits, he availed himself of only seven. There was one reporting

period where respondent failed to visit the child at all for a period of nearly four months. The child may have acknowledged that respondent was his father, but it could not be said that the two shared a close bond. The child told the worker that he was willing to be with respondent, or his foster family, or a relative named Aunt Dolores. The worker believed that the child just wanted to be settled. He was entitled to permanence and stability, and respondent did not appear to be able to offer either. As such, it was in the child's best interests to terminate respondent's parental rights.

Affirmed.

/s/ Joel P. Hoekstra
/s/ E. Thomas Fitzgerald
/s/ Brian K. Zahra