

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of B'ELANNA WARD, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROGER WARD JR.,

Respondent-Appellant,

and

AMANDA LLOYD,

Respondent.

UNPUBLISHED

April 20, 2010

No. 293649

Berrien Circuit Court

Family Division

LC No. 2008-000032-NA

Before: SERVITTO, P.J., AND FITZGERALD AND BECKERING, JJ.

PER CURIAM.

Respondent, Roger Ward, Jr., appeals as of right from the trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(h) and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights had been established by clear and convincing evidence and that termination was in the child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991); MCL 712A.19b(5).

The minor child was removed from her mother's care for issues of neglect. Respondent was in prison serving a life sentence for first-degree murder when the minor child was removed and at the time of the termination hearing. He had been sentenced when the minor child was approximately 13 months old, and the child was over nine years old at the time of the termination hearing. Respondent had minimal contact with the child after he was sent to prison and admitted that he did not have a relationship or share a bond with her. No testimony was presented with regard to respondent's financial support of the minor child or communication with her. Respondent had not requested the opportunity to speak with the minor child on the telephone until the termination hearing.

Respondent argues that he presented a plan for caring for the child during his incarceration in that his grandmother or the minor child's maternal aunt were appropriate caregivers and wanted to care for the minor child. The evidence shows that respondent did communicate with the trial court and petitioner informing them that his grandmother, Bessie Ward, would be an appropriate person to be awarded custody. Bessie Ward testified that she did present herself to the child protective services worker on the case but was never contacted. However, the caseworker testified that she conducted an initial investigation and learned that Bessie Ward's husband had a criminal history. The caseworker sent a letter to Bessie Ward requesting that Ward contact the caseworker, but received no response. Bessie Ward's own testimony revealed that her son, respondent's father, had been living with her and that he also had a criminal history. She testified that she was 82 years old with no health problems, but she had difficulty with times and dates and no longer kept track of such things. She previously had custody of one of her grandchildren for a period of a year and a half approximately six or seven years earlier, but could not remember the child's last name. Nothing in the record showed that respondent presented Dorothy Hager, the child's maternal aunt, as a possible option for placement of the child until he testified at the termination hearing. Hager admitted at the termination hearing that she allowed a man named Daniel Mitchell to live with her who had his parental rights terminated because of "extensive and severe abuse to the child." The caseworker testified that she did not know who Dorothy Hager was and had never done a home study.

Because respondent was serving a life sentence, any plan for the minor child's care would have to be for the remainder of her childhood. Respondent did not have a home to which the minor child could be returned. The minor child had been subjected to severe neglect over an extended period and needed a safe and stable environment. The evidence does not support a determination that either Bessie Ward or Dorothy Hager would be able to provide the minor child with an environment that would allow her to experience the safety and stability that she needed.

Consequently, the trial court did not err in finding the statutory grounds established. MCR 3.977(J). Moreover, termination of respondent's parental rights was plainly in the minor child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Deborah A. Servitto
/s/ E. Thomas Fitzgerald
/s/ Jane M. Beckering