

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
January 29, 2013

In the Matter of BAKER, Minors.

No. 311285
Kent Circuit Court
Family Division
LC Nos. 10-053859-NA;
10-053860-NA

Before: RONAYNE KRAUSE, P.J., and CAVANAGH and BOONSTRA, JJ.

PER CURIAM.

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

At the outset, although not contested by respondent, we note that the trial court did not clearly err in finding that the three statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The conditions that led to the adjudication in this case continued to exist at the time of termination and respondent father was a minimum of two years away from being released from prison. Because of the circumstances, respondent failed to provide proper care or custody for the minor children and there was no reasonable expectation that he would be able to provide that care within a reasonable time because of the children's young ages. Additionally, respondent father had been convicted of criminal sexual conduct and the trial court found that terminating his parental rights was in the children's best interests. We find that the trial court did not clearly err in finding statutory grounds for termination under MCL 712A.19b(3)(c), (g), and (n). See *Trejo Minors*, 462 Mich at 356-357.

After a trial court has established a statutory ground for termination by clear and convincing evidence, the trial court should order termination of parental rights if termination is in the best interests of the children. MCL 712A.19b(5); *In re Beck*, 488 Mich 6, 11; 793 NW2d 562 (2010). In determining the minor children's best interests, the trial court noted that respondent father was to be incarcerated for at least two more years, respondent father had failed to identify a relative who could care for the children until he was released from prison, and that because of the children's young ages, they needed an available, permanent parent as soon as possible. The trial court also considered the lack of a strong bond between the children and respondent father. The trial court properly considered these factors. See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293

(1991). We find that the trial court's determination that the termination of respondent father's parental rights was in the minor children's best interests was not clearly erroneous. See *Trejo Minors*, 462 Mich at 356-357.

On appeal, respondent father argues that the trial court erred because it did not explicitly consider, on the record, the sibling bond between the minor children and their other siblings in determining their best interests. This issue was unpreserved and is reviewed for plain error. *In re Utrera*, 281 Mich App 1, 8; 761 NW2d 253 (2008). Respondent father has not provided us with any applicable, binding authority for his proposition, and we find none. We hold that the fact that the trial court did not explicitly consider the minor children's bond with their other siblings was not plain error. *Id.*

Affirmed.

/s/ Amy Ronayne Krause

/s/ Mark J. Cavanagh

/s/ Mark T. Boonstra