STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ASHLEY MARIE LOVELY-ELSTON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ERIC REDDING,

Respondent-Appellant,

and

HENRIETTA ELSTON,

Respondent.

UNPUBLISHED
July 22, 2003

No. 244830
Wayne Circuit Court
Family Division
LC No. 01-395931

Before: Zahra, P.J., and Talbot and Owens, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The evidence was uncontroverted that respondent-appellant failed to visit the minor child or to seek custody of her for a period exceeding ninety-one days. Further, the conditions existing at adjudication, that is, respondent-appellant's failure to visit or support the minor child, continued to exist more than one year later at the time of the termination hearing. Respondent-appellant's past neglect and abandonment of the minor child, together with his failure to complete or even make minimal efforts toward completing any of the requirements of the parent-agency agreement, indicate that she would likely be harmed if returned to him. Respondent-appellant's failure to visit or maintain contact with his child also rendered him unable to protect her from sexual abuse.

In light of respondent-appellant's past neglect and abandonment of the minor child, and his continued failure to evidence any commitment as a parent, the trial court did not clearly err by concluding that termination was not contrary to the best interests of the child. MCL 712A.19b(5); *Trejo, supra* at 356-357.

Affirmed.

/s/ Brian K. Zahra
/s/ Michael J. Talbot
/s/ Donald S. Owens