

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHLEY MAE DALY, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
September 27, 2005

Petitioner-Appellee

v

TIMOTHY EDWARD DALY,

Respondent-Appellant.

No. 262119
Saginaw Circuit Court
Family Division
LC No. 03-028839-NA

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). Respondent was incarcerated for committing assault with intent to commit great bodily harm less than murder in 1997, when the minor child was six years old. He was released when she was twelve and was given the opportunity to plan for his daughter. At that time, he promised the child that he would provide a home for her, which she “desperately wanted.” However, he again became involved with the child’s mother, a drug addict who had seriously neglected her children and had made no efforts towards reunification, squandered all his savings on her, held a job for less than a month, violated his parole, and was back in prison within four months. He did not contact the court or the case worker to inform them that he was back in prison or to find out his daughter’s address so that he could continue to communicate with her. Although respondent stated that he took many classes while in prison, it was clear that he did not benefit from them. The minor child was devastated by his actions and gave up all thoughts of ever living with her father. The evidence showed that remaining uncertain about her future would cause even more emotional damage to the minor child, and there was no evidence to support a belief that respondent would do any better upon his release.

Next, respondent argues that the trial court erred by giving preferential treatment to the incarcerated father of the minor child’s younger sibling by allowing that father to have additional time to prove he could be a good parent. We disagree. In termination cases, each parent is

considered as an individual and each statutory ground must be proved by clear and convincing evidence against the particular parent under consideration. As we have concluded, there was clear and convincing evidence of more than one statutory ground to support termination of respondent's parental rights. The fact that the court may have reached a different conclusion in the case of another parent has no bearing on the court's decision to terminate respondent's parental rights.

Finally, the evidence did not show that termination of respondent's parental rights was clearly not in the best interests of the minor child. Respondent had the opportunity to show that he could provide the proper care but did not do so. In addition, he places the blame for everything that went wrong during his release from prison on petitioner and refuses to take any responsibility for his actions. The minor child's therapist presented sufficient evidence to show that termination of respondent's parental rights would be in the minor child's best interests.

We affirm.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio