

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSEPH CARL ALEXANDER,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOSEPH CARL ALEXANDER,

Respondent-Appellant.

UNPUBLISHED

October 4, 2005

No. 260538

Muskegon Circuit Court

Family Division

LC No. 03-032267-NA

Before: Saad, P.J. and Jansen and Markey, 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)(g) and (h).¹ We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent had a lengthy criminal history and was incarcerated at the time of the termination hearing. Respondent delayed establishing paternity until after he was incarcerated, and he never provided financial support or had custody of the child. Petitioner did not prepare a parent/agency agreement for respondent because his imprisonment would not have allowed him to cooperate with such a plan. For the above reasons, we find that the trial court did not clearly err in finding that those statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

¹ Although respondent argues that his rights were terminated under MCL 712A.19b(3)(a), (c)(i), (c)(ii), (g), (h), and (j), the trial court's opinion makes it clear that the court relied on sections (g) and (h) only.

Affirmed.

/s/ Henry William Saad

/s/ Kathleen Jansen

/s/ Jane E. Markey