

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ROGELIO SANCHEZ
IRIZARRY, Minor.

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

UNPUBLISHED
November 15, 2005

Petitioner-Appellee,

v

ROGELIO SANCHEZ-ZAMUDIO, SR.,

No. 262260
Kent Circuit Court
Family Division
LC No. 04-055137-NA

Respondent-Appellant,

and

BRENDA IRIZARRY,

Respondent.

Before: Murphy, P.J., and Sawyer and Meter, JJ.

MEMORANDUM.

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

Respondent-appellant does not challenge the specific grounds for termination but contends that the trial court erred in not finding that termination of his parental rights was clearly not in the minor child's best interests. We disagree.

Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision regarding the child's best interests is reviewed for clear error. *Id.* at 356-357.

We find no evidence in the record that supports respondent-appellant's argument. Respondent-appellant was incarcerated in a federal prison with an earliest possible release date in November 2006. The best that respondent-appellant offered to his son was to have him removed from the only stability that he had ever known, his relationship with his siblings, and to send him across the country to live with relatives he had never known. We find that the offer was vacuous because no relative had stepped forward to offer a home to the minor child. Respondent-appellant could not even offer a father-son relationship because the evidence showed that respondent-appellant would be deported to Mexico when he was released from prison. Respondent-appellant did not present any evidence that he had supported or maintained contact with the minor child before his incarceration, and the evidence showed that he did not try to contact his son while he was incarcerated until the foster care worker contacted him in prison in connection with these proceedings. The evidence on the whole record showed that the trial court did not clearly err in finding that termination of respondent-appellant's parental rights was in the child's best interests.

Affirmed.

/s/ William B. Murphy
/s/ David H. Sawyer
/s/ Patrick M. Meter