

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J'AQUAN DA'MONET
WILLIAM JOHNSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDDIE RAY SIBLEY,

Respondent-Appellant.

UNPUBLISHED
February 27, 2007

No. 269775
Saginaw Circuit Court
Family Division
LC No. 04-029436-NA

Before: White, P.J, and Zahra and Kelly, JJ.

MEMORANDUM.

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

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). In the present case, petitioner offered clear and convincing evidence that respondent was not reasonably likely to provide proper care and custody in a reasonable time. His delay in becoming the legal father was understandable, and he interacted well during visits. However, he failed to address his criminal history in counseling, continued breaking the law by driving without a license, failed to prove his ability to financially support the child long term on limited disability payments that might soon end if he was as physically healthy as he claimed, and demonstrated no responsibility regarding his other legal child or children, about whom he continued to be evasive during the termination hearing.

Whenever a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). There is no specific burden on either party; rather, the trial court should weigh all evidence available. *In re Trejo, supra* at 354. Although respondent and the child enjoyed their visits, the child was still very young and never in respondent's care for more than an hour or two each week. Respondent could not provide the stability the child needed. The lower court did not err when it held that termination was not clearly against the child's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Helene N. White
/s/ Brian K. Zahra
/s/ Kirsten Frank Kelly