

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAYLA RENEE KNOLL, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

FRANK KNOLL,

Respondent-Appellant,

and

DONNA SIKORA,

Respondent.

UNPUBLISHED

May 13, 2008

No. 281692

Bay Circuit Court

Family Division

LC No. 06-009272-NA

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

MEMORANDUM.

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

The trial court did not clearly err in finding that a statutory ground for termination, MCL 712A.19b(3)(g), was 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).

Although there was no doubt that respondent displayed an interest in Kayla, there was clear and convincing evidence that supported the trial court's decision. For 18 months before the filing of the original petition in this case and during the 18-month duration of this case, respondent was incarcerated in Pennsylvania. Upon respondent's release from prison one month before his scheduled termination hearing, respondent traveled directly to Bay City and visited petitioner's office to inquire about Kayla.

Respondent had an extensive criminal history that dated back to his teen years. He had a history of alcohol abuse. Respondent did not have a plan for caring for Kayla. In fact, respondent expressed uncertainty about what he would do with a five-year-old girl. Because

respondent had just been released from prison and had a history of alcohol abuse, he would have needed time to actively cooperate and participate in a parent/agency agreement. Most importantly, respondent needed time to build a bond with Kayla considering that he had not been part of her life for three of her five years. Respondent also needed to obtain suitable and stable housing and stable employment. In addition, respondent had to adjust to a lawful existence out of prison. Respondent testified that criminal activity was a hard habit to break because he had started so young and had lived with criminals for so long. Considering that Kayla had already been in foster care for 18 months, she had not had contact with respondent for three years, and respondent needed additional time to prepare for gaining custody of Kayla, the trial court did not clearly err in terminating his parental rights.

Affirmed.

/s/ Pat M. Donofrio

/s/ David H. Sawyer

/s/ William B. Murphy