

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 5, 2010

In the Matter of J. SNOW, Minor.

No. 297321
Berrien Circuit Court
Family Division
LC No. 2009-000050-NA

Before: BORRELLO, P.J., and JANSEN and BANDSTRA, JJ.

MEMORANDUM.

Respondent father appeals by right the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (h), and (j). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

The trial court did not clearly err by terminating respondent's parental rights. MCR 3.977(J). To terminate parental rights, the trial court must find (1) that at least one of the statutory grounds for termination has been met by clear and convincing evidence, and (2) that termination is in the child's best interests. MCL 712A.19b(5); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). In this case, the statutory grounds for termination contained in §§ 19b(3)(g) and (h) were proven by clear and convincing evidence.¹ Respondent father, who is incarcerated, testified that he could be considered for boot camp when he had two years or less remaining on his minimum sentence. This would have been March 28, 2010, at which time respondent would have had to successfully complete boot camp and participate in services to develop parenting skills, which he presently lacks. It is beyond dispute that it would be impossible for reunification to occur less than two years after the child's placement in foster care. MCL 712A.19b(3)(h). Moreover, at the present time, respondent remains in prison with an earliest release date of March 28, 2012. Even if respondent father is released on this date, he still will not have acquired the skills necessary to become a successful parent. And, as noted by the trial court, there is simply no way of knowing how long it might take for him to learn to properly care for the child. Consequently, the evidence established that respondent father is currently unable to provide proper care and custody for the child and will not be able to do so for a

¹ In terminating respondent father's parental rights, the trial court also relied on § 19b(3)(j). But because only one statutory ground need be established to terminate a respondent's parental rights, we need not consider whether petitioner presented sufficient evidence to satisfy § 19b(3)(j). See *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

reasonable time. MCL 712A.19b(3)(g). The trial court did not clearly err by finding that the statutory grounds contained in §§ 19b(3)(g) and (h) had been proven by clear and convincing evidence.²

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Richard A. Bandstra

² Respondent father does not separately argue that the trial court erred by finding that termination was in the child's best interests.