

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.S.E., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHANE R. ELLIOT,

Respondent-Appellant,

and

TINA KREFT,

Respondent.

UNPUBLISHED

January 17, 2003

No. 242390

Mecosta Circuit Court

Family Division

LC No. 01-004084-NA

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii) and (g). We affirm.

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant failed to see the child for more than two hundred days, in spite of efforts by the Family Independence Agency (FIA) to contact respondent-appellant to coordinate visitation. Additionally, there was evidence that respondent-appellant failed to provide proper care or custody for the child and would be unable to do so within a reasonable time, given the child's age. Respondent-appellant did not have an income and had lived with relatives in several different homes in the months just prior to trial. The evidence also failed to show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Finally, an examination of the existing record does not support respondent-appellant's contention that he was denied the effective assistance of counsel. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Jessica R. Cooper
/s/ Richard A. Bandstra
/s/ Michael J. Talbot