

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of Ronald David William Bailey,
a/k/a Ronald David William Letts, Minor.

LEONARD HAMILTON and SANDRA
HAMILTON,

UNPUBLISHED
September 2, 2003

Petitioners-Appellees,

v

GRANT IVAN LETTS, JR.,

No. 240996
Wayne Circuit Court
Family Division
LC No. 01-401995

Respondent-Appellant,

and

SHELLIE MARIE HAMILTON,

Respondent.

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Respondent Grant Ivan Letts, Jr., appeals by right the order terminating his parental rights. We affirm. Respondent mother voluntarily relinquished her parental rights.

The court terminated respondent's parental right because he was incarcerated and failed to provide proper care and custody. MCL 712A.19b(3) provides for termination when:

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

(h) The parent is imprisoned for such a period that the child will be deprived of a normal home for a period exceeding 2 years, and the parent has not provided for the child's proper care and custody, and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

Under MCL 712A.19b(3), one who petitions for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 617 NW2d 407 (2000). Once the petitioner has presented by clear and convincing evidence a ground for termination, the court must terminate parental rights unless it finds that termination is clearly not in the child's best interests. *Id.*, 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.*, 356.

There is clear and convincing evidence to support the termination of respondent's parental rights. Respondent's earliest out date is 2009, although he might be considered for release in 2006 with good time credits. Moreover, respondent has not provided the child's proper care and custody. So, no evidence exists that termination is not in the child's best interests. Where the court terminated parental rights at the initial dispositional hearing, additional efforts to reunite of the child with respondent were not warranted. MCR 5.974(D).

We affirm.

/s/ Jane E. Markey
/s/ Mark J. Cavanagh
/s/ Henry William Saad