

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LAMAR BARKSDALE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES LAMON BARKSDALE,

Respondent-Appellant,

and

MITZI GARDNER,

Respondent.

UNPUBLISHED
February 19, 2004

No. 250114
Genesee Circuit Court
Family Division
LC No. 00-112930

Before: Schuette, P.J., and Meter and Owens, JJ.

MEMORANDUM.

Respondent-appellant 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 determining that the statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J), formerly MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant was incarcerated for all but the first eight months of the minor child's life and had left him in the custody of his stepmother, who had a child protective services history, thereby failing to provide him with proper care or custody. In June 2000, at age eight, the minor child was removed from his stepmother's care because of the stepmother's physical abuse of another child.

Although respondent-appellant's earliest release date from prison was eight months after the conclusion of the termination hearing, there was no reasonable expectation that respondent would be able to provide proper care or custody within a reasonable time. After three years of foster care, the minor child would have to wait at least another eight months for respondent-appellant's release, and then six months to a year or more for respondent-appellant to adequately comply with services. Requiring an additional minimum fourteen to twenty months in foster

care after the child had already been in foster care for three years is not a reasonable time to expect a child to wait for a stable home.

Further, the evidence did not 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). Although respondent-appellant asserted that the minor child visited him in prison many times prior to 1999, the evidence showed that respondent-appellant was a stranger to the child, and no parent-child bond would be severed by termination.

The trial court did not err in terminating respondent-appellant's parental rights to the minor child.

Affirmed.

/s/ Bill Schuette

/s/ Patrick M. Meter

/s/ Donald S. Owens