

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JATISHA A. TRIGGS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES SLATER,

Respondent-Appellant,

and

SHARON OGLEN,

Respondent.

UNPUBLISHED

January 27, 2005

No. 256909

Wayne Circuit Court

Family Division

LC No. 99-382228-NA

Before: Hoekstra, P.J., and Cavanagh and Borrello, 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)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal conditions that led to adjudication included a prior history of neglect and abuse resulting in the termination of respondent-appellant's parental rights to other children and severe substance abuse problems. The evidence established respondent-appellant continued to abuse drugs and neglected to take an active role in the life of the minor even after being afforded the opportunity prior to the establishment of his paternity at trial.

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). There was no bond between respondent-appellant and the child, the child had been under care for over two years, and the evidence indicated it could be at least a year before respondent-appellant would be rehabilitated sufficiently to begin planning for the child's care. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Additionally, although respondent asserts he was prejudiced by the fact his paternity was not established until the date of trial, he fails to demonstrate either that the alleged delay was the fault of the court or that he was prejudiced by the delay. Once respondent attempted to assert his paternity at the September 4, 2003, pretrial, the court authorized DNA testing to determine respondent's legal paternity. There is no indication respondent's attempt to assert paternity was hindered in any way. Although there was a delay between the receipt of the DNA tests at the January 12, 2004 hearing and the entry of an official order establishing paternity at the June 16, 2004 trial, there is no evidence that this delay was in any way prejudicial. Although respondent claims on appeal that he was not entitled to visitation or services until his legal paternity was established, regardless of his entitlement, both were offered to him once he came forward and asserted a purported interest in planning for the child. In short, once respondent claimed paternity and an interest in planning for the child, he was afforded all the benefits of legal paternity with regard to services and visitation. Respondent has failed to demonstrate prejudice.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Mark J. Cavanagh

/s/ Stephen L. Borrello