

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KIASIA HARRIS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DUJUAN O'NEAL,

Respondent-Appellant.

UNPUBLISHED

May 24, 2005

No. 258317

Genesee Circuit Court

Family Division

LC No. 03-117041-NA

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g), (h), and (i). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). We affirm the trial court's decision if we find clear and convincing evidence of one statutory ground, regardless whether the trial court erred in finding sufficient evidence under other statutory grounds. *In re Sours Minors*, 459 Mich 624, 640-641; 593 NW2d 520 (1999).

Regarding MCL 712A.19b(3)(g), respondent argues that the trial court erred in terminating his rights because he is planning to appeal his three life sentences for murder and, therefore, the decision was premature. However, termination under MCL 712A.19b(3)(g) requires only clear and convincing evidence that the respondent failed to provide proper care in the past and is not *reasonably likely* to do so within a reasonable time, regardless of intent. Respondent never saw the child and provided no financial support. He claimed he made some effort to connect with her through telephone calls and letters; however, he did not care for her or ensure she was well cared for. He was not reasonably likely to care for her in the reasonable future, because he was incarcerated under life sentences. He gave the trial court no real information regarding the potential success of his appeal, had not yet even filed the appeal at the time of the hearing, and it will be a long time before he is released even if he does eventually succeed on appeal. Therefore, the trial court did not err when it found clear and convincing evidence of a statutory ground for termination under MCL 712A.19b(3)(g). The trial court's

findings were sufficient under MCR 3.977(H)(1), which requires only a brief statement of the court's findings of fact and conclusions of law.

Furthermore, the trial court did not err in its analysis of the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 357, 364-365; 612 NW2d 407 (2000). Contrary to respondent's assertion on appeal, the trial court need not specifically state that termination is not against the child's best interests; it was sufficient that the trial court found termination was in her best interests. *In re Gazella*, 264 Mich App 668, 677-678; 692 NW2d 708 (2005). Respondent never saw the child and admitted he could not really communicate with her by telephone because of her age. The young child was placed with maternal relatives. Respondent will likely not be available to care for her for a long time, even if he successfully appeals his convictions. The trial court did not err when it found that termination was in the child's best interests and terminated respondent's parental rights.

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Patrick M. Meter