

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESIREE JACLYNN PUENTE,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JEROME OSCAR ATKINS,

Respondent-Appellant.

UNPUBLISHED

May 22, 2007

No. 274293

Jackson Circuit Court

Family Division

LC No. 03-002646-NA

Before: Cooper, P.J., and Murphy and Neff, JJ.

MEMORANDUM.

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

Respondent was incarcerated on November 30, 2003, for violating probation on his conviction for delivery of cocaine and sentenced to four to twenty years' imprisonment. Desiree was born on May 13, 2004, and placed in foster care. A petition to terminate respondent's parental rights to the child was filed, and trial on the petition commenced October 23, 2006. Respondent informed the court that he had been notified that he would be released on parole on March 7, 2007, that he had housing and employment leads upon his release, and that he was prepared to cooperate with any court-ordered services. The caseworker testified that, even if respondent were released in March 2007, petitioner would want respondent to comply with his treatment plan for nine months before it could recommend reunification because of respondent's prior substance abuse and his loss of parental rights to another child in 1999. Respondent argued that he had voluntarily agreed to release his parental rights to the other child because he knew that the child would be placed with a relative. He argued that he had tried to have Desiree placed with a relative in the instant case but petitioner had delayed assessing the relative's home. The caseworker informed the court that respondent's proposed relative placement had, since offering to care for Desiree, married and moved out of state and had not contacted petitioner for ten months before trial.

The trial court did not clearly err in relying upon § 19b(3)(g) in terminating respondent's parental rights. Respondent had been incarcerated since Desiree's birth, had never cared for the child, and, if released at the earliest anticipated date four months after the termination trial, would still need at least nine months to show compliance with his treatment plan.

The trial also properly relied upon § 19b(3)(l), which allows termination where the respondent's parental rights to a sibling of the child have been previously terminated. Respondent's argument that the court should have considered the circumstances in the prior case, namely that the release was voluntary and was based on the fact that the child would be placed with respondent's relative, is not supported by the statutory language. As such, the trial court did not clearly err in finding statutory grounds in support of termination of respondent's parental rights. MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). In any event, only a single statutory ground needs to be proven in order to terminate parental rights. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991), and, as noted, termination was proper under § 19b(3)(g).

Further, the evidence did not show that the child's best interests precluded termination of respondent's parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Jessica R. Cooper
/s/ William B. Murphy
/s/ Janet T. Neff