

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MCKENZIE BURR, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARTIN LEE BURR,

Respondent-Appellant.

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UNPUBLISHED  
February 28, 2008

No. 281362  
Calhoun Circuit Court  
Family Division  
LC No. 2006-004604-NA

Before: Whitbeck, P.J., and Jansen and Davis, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Archer*, 277 Mich App 71, 73; \_\_\_ NW2d \_\_\_ (2007). The child came into care because she was neglected by her mother and respondent was incarcerated. At the time of the termination hearing, respondent was still incarcerated and had at least another six months to serve on his sentences. Even after his release, by which time the child will have been out of respondent's custody for two years, respondent would not be able to regain custody until he obtained suitable housing and a source of income. The evidence supported the trial court's decision to terminate respondent's parental rights under §§ 19b(3)(c)(i) and (g).

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not err in terminating respondent's parental rights to the child. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ William C. Whitbeck  
/s/ Kathleen Jansen  
/s/ Alton T. Davis