

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CAITLYNN GRACIE LEE
BERTRAND, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JASON MICHAEL BERTRAND,

Respondent-Appellant.

UNPUBLISHED
March 18, 2010

No. 292398
Oakland Circuit Court
Family Division
LC No. 06-728249-NA

Before: Servitto, P.J., and Bandstra and Fort Hood, JJ.

MEMORANDUM.

Respondent father appeals by 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 has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). The conditions leading to adjudication were focused on the inability of the child's mother to care for Caitlynn. However, it was implied that respondent father, who had a criminal sexual conduct conviction, and had not yet established paternity, was unable to provide proper care and custody at the time the child was removed from her mother's home. At the time of the termination hearing, respondent father lived in a home with a friend and testified that he did not have the means to provide for Caitlynn, although he was working. He had not completed treatment for his CSC, anger management, and emotional control. His sister, with whom Caitlynn was placed, testified that respondent father tried to be a good father, but that he needed guidance and support from his family to care for Caitlynn. Although respondent father was concerned about the ability of the child's mother to care for her, reported his concerns to petitioner, and spent a lot of time with Caitlynn, he was still unable to provide proper care and custody. Given that respondent father had more than 18 months to ready himself to provide proper care and custody and was still unable to do so, the trial court did not clearly err in finding that there was no reasonable likelihood that he would be able to provide proper care and custody, or rectify the conditions leading to adjudication, within a reasonable time.

The trial court also did not clearly err in its best interest determination. MCL 712A.19b(5). Caitlynn had been in and out of foster care before her second birthday; respondent father was still not able to provide proper care and custody; there was no indication when he would be able to; and, he tested positive for THC two weeks before the best interests hearing. The child deserved permanence and stability, which respondent father was unable to provide.

Affirmed.

/s/ Deborah A. Servitto

/s/ Richard A. Bandstra

/s/ Karen M. Fort Hood