

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SKYLAR BREAUTL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ARCHIE HUTCHINSON, a/k/a SEBASTIAN
ROBIN COLE,

Respondent-Appellant.

UNPUBLISHED
January 25, 2005

No. 255568
Delta Circuit Court
Family Division
LC No. 03-000085-NA

Before: Smolenski, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (h), and (m). We affirm.

The trial court did not clearly err in finding that clear and convincing evidence supported termination of respondent's parental rights pursuant to MCL 712A.19b(3)(g), (h), and (m). MCR 3.977(J); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Respondent was at all times relevant to this case incarcerated, with the exception of a thirty-seven day parole during which he fathered this child before being returned to prison for a parole violation. Respondent has never provided care for the child, financial or otherwise, and has never met the child. Respondent is not scheduled for release from incarceration until early 2007 unless he receives parole before that time. The evidence indicated that respondent was unlikely to receive parole in the near future, that he had never been able to maintain parole due to parole violations, and that a condition of his parole, if he were to receive it, would likely be a prohibition from associating with children given the nature of his prior criminal sexual conduct offense. In addition, respondent's plans for caring for the child upon release were vague and included possible living arrangements that would not be suitable for the child. Although respondent proposed his sister or his mother as possible caretakers of the child, these relatives were determined to be unsuitable custodians for the child. In any event, simply proposing a relative to care for the child is not enough, in and of itself, to forestall termination. See *In re IEM*, 233 Mich App 438, 453-454; 592 NW2d 751 (1999).

For the same reasons, we also find that the trial court did not clearly err in determining that termination was not contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000).

We also reject respondent's contentions that the trial court permitted the introduction of inadmissible hearsay, erred in declining to change the child's temporary custody to respondent's relatives, and in appointing counsel for respondent only after he had become a respondent in the case. Respondent fails to support these contentions with authority or to demonstrate that he was in any way prejudiced by the actions of the trial court, and our review of the record and the applicable authority reveals no error. See *In re CR*, 250 Mich App 185, 199; 646 NW2d 506 (2002).

We affirm.

/s/ Michael R. Smolenski

/s/ Henry William Saad

/s/ Richard A. Bandstra