

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of PICARRA CARTER and  
CHYANNA HOOPER, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
May 9, 2006

Petitioner-Appellee,

v

RANDY HOLMES-MCSHANE,

Respondent-Appellant.

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No. 266854  
Wayne Circuit Court  
Family Division  
LC No. 95-327301-NA

Before: White, P.J., and Fitzgerald and Talbot, JJ.

PER CURIAM.

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

Respondent argues that he was not given sufficient time to demonstrate that he would be able to provide the proper care and custody for Chyanna and that reasonable efforts were not made to provide services to him. We disagree. The record shows that, although the protective services worker stated that respondent expressed a desire to plan for the child, respondent did not come forward with any plan or attempt to contact his child until he was located by the agency. Although he apparently established paternity,<sup>1</sup> he failed to contact the worker or provide contact information, placing the responsibility on the worker to locate him and set up visitation, even though he had been informed that it was his responsibility to contact the worker. The court leniently provided visitation to respondent and ordered a parent/agency agreement to be prepared. However, because of respondent's lack of contact with the worker, visitation did not begin until four months later, and the parent/agency agreement was not signed until he appeared for the first visit. At that time, he did not attend a full visit because he had a ride waiting. He

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<sup>1</sup> Petitioner argues on appeal that respondent did not establish legal paternity. However, the trial court accepted that respondent had established paternity.

was provided bus tickets in order to facilitate visitation, but he arrived so late for the next visitation that he was only able to spend five minutes with his child. After that, the caseworker could not locate him and he made no further attempt to contact the worker or visit his child.

We find that there was no opportunity for the caseworker to provide any services for respondent, although she had attempted to enroll him in a parenting class. Her inability to locate respondent and the fact that he did not contact her made it impossible to set up any services for him. The caseworker did not receive proof of paternity, any pay stubs, or information regarding where respondent was living. Respondent made no showing that he had any inclination to provide proper care and custody for his child or that he would be able to do so within a reasonable time. The evidence showed that he was over \$25,000 in arrears for support for his other child and he had never attempted to provide a home for that child. Thus, there was clear and convincing evidence to terminate his parental rights under MCL 712A.19b(3)(g). In addition to the above, his history of domestic abuse, being a disorderly person, and commission of the violent crime of assault and battery demonstrated a reasonable likelihood that the child would be harmed if placed with respondent. Thus, there was clear and convincing evidence to support termination of respondent's parental rights under MCL 712A.19b(3)(j).

We also find clear and convincing evidence to terminate respondent's parental rights on the basis of abandonment. He demonstrated no interest in forming a bond with the child and he made no efforts to comply with the requirements of the parent/agency agreement. Despite being personally served, respondent failed to attend the trial and did not contact the court or his attorney to explain his absence, clearly demonstrating his abandonment and lack of interest in caring for Chyanna. *In re Hall*, 188 Mich App 217, 223-224; 469 NW2d 56 (1991).

Furthermore, there was no evidence on the record to support a conclusion that termination would not be in the child's best interests. Respondent had formed no bond with the child. His conduct in not contacting the worker to attend visitation and arrange for services, his failure to provide contact information to the worker or to comply with any of the provisions of the parent/agency agreement, and his failure to attend the trial demonstrated his lack of interest and commitment to provide any care or plan for her. Accordingly, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Michael J. Talbot