

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGEL MARIE POWELL,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JEREMY L. JACOBS,

Respondent-Appellant.

UNPUBLISHED

June 22, 2006

No. 268256

Isabella Circuit Court

Family Division

LC No. 00-004144-NA

Before: Davis, P.J., and Sawyer and Schuette, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The six-month-old minor child was removed from the custody of her mother. The young respondent father never had custody of the child, and at the time of removal he did not have the ability to assume her care because he lacked housing, employment, transportation and parenting skills. The fact that respondent never had custody of the child does not exempt him from a finding that he failed to provide proper care and custody under MCL 712A.19b(3)(g). The evidence showed that respondent readily admitted to fathering the child and desired a relationship with her, but he did not move to gain joint custody of her immediately following her birth and failed to take steps at any time during the proceeding to establish paternity. Without intent, he lacked the capacity to provide proper care or custody at the time the proceeding began and did not become able to provide for himself, much less a child, during the 18-month course of this proceeding. Therefore, the trial court did not clearly err in finding that there was no reasonable expectation that respondent would become able to provide the child with proper care or custody within a reasonable time.

Additionally, the trial court correctly found that respondent understood the need to rectify his failure to maintain employment, stable housing, and transportation, but he did not achieve these things despite being allowed eighteen months and provided sufficient agency reunification efforts. Respondent argues on appeal that the agency did not provide adequate job training or

educational assistance to enable him to obtain employment that would allow him to maintain stable housing. Respondent was young and inexperienced and lacked a family support network, but he had the ability to independently search for employment, transportation and housing. The caseworker was neither expected to search for him nor help him keep employment once he obtained it. Work First and his legal counsel could also have provided respondent with advice regarding job training and education. The evidence showed that respondent did not so much lack job training and education, but he lacked the responsibility to maintain employment once he found it. Although it was hoped that respondent would mature in time, the trial court was required to address the minor child's needs within a reasonable time. The child had waited two years for respondent to become able to parent her, and the trial court did not err in finding that there was no reasonable likelihood that respondent would rectify his unemployment and lack of stable housing within a reasonable time given her age.

Affirmed.

/s/ Alton T. Davis
/s/ David H. Sawyer
/s/ Bill Schuette