

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EM'PRIS HONESTY JOHNSON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RICKY D. JOHNSON,

Respondent-Appellant.

UNPUBLISHED
November 9, 2006

No. 270952
Saginaw Circuit Court
Family Division
LC No. 05-029573-NA

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). Because petitioner established by clear and convincing evidence at least one statutory ground for termination of parental rights and the record as a whole fails to establish by clear evidence that termination is not in the child's best interests, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). Although petitioner removed the minor child for reasons involving only the child's mother, petitioner filed a second petition was filed before adjudication alleging that respondent could not care for the child because he was incarcerated. Therefore, with regard to respondent, the condition leading to adjudication was his imprisonment and resulting inability to provide proper care and custody for the minor child. At the time of trial, this condition continued to exist and would exist for at least nine more months and possibly two years. Considering the child's young age, the trial court did not clearly err in finding that the conditions leading to adjudication could not be rectified within a reasonable time and that respondent could not provide proper care and custody within a reasonable time.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(5). Respondent had virtually no relationship with his daughter and had no history of a stable home environment or employment. The young minor child needed

permanency and a stable home environment, which respondent could not provide.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio