

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LACEY BARTLEY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BENJAMIN RUSSELL PLATT,

Respondent-Appellant,

and

ALECIA BARTLEY,

Respondent.

UNPUBLISHED

March 27, 2007

No. 273690

Kalamazoo Circuit Court

Family Division

LC No. 99-000044-NA

Before: Zahra, P.J., and Bandstra and Owens, JJ.

MEMORANDUM.

Respondent Benjamin Platt appeals as of right from an order terminating his parental rights to Lacey Bartley pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The father had no relationship with the child at all, having only recently taken a DNA test to establish paternity. It took the father eight years to take such a test, and the father did nothing to support the child during her lifetime, even though he believed she was his child. The father admitted that he had an extensive criminal history. He was in prison at the time of the termination hearing and his earliest release date for his most recent conviction was in May 2007, with a potential outdate of November 2010. There was simply no evidence that the father was in a position to provide the child with proper care or custody. It was clear that the father had embraced a criminal lifestyle. Although his offenses were limited to property crimes, such a life would have placed the child in harm's way and the chance of the father being re-incarcerated would have been against the child's best interests.

Having found that the statutory grounds for termination were proven by clear and convincing evidence, the trial court was obligated to terminate the father's parental rights unless it appeared, on the whole record, that termination was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The father admitted that he had no relationship with the child on any level. She was eight years old and had lived most of her life with her maternal grandparents. Because the evidence did not clearly show that termination of the father's parental rights was against the child's best interests, the trial court did not err in terminating respondent's parental rights to the child. *Id.*

Affirmed.

/s/ Brian K. Zahra
/s/ Richard A. Bandstra
/s/ Donald S. Owens