

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
August 12, 2010

In the Matter of J. FRAZIER, Minor.

No. 295608
Genesee Circuit Court
Family Division
LC No. 08-124326-NA

Before: M. J. KELLY, P.J., and MARKEY and OWENS, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). Because we conclude that there were no errors warranting relief, we affirm.

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence and in terminating respondent's parental rights. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(J). "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19(b)(5). Respondent does not challenge the trial court's determination regarding the child's best interests.

Respondent left a message with the caseworker on January 26, 2009, stating that he wanted to stop all services because he needed to deal with a criminal matter. He did not contact the caseworker until he was released from jail sometime between April and July 2009. At that time, he requested a referral to complete parenting classes; however, he was unreachable after that and the caseworker did not have contact with respondent until a review hearing on October 9, 2009. Under these circumstances, the trial court did not clearly err when it found that respondent deserted the minor child for a period of 91 days or more. MCL 712A.19b(3)(a)(ii).

According to the original petition, the minor child tested positive for cocaine when she was born. The child's mother was residing with respondent, but respondent claimed not to know she was using cocaine. Respondent spent eight years in prison for possession of drugs and had an extensive criminal history from 1980 through 2008. At the termination hearing, respondent continued to claim that he was unaware of the mother's cocaine use and minimized his involvement in his past criminal activity. He continued to have contact with the child's mother even though she voluntarily relinquished her parental rights. Therefore, the trial court did not err

when it found the evidence clear and convincing that the issues that led to adjudication regarding respondent continued to exist, and there was no reasonable likelihood that he would rectify these issues within a reasonable time considering the age of the minor child. MCL 712A.19b(3)(c)(i).

The trial court also did not clearly err in finding that MCL 712A.19b(3)(g) and (j) had been established by clear and convincing evidence. Based on respondent's lack of income, extensive criminal history, continued contact with the child's mother, and failure to substantially comply with the parent/agency treatment plan, the evidence established that respondent had failed to provide proper care and custody, there was no reasonable likelihood that he could provide proper care and custody within a reasonable time, and that there was a reasonable likelihood that the minor child would be harmed if returned to respondent's care.

Affirmed.

/s/ Michael J. Kelly

/s/ Jane E. Markey

/s/ Donald S. Owens