

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

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In the Matter of SADISHA JUANITA R. DAVIS,  
BRITNEY VANETTE DAVIS, GENETTE PAGE  
THOMAS, DONDRELL TYRELL THOMAS, and  
LA'SHANNA LASHAWN THOMAS, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM DARNELL CARTER,

Respondent-Appellant,

and

MARLO MARIE THOMAS, WILLIE DAVIS,  
JOHN FITZGERALD KEYS, and TERRY  
EDISON,

Respondents.

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Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

Respondent William Darnell Carter appeals as of right from the trial court order terminating his parental rights to his daughter, Genette Thomas, pursuant to MCL 712A.19b(3)(h). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This Court reviews decisions terminating parental rights for clear error. MCR 3.977(J). While it is not clear from the trial court's written opinion which statutory sections it found had been established with regard to respondent, it appears from the trial court's oral ruling that the trial court applied only section (h) to him. Therefore, and because only one statutory section needs to be established, this Court will address that section.

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Wayne Circuit Court  
Family Division  
LC No. 02-407058-NA

The trial court did not clearly err in finding that petitioner established section (h) by clear and convincing evidence. There was no question that respondent's incarceration would deprive Genette of a normal home for a period exceeding two years. Respondent argues that he arranged to provide proper care and custody for Genette while he was incarcerated because his sister was willing to take temporary custody of Genette. Respondent's sister was eventually approved for temporary custody, but Genette was not moved to her home because she was finally doing well in her fourth placement. Further, the trial court found that Genette was not comfortable with respondent's sister and that the sister had not contacted the foster care worker in the eight months preceding the permanent custody trial. The trial court also correctly found that, even if respondent were released at his earliest possible release date, he would have to show that he could lead a non-criminal lifestyle for a number of years before Genette would be returned to him because respondent had been incarcerated for seven years with short releases before he reoffended. Based on these facts, the trial court did not clearly err in finding that section (h) was established by clear and convincing evidence.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(5). Respondent admitted that he was just beginning to develop a relationship with Genette. Respondent saw Genette fairly consistently for the few months that he was not incarcerated, but that was a few months of her life. Respondent did not have a strong bond with Genette and, therefore, the trial court did not clearly err in its best interests determination.

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio