

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.G., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ACE GEOFFREY MOLINA,

Respondent-Appellant.

UNPUBLISHED

March 24, 2009

No. 287630

Ottawa Circuit Court

Family Division

LC No. 07-058525-NA

Before: Cavanagh, P.J., and Fort Hood and Davis, 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)(g). The mother of the child voluntarily relinquished her parental rights and is not a party on appeal. We affirm.

The trial court did not clearly err by finding that the statutory ground for termination of respondent's parental rights was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent failed to provide proper care and custody for his son by failing to establish paternity until April 2008, by failing to maintain a relationship with him after November 2007, and by failing to make any effort to visit him after he was placed in foster care in March 2008. Further, the record is adequate to support the trial court's conclusion that respondent will not be able to provide proper care and custody for the child within a reasonable time considering his age. Although respondent failed to come forward until late in these proceedings, therapy in which he participated as a condition of probation offers insight into his ability to care for the child. According to his therapist, respondent was essentially unresponsive throughout therapy and had no interest in establishing paternity or engaging in parenting classes. He finally participated in paternity testing when ordered to do so. Respondent was entirely unable to articulate what the care of the child would entail. Contrary to his contention on appeal, he offered no clear plan for the child's care, indicating that, if the child were placed in his care, respondent would "probably" live with his mother, who would help with the child's care. Respondent's recent history, including criminal activity, drug use, and domestic violence, together with his failure to come forward and take any responsibility for the minor child and his consequent failure to engage in any rehabilitative services (except probation-based therapy and perhaps anger management), strongly suggests that

he will not be equipped to provide proper care for the child within a reasonable time considering his age. This statutory subsection, which applies “without regard to intent” also applies equally to a parent who is a minor. Under these circumstances, the trial court did not clearly err by finding that there was no reasonable likelihood that respondent would be able to provide proper care and custody for his son within a reasonable time.

The trial court also did not clearly err by finding that termination of respondent’s parental rights was in the best interests of the child. MCL 712A.19b(5). Respondent has not seen his son since he was placed in foster care in March 2008 and saw him only occasionally after November 2007. Respondent’s recent juvenile criminal history, his young age, his failure to participate meaningfully in therapy and to come forward in this matter for services, and his lack of a clear plan for the care of the child, all strongly indicate that he is unable to provide stability and permanency within a reasonable time.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Karen M. Fort Hood
/s/ Alton T. Davis