STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DOUGLAS MARCEL CORBEAU, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEVE COONS,

Respondent-Appellant.

UNPUBLISHED
July 20, 2006

No. 264747
Oakland Circuit Court
Family Division
LC No. 03-677278-NA

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

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the trial court must terminate respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

The trial court did not err when it found the statutory grounds to terminate respondent's parental rights to the minor child to be proven by clear and convincing evidence. The amended petition alleged that respondent was incarcerated by the state of Georgia for a theft crime and that he had never visited or provided support for the minor child. The trial court stressed to respondent that continued bonds with the minor child were vitally important and ordered respondent to comply with the treatment plan. After his release, respondent was paroled to his mother's home in California and visited with the minor child only three times, arriving late for the visits.

Respondent did not substantially comply with any conditions of the treatment plan. Dr. Ortman, a psychologist who evaluated respondent, stated that respondent was not forthright with him about his drug history, questioned his intent and emotional bond with the minor child, and found respondent to be self-centered. Dr. Ortman did not think respondent could provide a structured home environment for the minor child. Respondent's extensive criminal history was admitted into evidence.

Respondent testified that he did all that was asked of him, was not late when he visited with the minor child, and complied with the terms of his parole. The trial court, however, found that respondent's testimony was not honest, and the court did not clearly err when it based its decision on this, along with respondent's criminality, psychological profile, and lack of any bond with the minor child. The minor child was two years old at the time of the termination trial, and respondent had done nothing to provide for the child during that two-year period other than to visit the child three times.

The trial court also did not err in its best interests determination. Respondent had not formed any type of bond with the minor child and had only visited the minor child three times. Respondent was incarcerated when the minor child was born and moved to California under the terms of his parole when he was released. The trial court stressed to respondent that it was vitally important for respondent to make appropriate efforts to bond with the minor child, but respondent essentially did nothing to make this happen.

Respondent's claim that the trial court erred by admitting hearsay evidence is without merit. The guardian ad litem filed a notice of intent to offer hearsay evidence regarding statements the minor child's mother had made about respondent, pursuant to MRE 803(24). The notice specified that offered testimony would be from the child's maternal aunt, maternal grandfather, and another witness. Their testimony involved statements by the minor child's mother regarding domestic violence, that she did not want respondent in her life, and alternatively that she had made plans for respondent to get custody of the child after her parental rights were terminated and to join respondent in California to reunite with the child.

A trial court's decision to admit or exclude evidence is reviewed for an abuse of discretion. W*aknin v Chamberlain*, 467 Mich 329, 332; 653 NW2d 176 (2002). Respondent's attorney objected to the testimony but later acquiesced that the maternal aunt could testify regarding what the child's mother had said to her. Respondent, in essence, consented to the admission of the evidence, and there was no abuse of discretion.

Affirmed.

/s/ Janet T. Neff
/s/ Richard A. Bandstra
/s/ Brian K. Zahra