

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of Kylee Cosentino, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

REPENDENT LUTTRELL,

Respondent-Appellant.

and

AMBER CONSENTINO and JASON THOMAS

Respondents.

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UNPUBLISHED

September 18, 2007

No. 275543

Alleghan Circuit Court

Family Division

LC No. 05-038299-NA

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

MEMORANDUM.

Respondent father Dustin Luttrell appeals as of right the lower court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) &(j). We affirm.

Respondent argues that because he was not responsible for the conditions that led to the court assuming jurisdiction over the minor child, there was no basis to terminate his parental rights. However, only one statutory basis need be proved to terminate parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000). The strongest basis for termination that does not rely on the conditions that led to the court assuming jurisdiction over the minor child is MCL 712A.19b(3)(g), which provides for termination if:

The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

The court did not clearly err in finding sufficient evidence to support this statutory ground for termination. Assuming that respondent did not know he was the father of the minor child until February 2006, the record shows that respondent did not provide proper care for the

minor child from that time. Between May 17, 2006 and the September 6, 2006, permanency planning hearing, respondent did nothing in regard to reunifying with the minor child. He failed to visit the minor child, attend counseling or parenting classes. Only after the termination hearing was set did he attend parenting classes. Although he claimed he could not miss work because he was newly hired, there was testimony that the therapist referred to him would have worked around his schedule. Meanwhile, the minor child was nearing the age of four and had met respondent only two or three times. Although the record reflects respondent had made some progress in these visitations with the minor child, his decision to cease visitation with the minor child resulted in the minor child no longer wanting to see him. Thus, he failed to provide proper care for the minor child.

Further, there is no reasonable expectation that respondent will be able to provide proper care and custody within a reasonable time considering the child's age. Here, the minor child was nearly four at the time of the termination hearing, and the record indicates that there was simply no bond between respondent and the minor child. Respondent admitted at the termination hearing that currently he could not take the minor child, and agreed that it would take a year or so to integrate the minor child into his life. Also, a psychologist testified that it would take a long time to establish a bond between respondent and the minor child, which still may not be possible even if a good faith effort were made. Therefore, the court did not err in concluding that there is no reasonable expectation that respondent will be able to provide proper care and custody within a reasonable time considering the child's age.

Finally, the court did not clearly err when it found that termination of respondent's parental rights was not clearly against the minor child's best interests. MCL 712A.19b(5). As mentioned, the record shows that respondent failed to establish a bond with the minor child, and that, even if a good faith effort were made to do so, it may not be possible given the minor child's age. Indeed, there was testimony that the minor child does not want to see respondent. Further, the record establishes that respondent has failed to show even marginal progress in regard to providing care for the minor child. The best interests of the minor child require permanency and stability, which respondent cannot provide in the foreseeable future. Therefore, the court did not clearly err in its best interests determination.

Affirmed.

/s/ Richard A. Bandstra

/s/ Brian K. Zahra

/s/ Donald S. Owens