

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.A.B., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JAMES R. BURTON,

Respondent-Appellant.

UNPUBLISHED

April 24, 2007

No. 271854

Wayne Circuit Court

Family Division

LC No. 91-295535-NA

Before: Cavanagh, P.J., and Jansen and Borrello, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the children. *Id.* at 353.

The conditions that led to adjudication were respondent's failure to protect the child and his history of substance abuse. Although respondent testified that he did not use drugs, testimony revealed that respondent failed to submit random drug screens and never completed a drug assessment during the year and a half this case was before the trial court. He also did not complete the counseling to which he was referred. At the time of the termination hearing, respondent was incarcerated. While incarcerated, respondent has not planned for his daughter beyond moving in with a friend and trying to get a job at Hanachi Robotics. When not incarcerated, respondent did not provide for his daughter. Rather, he left the state for eight months and did not contact petitioner or see his child.

Although respondent expressed a desire to plan for his daughter, the record reveals that he failed to comply with the treatment plan and failed to visit his daughter. Respondent blamed his failures on his work schedule. However, the record reveals that respondent failed to comply with the treatment plan and visit his daughter because of the domestic violence between him and the child's mother, because he left the state for a substantial period of time, and because he was incarcerated. The trial court did not clearly err in finding that the statutory grounds for termination were established and that the evidence did not demonstrate that termination of respondent's parental rights was clearly not in the child's best interests.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Stephen L. Borrello