

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
January 22, 2013

In the Matter of M. S. MOORE, Minor.

No. 311137  
Berrien Circuit Court  
Family Division  
LC No. 2011-000006-NA

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Before: GLEICHER, P.J., and O'CONNELL and MURRAY, JJ.

PER CURIAM.

Respondent-father appeals by right the termination of his parental rights under MCL 712A.19b(3)(a)(ii) and (g). We affirm.

Respondent presents two challenges to the termination decision. First, respondent argues that petitioner failed to make reasonable efforts to unify him with the child. He claims that he was not provided with a service plan and was never asked to engage in services. We review this claim for clear error. MCR 3.977(K); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Petitioner must make reasonable efforts to reunite a child and family, except under certain circumstances not present in this case. See MCL 712A.19a(2). Here, the record confirms that petitioner provided respondent with a case service plan that included parenting classes, drug screenings, and counseling services. A foster care worker testified that respondent signed and returned a case service plan indicating that he agreed to participate in services. The worker further testified, however, that respondent had not participated in the services and had not contacted the foster care office other than to return the signed service plans. This testimony is sufficient to support the trial court's determination that petitioner provided respondent with reasonable reunification efforts.

Respondent next argues that termination of his parental rights was not in the child's best interests under MCL 712A.19b(5). We review for clear error the trial court's decision that termination was in the child's best interest. MCR 3.977(K); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). We conclude that the trial court did not clearly err in finding that the evidence established that termination was in the child's best interests. The record indicates that the child came into foster care at birth and was 17 months old at the time of termination. Respondent had seen the child very few times since the child's birth. At the time of termination, respondent was incarcerated, and the testimony established that after his release it would have been a minimum of nine months before the child could be placed with him. The trial court properly determined that respondent had failed to offer the child proper care and support and

that, given the child's young age, the child could not wait any longer for respondent to develop the ability to provide proper care. See *In re Jones*, 286 Mich App 126, 129-130; 777 NW2d 728 (2009).

Affirmed.

/s/ Elizabeth L. Gleicher

/s/ Peter D. O'Connell

/s/ Christopher M. Murray