

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of LEON GRIFFIS and JUSTICE  
GRIFFIS, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEON GRIFFIS,

Respondent-Appellant.

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UNPUBLISHED

August 2, 2005

No. 260514

Cheboygan Circuit Court

Family Division

LC No. 03-002266-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

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

Respondent does not challenge the statutory ground relied upon by the trial court to terminate his parental rights.<sup>1</sup> Rather, he argues only that termination of his parental rights was not in the best interests of the children because the children had a bond with him and because he had participated in prison programs to rehabilitate himself.

Once the petitioner proves by clear and convincing evidence at least one ground for termination, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the children. *In re Trejo*, 462 Mich 341, 353, 355; 612 NW2d 407 (2000). This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Testimony revealed that respondent had a good relationship with his children before he was incarcerated. However, respondent was only a regular part of the younger child's life for

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<sup>1</sup> The parties stipulated in the trial court that MCL 712A.19b(3)(g) and (h) had been established. The trial court determined that the two-year requirement of section (3)(h) had not been met and found only that section (3)(g) had been established.

approximately six months. After that, respondent was in and out of the children's life as a visitor. The evidence further showed that respondent would continue to be a visitor for some time because respondent's earliest release date was November 18, 2006. Although respondent participated in rehabilitative and trades programs while in prison, once released he would have to use these skills to obtain employment and establish a suitable home for the children. We agree with the trial court that when and whether respondent would be able to provide a stable home for his children was too indefinite given the ages of these young children. Thus, the evidence presented below did not show that termination was clearly not in the children's best interests.

Affirmed.

/s/ Brian K. Zahra

/s/ Hilda R. Gage

/s/ Christopher M. Murray