

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESMOND DESHAWN
FOSTER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ARTHUR CARTER III,

Respondent-Appellant.

UNPUBLISHED

October 4, 2005

No. 260193

Wayne Circuit Court

Family Division

LC No. 90-285094-NA

Before: Saad, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

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

Respondent argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. We disagree.

We review the trial court's findings of fact for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). There was clear and convincing evidence that respondent failed to remain drug free, did not regularly visit the child, and failed to follow through on his drug treatment programs. The child required daily medication for sickle cell anemia, yet respondent neglected to provide the child's medication on several occasions, and failed to participate fully in counseling. The trial court did not clearly err in finding that respondent failed to provide proper care or custody for the child and that there was no reasonable expectation that he would be able to do so within a reasonable time considering the child's age. MCL 712A.19b(3)(g). Likewise, the trial court did not clearly err in finding that there was a reasonable likelihood that the child would be harmed if returned to respondent. MCL 712A.19b(3)(j).

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra*. Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Henry William Saad

/s/ Kathleen Jansen

/s/ Jane E. Markey