

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KATELYNN JEAN McNEIL,
KELLYANN CARROLE McNEIL, JOHN
ALEXANDER McNEIL, CASSIDY MARIE
McNEIL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
April 1, 2004

v

PETER McNEIL,

Respondent-Appellant.

No. 250950
Ingham Circuit Court
Family Division
LC No. 00-045294

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

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

Petitioner filed a petition against the children's mother, respondent's ex-wife, alleging alcohol abuse and neglect. The children were taken from their mother's custody and placed with respondent. During the course of the proceedings, issues arose regarding respondent's ability to care for the children because of his debilitating headaches, his dependence on prescribed narcotics to treat his illness, his volatile temper, and his financial status. Respondent was asked to participate in individual counseling to address his anger management issues. He failed to complete counseling treatment, and continued to display his anger, at times in front of his children. He refused to release his medical records. He denied a dependence on narcotics even though medical records introduced into evidence indicated that respondent needed a detoxification because of his reliance on prescribed painkillers. Further, he failed to show how he would financially care for the children.

Based on the foregoing evidence, 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(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best

interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the children.

We also reject respondent's argument that he was denied due process. The trial court considered all of the circumstances in terminating his parental rights. Finally, respondent's argument that he was not provided reasonable services to address his anger management and medical issues was not preserved and, even if considered, is without merit because respondent failed to release medical information requested by petitioner and did not fully participate in the services offered.

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Bill Schuette