

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALISSA WHITNEY LOGAN,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 19, 2006

Petitioner-Appellee,

v

YUSEF LOGAN,

Respondent-Appellant.

No. 268926
Wayne Circuit Court
Family Division
LC No. 04-434019-NA

Before: Cavanagh, P.J., and Bandstra and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(b)(i), (g), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination had been proven by clear and convincing evidence. MCR 3.977(J); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). The evidence was clear and convincing that the then two-year-old child had suffered physical injury as a result of respondent hitting her with a belt. Respondent's failure to acknowledge that this was excessive or that he had abused his child, and his refusal to participate in the court-ordered services, demonstrated a reasonable likelihood that the child would suffer injury in the foreseeable future if placed in his home. MCL 712A.19b(3)(b)(i); *In re Trejo, Minors*, 462 Mich 341, 360-361; 612 NW2d 407 (2000).

We further find clear and convincing evidence that respondent had failed to provide proper care or custody for the child. MCL 712A.19b(3)(g). When the workers first went to the home, they found that the electricity and gas had been turned off for several months. When the child was taken into custody, she was dirty, bruised over her body, frightened, and underweight. Respondent's failure to acknowledge these facts and his refusal to participate in the required services support the finding that there is no reasonable expectation that he would be able to provide proper care and custody within a reasonable time. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003).

Finally, we find that there was clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(j). Respondent failed to acknowledge his abuse beyond his statement that it was "inappropriate," refused to comply with court orders or visit his daughter, and refused to take prescribed medications for his diagnosed serious mental health problems. This conduct supports the trial court's finding that the child would be harmed if she was returned to respondent's custody.

Further, the trial court did not clearly err in its best interests determination. MCL 712A.19b(5); *Trejo, supra* at 353. Respondent contends that the trial court ignored evidence that he had a bond with the child and that his interaction with her during an observed visit was appropriate. However, upon review of the whole record, we find overwhelming evidence that the child would be at great risk of harm if returned to respondent. Therefore, the trial court did not clearly err in terminating respondent's parental rights.

We affirm.

/s/ Mark J. Cavanagh
/s/ Richard A. Bandstra
/s/ Donald S. Owens