

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GREGORY ARKII AHMAD and
CECELIA RENEE DONALDSON, Minors.

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

UNPUBLISHED
October 24, 2006

Petitioner-Appellee,

V

ARKII KARIM DONALDSON,

Respondent-Appellant,

and

AISHAH ALE AHMAD,

Respondent.

No. 266965
Wayne Circuit Court
Family Division
LC No. 96-348750-NA

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ARKII KARIM DONALDSON,

Respondent.

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

PER CURIAM.

In these consolidated appeals, respondents Arkii Karim Donaldson and Aishah Ale Ahmad appeal from an order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). Donaldson's parental rights were also terminated pursuant to MCL 712A.19b(3)(a)(ii). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children were made temporary wards in 2002 as a result of physical abuse at the hands of their stepfather. The petition alleged that Donaldson had not been supporting the children and that he did not visit with them on a regular basis. After the trial court made the children temporary wards, Donaldson made initial progress by regularly visiting with the children and completing parenting classes. His parent-agency agreement also required him to participate in individual counseling and provide drug screens to rule out substance abuse as an issue in the case. Donaldson was wholly noncompliant with both of these requirements. Additionally, Donaldson failed to visit the children for eight months before the termination hearing. He called the case worker after six months and indicated a desire to see the children but took no affirmative steps to do so. Consequently, the case worker had no way of knowing whether Donaldson was still employed or what his housing situation was. The evidence, therefore, clearly supported termination of his parental rights pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), and (g). There was also a reasonable likelihood, based on Donaldson's conduct or capacity, that the children would have been harmed if returned to him, as Donaldson had an admitted history of domestic violence and took no steps to address the issue in therapy.

Ahmad was also noncompliant with her parent-agency agreement in that she failed to complete individual therapy. She started and stopped therapy on at least three occasions. The case worker testified that Ahmad did not appear to benefit from the limited therapy or anger management counseling she received. The case worker believed that Ahmad was employed, but also believed that Ahmad's employment had changed. The record fails to clarify one way or another what Ahmad's actual status was at the time of termination. Additionally, Ahmad failed to advise the case worker that she had moved to a new home before the termination petition had been filed. Before telling the case worker she had a new home, Ahmad had been living in a hotel. This evidence, considered with Ahmad's failure to comply with her parent-agency agreement, supported termination pursuant to MCL 712A.19b(3)(c)(i) and (g). There was also a reasonable likelihood, based on Ahmad's conduct or capacity, that the children would have been harmed if returned to her care. Both children suffered minor injuries when Ahmad had unsupervised visitation, and the testimony regarding these injuries was that they were due in part

to Ahmad's lack of proper supervision. Gregory also claimed that he was whipped by Ahmad when he refused to take a nap during one of the unsupervised visits. While the claim was unsubstantiated because no marks were on his body, the record supports the trial court's concerns about Ahmad's ability to properly care for and discipline the children.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court was required to terminate respondents' parental rights unless it appeared from the record that termination 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). Although the trial court did not reveal what the children said during the in camera interviews, the trial court did state that it was taking the children's desires into consideration in rendering the decision. The children were made wards in September 2002. The termination hearing took place almost three years later, in August 2005. During those three years, little progress was made. Notably, near the conclusion of the proceedings, neither child looked forward to visiting Ahmad, and Donaldson had voluntarily ceased any efforts to visit the children. The children were entitled to permanence and stability.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder