

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C.I.W., A.L.W., and C.M.O.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANJANETTE DILLARD,

Respondent,

and

ANTHONY WATKINS,

Respondent-Appellant,

and

STEVEN ODEN,

Respondent.

Before: Talbot, P.J., and Cooper and D.P. Ryan*, JJ.

PER CURIAM.

Respondent claims an appeal from the trial court's order terminating his parental rights to his children C.I.W. and A.L.W. pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j).¹ We

* Circuit judge, sitting on the Court of Appeals by assignment.

¹ The trial court's order also terminated the parental rights of respondent Anjanette Dillard, mother of C.I.W. and A.L.W., as well as a third child, C.M.O.. In addition, the trial court's order terminated the parental rights of respondent Steven Oden, the putative father of C.M.O..

(continued...)

affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. Respondent did not visit with, contact, or provide any support for the children for nearly one year after they were placed in foster care. His contention that he did not know their whereabouts was contradicted by the mother's indication that he had attempted to visit them at her home prior to their placement in foster care. At the time of the permanent custody hearing respondent was unemployed and did not have suitable housing for the children. No evidence indicated that respondent would be in a position to improve his circumstances within a reasonable time.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds of desertion, MCL 712A.19b(3)(a)(ii), that the conditions that led to the adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and it was reasonably likely that the children would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Michael J. Talbot
/s/ Jessica R. Cooper
/s/ Daniel P. Ryan

(...continued)

Respondents Dillard and Oden have not appealed the order.