

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KATELYN SNYDER and
GEORGE SNYDER III, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

GEORGE SNYDER II,

Respondent-Appellant.

UNPUBLISHED
November 2, 2004

No. 253875
Allegan Circuit Court
Family Division
LC No. 02-032202-NA

Before: Griffin, P.J., and Wilder and Zahra, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent first argues that the trial court's finding that statutory grounds for termination exist was not supported by clear and convincing evidence. We disagree. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993), citing *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). We review the trial court's determination for clear error. *In re Trejo, supra* at 356-357.

We conclude that the trial court did not clearly err in finding that termination was appropriate under MCL 712A.19b(3)(g). Respondent initially failed to provide proper care and custody because he lacked suitable housing and was unable to support his children. Although respondent had maintained full-time employment and suitable housing for five to six months at the time of the termination trial, other evidence concerning respondent's parenting ability clearly and convincingly established that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time. Testimony established that respondent was unable to emotionally provide for the children. Although the home aide testified favorably about respondent's interaction with the children during visitation, there was also

evidence that respondent failed to adequately comply with his parenting plan in that he made minimal progress in his counseling and parenting classes. Further, the testimony of petitioner's expert witnesses questioned respondent's ability to meet the emotional needs of the children. Because there was conflicting testimony on this issue, this Court must give regard to the special opportunity of the trial court to assess the credibility of the witnesses who appear before it. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Accordingly, giving proper deference to the trial court's factual findings, we find that the trial court did not clearly err in concluding that respondent would not likely be able to care for the minor children within a reasonable time. See *In re Trejo, supra*, 462 Mich 360-361 n 16 (the failure to substantially comply with a court-ordered case service plan is indicative of continued neglect).

Further, we find that the evidence did not establish that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra*, 462 Mich 356-357. The trial court did not clearly err in finding that, despite respondent's love for and bonding with his children, respondent's inability to make significant progress in counseling and parenting classes, the service providers' concerns about his ability to provide emotionally for the children, and the pending criminal sexual conduct charges against him created unacceptable obstacles to stability and permanency for the children that were not in their best interests.

Affirmed.

/s/ Richard Allen Griffin

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra