

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DORIAN MCKALPAIN, JR.,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHERRI ANN GRESS a/k/a SHERRI ANN
GRESS-MILLER,

Respondent-Appellant,

and

DORIAN MCKALPAIN,

Respondent.

In the Matter of DORIAN MCKALPAIN, JR.,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DORIAN MCKALPAIN,

Respondent-Appellant,

and

SHERRI ANN GRESS a/k/a SHERRI ANN
GRESS-MILLER,

Respondent.

UNPUBLISHED
May 17, 2005

No. 259288
Wayne Circuit Court
Family Division
LC No. 92-303231

No. 259289
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Before: Murphy, P.J., and White and Smolenski, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor child. Respondent-mother's parental rights were terminated pursuant to MCL 712A.19b(3)(g) and (j) and respondent-father's parental rights were terminated pursuant to MCL 712A.19b(3)(g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

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(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent-mother's failure to adequately address her substance abuse problem combined with her lack of income or housing provided clear and convincing evidence to support termination pursuant to MCL 712A.19b(3)(g) and (j). Although respondent-mother expressed a desire to care for her child and visited him regularly, the trial court did not clearly err in concluding that termination was clearly not against the child's best interests based upon her inability to remain drug free, to obtain employment and income and to maintain safe and suitable housing.

The trial court also did not err in concluding that respondent-father's lengthy criminal and substance abuse history, continued drug use, lack of income and failure to make any attempts to plan or care for the child established clear and convincing evidence that respondent-father failed to provide proper care and custody of the child and there was no reasonable expectation that he would be able to provide proper care and custody within a reasonable time considering the child's age. Beyond testimony that respondent-father visited the child regularly, there was no evidence that termination was clearly contrary to the child's best interests.

Affirmed.

/s/ William B. Murphy
/s/ Helene N. White
/s/ Michael R. Smolenski