

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of VANESSA TAMMAR HARRIS,  
JADA RAZATHIA MIRACLE HARRIS, and  
WILLIAM JARVON HARRIS-DIXON, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM HARRIS,

Respondent-Appellant,

and

JEANNETTE DIXON,

Respondent.

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UNPUBLISHED

August 25, 2005

No. 259142

Wayne Circuit Court

Family Division

LC No. 96-341175

Before: Zahra, P.J., and Gage and Murray, JJ.

PER CURIAM.

Respondent-appellant William Harris appeals as of right from the order of the trial court terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent-appellant asserts that the trial court clearly erred in finding that the evidence supported termination under the statute. He argues that he substantially complied with the parent-agency agreement by completing parenting classes and visiting with the children, and that he properly cared for the children when they were entrusted in his care. Given additional time and assistance, respondent-appellant claims, he would be able to again properly care for the children. Petitioner-appellee responds that the trial court properly found clear and convincing evidence to support termination of respondent-appellant's parental rights, because after 2½ years of assistance, respondent-appellant was unable to provide suitable housing for the children and had failed to successfully complete substance abuse treatment.

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 McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). This Court reviews the trial court's findings of fact for clear error. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). "A finding is 'clearly erroneous' if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *Id.* (citations omitted). "Regard is given to the special ability of the trial court to judge the credibility of the witnesses who appeared before it." *Id.*

Respondent-appellant's parental rights were terminated pursuant to MCL 712A.19b(3)(c)(i) (the conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age), (g) (the parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age), and (j) (there is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent). We conclude 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, supra.*

Ample evidence existed on the record to support the trial court's decision. At the time of adjudication, respondent-appellant's homelessness was the main barrier to placing the children with him. Over several months, however, the agency determined that respondent-appellant was a suitable caretaker if he was provided with assistance. The children were eventually placed with respondent-appellant, and respondent-appellant was provided with in-home services.

However, in September 2003, respondent-appellant brought the two older children to the agency and relinquished custody of them, informing the agency that he had been abusing alcohol since June 2003 while the children were in his care. Respondent-appellant thereafter lost his home and at the time of termination was living with his mother in housing that was not suitable for children. Though he testified that he hoped to find a home in the following month, respondent-appellant had no definite plans regarding housing. In sum, respondent-appellant was homeless at the time of adjudication, was homeless at the time of termination, and only had housing suitable for the children for a short time during the 2½ years the case was pending before the trial court. Respondent-appellant had only the vaguest of plans for obtaining housing in the future. The trial court, therefore, did not clearly err in finding that there existed clear and convincing evidence to support termination under MCL 712A.19b(3)(c)(i) and (g).

There is ample evidence to support termination under MCL 712A.19b(3)(j) as well. While the children were in respondent-appellant's care, respondent-appellant returned to the substance abuse that had apparently rendered him homeless originally, and he once again lost his housing. There was no indication that respondent-appellant had addressed the issues that caused him to be repeatedly homeless, and he had no definite plans for obtaining housing or participating in substance abuse treatment. In sum, there was no evidence that respondent-appellant would be any more able or willing to provide a stable home in the future than he had been previously. The record, therefore, supports the trial court's finding that termination was warranted under this statutory subsection.

We also hold that the trial court did not err in determining that termination was not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-

357; 612 NW2d 407 (2000). Respondent-appellant failed to demonstrate that he would be able to provide a home for the children or overcome his substance abuse within a reasonable time.

Affirmed.

/s/ Brian K. Zahra

/s/ Hilda R. Gage

/s/ Christopher M. Murray