

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LILLIAN MARIE ROGERS,
Minor.

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

UNPUBLISHED
February 23, 2006

Petitioner-Appellee,

v

ALBERT THOMAS ROGERS,

Respondent-Appellant,

and

CYNTHIA LYNN AGUIRRE,

Respondent.

No. 263078
Oakland Circuit Court
Family Division
LC No. 01-655651-NA

Before: Cooper, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

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

Respondent-appellant contends that the trial court erred in finding that clear and convincing evidence supported termination of his parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). Contrary to respondent-appellant's contention, however, ample evidence in the record supported the trial court's decision. At the time of termination, respondent-appellant had yet to resolve his homeless status, apparently caused by ongoing, long-term substance abuse. Although respondent-appellant secured adequate housing shortly before his parental rights were terminated, he had no legal claim to the housing and was living there at the discretion of relatives while the relatives determined the disposition of the house, which was part of respondent-appellant's grandmother's estate. Respondent-appellant had periodic encounters with the criminal justice system, had a very limited income, and owed over \$100,000 in child support arrearages relating to other children. Although respondent-appellant had made progress on some aspects of the parent-agency agreement, no indication existed that he would be able to rectify these problems within a reasonable time, given the age of the child.

The trial court, therefore, did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Furthermore, in light of respondent-appellant's apparent inability to offer the child a stable and suitable home environment in the foreseeable future, the trial court properly found that termination of respondent-appellant's parental rights did not clearly contravene the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Jessica R. Cooper

/s/ Kathleen Jansen

/s/ Jane E. Markey