

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LOIS ELAINE JONES and
ASHLEY MAE JONES, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

WOODY JONES,

Respondent-Appellant.

UNPUBLISHED

October 12, 2006

No. 266798

Mecosta Circuit Court

Family Division

LC No. 04-004700-NA

Before: Sawyer, P.J., and Wilder and Servitto, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating his parental rights to his minor children, Lois and Ashley, under MCL 712A.19b(3)(c)(i), (c)(ii), and (g). Because there was clear and convincing evidence to support the termination, we affirm.

The children in this matter were removed from their residence with their biological mother on June 21, 2004 and placed in foster care. They have remained in foster care since that date. A petition to terminate respondent's parental rights was filed on May 10, 2005, based upon allegations that despite the fact that respondent's live-in girlfriend was convicted of assaulting one of the children, respondent continued to reside with his girlfriend. The petition also contained allegations that a no-contact order between respondent's girlfriend and the children was in place, but that the same was violated numerous times in the presence/with the assistance of respondent. After a trial on the petition, respondent's parental rights were terminated.

We review the trial court's findings of fact in termination proceedings for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). 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 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).

Here, the evidence clearly and convincingly showed that the conditions which led to the adjudication continue to exist and there is no reasonable likelihood that respondent will rectify the conditions within a reasonable time (MCL 712A.19b(3)(c)(i) and (ii)). The evidence also showed that respondent failed to provide proper care and custody of the children (MCL 712A.19b(3)(g)). Respondent was repeatedly advised to obtain his own residence and sever his relationship with his live-in girlfriend for the safety and well-being of his children, but refused to do so even though she had been convicted of assaulting one of the children and also violated the court's no-contact order. Additionally, an examining psychologist testified that respondent had a personality disorder, was unable to bond with his children or sacrifice his own needs for theirs, was not emotionally able to parent, and that there was a "notably high" probability of abuse or neglect considering respondent's capacity to parent. Because the evidence demonstrated respondent's inability to place the children's needs above his own and his lack of capacity to provide a safe environment for his children, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. Further, the evidence did not clearly show that termination of respondent's parental rights was contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357.

Affirmed.

/s/ David H. Sawyer
/s/ Kurtis T. Wilder
/s/ Deborah A. Servitto