

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of REUBEN TRAVON MCGEE,
a/k/a RUEBEN TRAVIS MCGEE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

REUBEN GEORGE MCGEE,

Respondent-Appellant.

UNPUBLISHED

October 21, 2008

No. 283722

Oakland Circuit Court

Family Division

LC No. 06-716877-NA

Before: Servitto, P.J. and Donofrio and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right the order of the trial court terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(b)(i) (physical injury or abuse of a sibling of a child), (g), (failure to provide proper care or custody) and (j) (risk of harm to child if placed with parent). Because petitioner established by clear and convincing evidence a statutory basis for termination of parental rights and termination was in the child's best interests, we affirm¹.

The trial court did not clearly err in finding the statutory grounds for termination established by clear and convincing evidence. MCR 3.977(J); *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). The record supports termination of respondent's parental rights under subsection (3)(b)(i), given that respondent pleaded guilty to, and was convicted of, two counts of third-degree child abuse involving two of the child's siblings. The evidence supports the trial court's further finding that respondent had an ongoing problem controlling his anger and that lack of anger control would create a reasonable likelihood that the child would suffer injury or abuse in the foreseeable future if placed with respondent.

The trial court also did not err in finding that termination was warranted under subsection (3)(g). Though respondent had complied with some aspects of the parent agency agreement, respondent's perpetual lack of housing, history of corporal punishment with the child, and

¹ The child's mother's parental rights were also terminated and she is not a party to this appeal.

ongoing anger problems were prohibitive to placing the child with him. For the same reasons, the record also supports termination of respondent's parental rights under subsection (3)(j). There is a reasonable likelihood, based on the conduct or capacity of respondent, that the child would be harmed if returned to respondent's care.

In light of the record, the trial court did not err in finding that termination of respondent's parental rights was warranted. We further find no error in the trial court's failure to find that termination would be contrary to the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Affirmed.

/s/ Deborah A. Servitto
/s/ Pat M. Donofrio
/s/ Karen M. Fort Hood