STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of BRINTLEY CHRISWELL CARD, COMMANDO CHRISWELL CARD, and TERIA CHAMCEE ANDREWS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PERRY JAMES TAYLOR,

Respondent-Appellant,

and

VERONICA CHRISWELL CARD, GUS HOWZE, and THOMAS ANDREWS,

Respondents.

UNPUBLISHED
October 23, 2003

No. 245305
Wayne Circuit Court
Family Division
LC No. 01-400081

In the Matter of BRINTLEY CHRISWELL CARD, COMMANDO CHRISWELL CARD, and TERIA CHAMCEE ANDREWS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VERONICA CHRISWELL CARD,

Respondent-Appellant,

and

PERRY JAMES TAYLOR, GUS HOWZE, and THOMAS ANDREWS,

No. 245478
Wayne Circuit Court
Family Division
LC No. 01-400081

Respondents.

In the Matter of BRINTLEY CHRISWELL CARD, COMMANDO CHRISWELL CARD, and TERIA CHAMCEE ANDREWS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GUS HOWZE,

Respondent-Appellant,

and

VERONICA CHRISWELL CARD, PERRY JAMES TAYLOR, and THOMAS ANDREWS,

Respondents.

No. 246242
Wayne Circuit Court
Family Division
LC No. 01-400081

Before: Whitbeck, C.J., and Jansen and Markey, JJ.

MEMORANDUM.

In these consolidated appeals, respondents-appellants appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm.

On appeal from termination of parental rights proceedings, we review the trial court's decision under the clearly erroneous standard. MCR 5.974(I), now MCR 3.977(J), *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The parental rights of respondent Veronica Card and respondent Perry Taylor were terminated under MCL 712A.19b(3)(c)(i), (g), and (j). Respondent Card admitted that when the children were taken into custody, they were living with her in a home that was unfit to live in and not safe for the children because the utilities had been turned off for some time, there was human waste piled in the toilets and bathtubs, birds were flying into the attic windows, and there were rats and cockroaches in certain rooms. Respondent

Card also admitted that when the police entered her home at 1:00 a.m., the two older children were home alone. Although respondent Card partially complied with the parent agency agreement, she failed to participate in individual counseling beyond two sessions, did not obtain housing despite numerous referrals, and verified only $1,510.33 in earnings for the nine months before the termination proceeding.

Respondent Taylor had visited his son Commando in respondent Card's home and acknowledged knowing there were no utilities and that the home was infested with rats, but denied being aware that there was human waste piling up in the house. Respondent Taylor did admit that the child was living in an unsuitable home. At the termination hearing, Taylor had not complied with the parent agency agreement and had done nothing to show that he could adequately support his son. Taylor failed to make himself available, did not visit Commando for an extended period of time, did not complete parenting classes, and never paid child support or obtained suitable housing. Although Taylor stated that he was currently able to support himself on his salary, he failed to offer any verification of employment or pay stubs to the court. Under these circumstances, we find that the trial court did not err in terminating the parental rights of both respondent Card and respondent Taylor under MCL 712A.19b(3)(c)(j), (g), and (j).

Respondent Howze's parental rights were terminated under MCL 712A.19b(h). During the pendency of this case, respondent Howze was serving a life sentence in prison for first-degree murder. Although Howze argues that his mother was willing and able to provide support for his daughter Brintley, petitioner had contacted his mother, who indicated that she was unable to provide for Brintley and refused to submit to a police or Protective Services background check. Therefore, the trial court did not clearly err in determining that Brintley would be deprived of a normal home for a period exceeding two years during her father's incarceration.

Finally, the evidence did not show that termination of all respondents-appellants' parental rights was not clearly in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Teria was an infant when she was taken from her mother's custody, but the two older children were suffering from depression and were in need of structure, supervision, and the knowledge that the adults in their lives were going to take care of them. Thus, the trial court did not err in terminating the parental rights of respondents-appellants.

Affirmed.

/s/ William C. Whitbeck
/s/ Kathleen Jansen
/s/ Jane E. Markey