

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TRAVIS DEAN and SAMANTHA
DEAN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LAURENCE J. DEAN,

Respondent-Appellant,

and

CHRISTIE DEAN and VICTOR SMITH,

Respondents.

UNPUBLISHED

February 23, 1999

No. 208592

Midland Juvenile Court

LC No. 97-010003 NA

Before: Whitbeck, P.J., and Cavanagh and Griffin, JJ.

MEMORANDUM.

Respondent-appellant (“respondent”) appeals as of right a juvenile court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). We affirm.

First, contrary to respondent’s position, it is axiomatic that where, as here, termination of parental rights are sought by the petitioner at the *initial* dispositional hearing following an adjudication that the petitioner is not required to have provided services to the involved parent. Rather, if the juvenile court properly finds a ground for termination of parental rights based on clear and convincing evidence, then it *shall* order such a termination at that point unless the juvenile court also finds that this is clearly not in the best interest of the involved child or children. MCR 5.974(D). Nevertheless, we note that the record indicates that petitioner *did* provide services to respondent.

The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996). Indeed, these findings were strongly supported by evidence of respondent's psychological and emotional problems including episodes of violence and displays of an extreme temper, respondent's serious history of crime and problems with substance abuse, and other factors.

Further, respondent failed to show that termination of his parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). We recognize that respondent may well love his children. However, particularly in light of his failure to make substantial progress in counseling, there is strong evidence that he is unlikely to properly parent the minor children. Thus, respondent has not established that the juvenile court erred in terminating his parental rights to the minor children. *Id.*

Affirmed.

/s/ William C. Whitbeck

/s/ Mark J. Cavanagh

/s/ Richard Allen Griffin