STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of LOLANDA MARIE PHILLIPS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RONALD ALWAYNE MITCHELL,

Respondent-Appellant,

and

JEANETTE PHILLIPS,

Respondent.

UNPUBLISHED
April 14, 2000

No. 220651
Wayne Juvenile Court
LC No. 95-326713

Before: Cavanagh, P.J., and Sawyer and Zahra, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from a juvenile court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j); MSA 27.3178(598.19b) (3)(a)(ii), (c)(i), (g) and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were all established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 455 NW2d 161 (1989). Suzanne Mann, the Family Independence Agency (FIA) worker assigned to the case testified at trial in April 1999 that respondent-appellant last visited the child in August 1998. There is no evidence suggesting respondent-appellant sought custody of the child between those dates. Therefore, the trial court did not clearly err in finding by clear and convincing evidence that respondent-appellant deserted the child. See § 19b(3)(a)(ii).

Moreover, there was compelling evidence supporting the trial court's termination pursuant to subsections (c)(i) and (g). Nearly four years elapsed from the time the original petition was filed and the time respondent-appellant's parental rights were finally terminated. Although respondent-appellant showed progress from June 1998 to August 1998 and actually gained extended visitation with the child during that period, evidence suggested that respondent-appellant regressed soon after and that much the same circumstances that led to adjudication existed in April 1999. Specifically, evidence suggested respondent-appellant continued to physically abuse the women in his life and continued to abuse cocaine. Additionally, there is no evidence disputing Mann's testimony that respondent-appellant failed to secure a stable, safe residence or stable employment. Nothing suggests respondent-appellant could provide any better residence for the child than was provided for her in 1995. Under such circumstances, the trial court did not clearly err in finding by clear and convincing evidence there was no reasonable likelihood that conditions that led to adjudication could be rectified within a reasonable period, see § 19b(3)(c)(i), or that respondent-appellant could not provide proper care and custody of the child within a reasonable time, see § 19b(3)(g).

Finally, there is also compelling evidence supporting the trial court's finding that termination was proper pursuant to subsection (j). Evidence suggested respondent-appellant inflicted significant physical injury to his wife during the latest incident of domestic violence. Respondent-appellant had a history of abuse of women. Also, evidence suggested he had significant problems with drugs during the past several years and that he had not overcome his drug problem. There was no evidence respondent-appellant could provide a safe, stable home for the child. Consequently, the trial court did not clearly err in finding by clear and convincing evidence that the child would likely be harmed if she returned to respondent-appellant's home. See § 19b(3)(j).

Respondent-appellant failed to show that termination of his parental rights was clearly not in the child's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998). Accordingly, the trial court did not clearly err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Mark J. Cavanagh
/s/ David H. Sawyer
/s/ Brian K. Zahra