

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ROBERT MATTHEW  
VERMILYER, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBERT VERMILYER,

Respondent-Appellant.

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UNPUBLISHED

August 18, 2000

Nos. 223816

Cass Circuit Court

Family Division

LC No. 96-000347-NA

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In the Matter of BRYAN JAMES VERMILYER,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBERT VERMILYER,

Respondent-Appellant.

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Nos. 223817

Cass Circuit Court

Family Division

LC No. 96-000347-NA

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In the Matter of BRADLEY JOSEPH VERMILYER,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

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Petitioner-Appellee,

v

ROBERT VERMILYER,

Respondent-Appellant.

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Nos. 223818

Cass Circuit Court

Family Division

LC No. 96-000347-NA

Before: Murphy, P.J., and Kelly and Talbot, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating his parental rights. We affirm.

The Family Independence Agency (FIA) took custody of respondent's children after respondent engaged in threatening behavior in the home and struck one of the children. The children began counseling, as did respondent and the children's mother. After an attempt to return the children to the custody of their mother proved unsuccessful, the FIA sought permanent custody of the children. At the permanent custody hearing, the evidence showed that the children remained in need of intensive therapy. Therapists opined that respondent could not provide proper care and custody for the children because he did not have a sufficient understanding of discipline and safety issues, and did not appreciate the negative effect that certain of his behaviors had on the children. The court found that clear and convincing evidence existed to terminate respondent's parental rights under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g), failure to provide proper care or custody, and that it was in the children's best interests that his parental rights be terminated.

To terminate parental rights, the family court must find that at least one of the statutory grounds for termination in MCL 712A.19b; MSA 27.3178(598.19b) has been met by clear and convincing evidence. *In re JS and SM*, 231 Mich App 92, 97; 585 NW2d 326 (1998). We review the family court's findings of fact under the clearly erroneous standard. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The family court did not err in finding that a statutory ground for termination was established by clear and convincing evidence. MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) required the court to evaluate respondent's acts and abilities without regard to his intent. The evidence established that although respondent had attended parenting and anger management classes as required, he remained temperamental, and failed to understand the negative impact that certain of his behaviors had on the children. The children remained in need of intensive therapy, including residential care in one case, after more than two years of treatment. The family court's finding that respondent, without regard to intent, was unable to provide proper care and custody for the children was not clearly erroneous. MCR 5.974(I).

Pursuant to MCL 712A.19b(5); MSA 27.3178(598.19b)(5) termination of parental rights was required unless the court found that termination was clearly not in the children's best interest. *In re Trejo*, \_\_\_ Mich \_\_\_; \_\_\_ NW2d\_\_\_ (No. 112528, issued 7/5/2000) slip op p 27. On this record, we do not conclude that the court's finding was clearly erroneous or that termination was clearly not in the children's best interest. Accordingly, the court did not err in terminating respondent's parental right to the children. *Id.*

Affirmed.

/s/ William B. Murphy

/s/ Michael J. Kelly

/s/ Michael J. Talbot