STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of AUSTIN DELBRIDGE and DANTE DELBRIDGE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM DELBRIDGE, III,

Respondent-Appellant,

and

ROSE FITZGERALD,

Respondent.

UNPUBLISHED
March 12, 2002

No. 232162
Allegan Circuit Court
Family Division
LC No. 99-024473-NA

Before: Meter, P.J., and Markey and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

Respondent-appellant argues that he has been denied his constitutional right to equal protection because the trial court did not have the benefit of any expert opinion testimony relative to the termination of his parental rights, whereas such testimony is required in a proceeding involving a parent of an Indian child. See MCR 5.980(D). This Court has already considered this argument and rejected it. *In re Miller*, 182 Mich App 70, 74-76; 451 NW2d 576 (1990). Thus, respondent-appellant has failed to show that his constitutional rights to equal protection and due process were violated for this reason.

Respondent also contends that he was not given a "fair opportunity to meet the demands of the Family Independence Agency." The gravamen of this argument, however, is that the trial court clearly erred by finding that the aforementioned statutory grounds for termination were

established. The "clearly erroneous" standard is used when reviewing a trial court's findings on appeal from an order terminating parental rights. MCR 5.974(I).

Here, respondent-appellant was given a fair opportunity to comply with his parent-agency agreement. He was provided with necessary services and sufficient time to complete the treatment plan, but was unable or unwilling to do so. The conditions that led to the removal of the children continued to exist at the time respondent-appellant's parental rights were terminated. Accordingly, we do not believe that the trial court clearly erred by terminating his parental rights pursuant to MCL 712A.19b(c)(i), (g) and (j).[1]

Finally, respondent-appellant contends that the proceedings were tainted by racism and gender discrimination. However, respondent-appellant fails to cite any authority in support of his position. "It is well established that '[a] party may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim.'" *Eldred v Ziny*, 246 Mich App 142, 150; 631 NW2d 748 (2001), quoting *In re Webb H Coe Marital & Residuary Trusts*, 233 Mich App 525, 537; 593 NW2d 190 (1999). Regardless, contrary to respondent-appellant's arguments, the evidence does not indicate that visits with the children's mother were suspended because of the race of her friends. Furthermore, respondent-appellant was provided with sufficient services and an equal opportunity to obtain custody of the children. Nothing in the record establishes that respondent-appellant was discriminated against because of his gender in the services he was offered.

Affirmed.

/s/ Patrick M. Meter
/s/ Jane E. Markey
/s/ Donald S. Owens

[1] Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-354; 612 NW2d 407 (2000).