

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.Z., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALEJANDRO D. ZAPATA,

Respondent-Appellant,

and

SHARILYN THIEL,

Respondent.

UNPUBLISHED

July 23, 2002

No. 236239

Midland Circuit Court

Family Division

LC No. 00-000656-NA

Before: Talbot, P.J., and Cooper and D. P. Ryan*, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

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); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence demonstrated that respondent was unable to provide proper care or custody for the child because of his failure to comply with the parent-agency agreement. Respondent expected to play only a passive role in raising the child, failed to attend parenting classes, and failed to follow through on substance abuse counseling. Most telling was respondent's defiance of the provision of the agreement calling for him to cease contact with the child's mother, who posed a threat to the child because of her drug use and mental health problems. It was clear that respondent intended to allow contact between the mother and the

* Circuit judge, sitting on the Court of Appeals by assignment.

child, thereby creating a reasonable likelihood that the child would be harmed if released to his care.

Further, because at least one ground for termination was established, the trial court was required to terminate respondent's parental rights unless the trial court found that termination was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). The trial court's finding regarding the child's best interests was not clearly erroneous. *Trejo, supra*. Although visitation between respondent and the child went well, it was clear that respondent lacked the initiative to be reunited with the child and that his continued contact with the mother posed a threat to the child's well-being. Respondent's remaining arguments were not preserved for appellate review and are meritless.

Affirmed.

/s/ Michael J. Talbot

/s/ Jessica R. Cooper

/s/ Daniel P. Ryan