

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R.H., I.H., Z.H., and C.H., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBERT HARRELL,

Respondent-Appellant.

UNPUBLISHED

August 2, 2002

No. 237913

Washtenaw Circuit Court

Family Division

LC No. 00-024927-NA

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

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating his parental rights to his children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. Petitioner provided respondent with various services; however, the evidence showed that respondent either failed to cooperate at all or cooperated only to gain release from his jail cell for a short time. Respondent's circumstances at the time of the termination hearing were essentially unchanged from the time the children were placed in custody. Respondent correctly notes that a parent has a

¹ The trial court's order also terminated the parental rights of non-participating respondent Christina Harrell, the children's mother. She has not appealed the order.

constitutional right to parent his or her child. US Const, Ams V, XIV. However, that right is not absolute and may be terminated. *In re LaFlure*, 48 Mich App 377, 386-387; 210 NW2d 482 (1973).

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the ground that the conditions that led to adjudication continued to exist and it was not reasonably likely that the conditions would be rectified within a reasonable time considering the ages of the children, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that there was a reasonable likelihood the children would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra