

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CORNISHA LEE COLEMAN
and CORNEALIUS JAMES COLEMAN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CORNEAL NELSON COLEMAN,

Respondent-Appellant.

UNPUBLISHED
February 24, 2004

No. 249231
Wayne Circuit Court
Family Division
LC No. 99-379837

Before: Cooper, P.J., and O'Connell and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor children under MCL 712.19b(3)(c)(i), (g) and (j). We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). We review the trial court's determination for clear error. MCR 3.977(J); *Trejo, supra* at 356-357.

Respondent's failure to protect his children from their mother's detrimental actions and his verbal and physical abuse of their mother in front of the children provide clear and convincing support that he failed to provide proper care and custody to his children in the past. His lack of consistent efforts to comply with his court-ordered case service plan, despite being given several opportunities and almost four years to comply, evidences that he is not likely to be able to care for the minor children within a reasonable time. *Trejo, supra* at 360-361 n 16. In particular, respondent failed to obtain and maintain suitable housing for the children at the time of the termination proceeding, failed to obtain and maintain a legal and stable source of income, only sporadically visited his children throughout the proceedings, and continued to use marijuana and alcohol. In light of this evidence, we conclude that there was clear and convincing evidence to support the trial court's finding that there is no reasonable expectation that respondent will be

able to provide proper care and custody for his children within a reasonable time and that it was likely the children would be harmed if returned to respondent's home. MCL 712A.19b(3)(g) and (j).¹

Finally, we conclude that the evidence failed to establish that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-257. Although the evidence indicated that there was a bond between respondent and his children, given his history of failing to make the necessary changes to regain custody of his children, despite numerous opportunities over almost four years, we cannot say that the trial court clearly erred in terminating respondent's parental rights instead of delaying permanency for the children.

Affirmed.

/s/ Jessica R. Cooper
/s/ Peter D. O'Connell
/s/ Karen M. Fort Hood

¹ While we do not conclude that clear and convincing evidence supported termination of his parental rights under MCL 712A.19b(3)(c)(i), the error is harmless given that petitioner established at least one statutory ground for termination of respondent's parental rights. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).