

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RODNEY A. PENNINGTON, III,
and ADAM MICHAEL LEE PENNINGTON,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

RODNEY DALE PENNINGTON,

Respondent-Appellant.

UNPUBLISHED

March 16, 2004

No. 248717

Wayne Circuit Court

Family Division

LC No. 99-384423

Before: Griffin, P.J., and White and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), and (g). The children have been in foster care their entire lives, have never lived with respondent, and have never had unsupervised visitation with him. After three years, respondent failed to complete his treatment plan. We affirm.

Respondent argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. We review the trial court's findings of fact for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Although we are not persuaded that termination was proper under § 19b(3)9b(ii), the trial court did not clearly err in finding that termination was warranted under §§ 19b(3)9c(i) and (g). The evidence clearly and convincingly showed that respondent failed to fully comply with the parent-agency agreement. After more than three years of intervention, respondent never reached a point where unsupervised visitation was possible. The evidence indicated that respondent moved repeatedly, that he did not provide regular verification of employment, that he failed to establish that he was living a drug and alcohol free lifestyle, and that he never demonstrated that he was capable of parenting the children.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra*. The children had lived in foster care their entire lives. As the trial court noted, extraordinary efforts had been

made to preserve the family, but respondent demonstrated an unwillingness to rectify conditions that were within his control. The trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Richard Allen Griffin

/s/ Helene N. White

/s/ Pat M. Donofrio