

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ARTHUR CUNNINGHAM,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KENNETH A. CUNNINGHAM,

Respondent-Appellant,

and

MARJORIE BARNETT,

Respondent.

UNPUBLISHED

April 13, 2004

No. 251244

Wayne Circuit Court

Family Division

LC No. 90-289823

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii), (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 at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent planned to raise the child with the mother even though she was an unsuitable caretaker due to her long-term history of substance abuse and child neglect and was known to have used cocaine during her pregnancy. Moreover, respondent and the mother were living in a motel room, which did not constitute suitable housing for the child, and which lacked provisions to care for the child. Further, the trial court's finding regarding the child's best interests was not clearly erroneous because the evidence did not show that termination was not in the child's best interests. *In re Trejo Minors*, 462 Mich 341, 354, 356-

357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Id.*

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski