

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MACINTOSH DAE'JUAN
HARRELL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARLES HARRELL,

Respondent-Appellant.

UNPUBLISHED

April 22, 2004

No. 250795

Wayne Circuit Court

Family Division

LC No. 99-382683

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

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

The trial court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal condition that led to adjudication was respondent's striking the child with an electrical cord, leaving scars on his back. The evidence clearly established that respondent failed to effectively address his anger management problem. He remained guarded through three months of therapy addressing this issue, then delayed entering anger management classes for more than a year, finally attending only three of nine sessions. Respondent was again referred for anger management classes, which he did not attend. Given respondent's failure to address this problem during the more than two and a half-year pendency of this case, we find that the trial court did not clearly err by concluding that there was no reasonable likelihood that the problem would be rectified in the reasonable future and that there was a reasonable likelihood that the child would be harmed if returned to respondent's home. MCL 712A.19b(3)(c)(i) and (j).

Respondent also failed to provide proper care and custody for the minor child when he struck him with an electrical cord. MCL 712A.19b(3)(g). The trial court did not clearly err by finding that respondent would be unable to provide proper care and custody for the minor child in the reasonable future. In addition to his failure to resolve his anger management problem, respondent lacked a suitable residence at the time of the termination trial, failed to submit random drug screens as required by the parent-agency agreement, submitted one screen that was

positive for marijuana, and appeared for visits with the minor child smelling of alcohol. Significantly, respondent failed to visit the minor child for months at a time, despite being offered transportation to the visits. Respondent's failure to carry out the parent-agency agreement supplies evidence of his inability to provide proper care and custody for the minor child. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003).

Finally, the trial court did not clearly err by finding that termination of respondent's parental rights was not clearly contrary to the best interests of the child. MCL 712A.19b(5). The minor child clearly expressed that he did not wish respondent's parental rights to be terminated. However, respondent failed to adequately address major impediments to reunification, notably anger management, housing and substance abuse issues. And the evidence indicated that the minor child was doing quite well in his placement. On the whole record, we cannot conclude that the trial court clearly erred by finding that termination was not clearly contrary to the best interests of the child.

Affirmed.

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