

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ROBERT FONTAINE HENRY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM ALFRED HENRY,

Respondent-Appellant.

UNPUBLISHED
September 14, 2004

No. 252945
Wayne Circuit Court
Family Division
LC No. 87-261094

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

MEMORANDUM.

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

Robert and his three siblings were made temporary court wards in 2001 after being found living with respondent in a home respondent owned that had been damaged in a 1997 fire and had not been repaired. The home lacked running water, was filthy, and had exposed beams and insulation, charred walls and boarded windows. The court determined that the home presented a health and environmental hazard and, by allowing the children to live there, respondent had neglected the children. More than two years after the children were taken into the court's care, respondent had moved out of the home and into a senior citizens complex but had failed to obtain housing suitable for the children. He completed parenting classes and counseling. However, a psychological report indicated that respondent had the capacity to parent only if supervised with on-going therapy and in-home services to monitor his progress, with the caution that any symptom of regression or further complication should lead to the immediate removal of the children. After Robert expressed a desire that respondent's parental rights be terminated so that he could be adopted by his foster mother, petitioner filed a permanent custody petition regarding Robert only.

Based on the foregoing evidence, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent's lack of

suitable housing supported termination of respondent's parental rights to Robert under MCL 712A.19b(3)(c)(i) and (g). Further, the evidence did not show that termination of respondent's parental rights to Robert was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to Robert.

Affirmed.

/s/ Pat M. Donofrio
/s/ Helene N. White
/s/ Michael J. Talbot