

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of CHERISH D'NA MARQUISE  
NICHOLS and T'NAREA ANNYA UKNIIC  
NICHOLS, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRYAN DECHARN JONES,

Respondent-Appellant,

and

MARISSA TAYLOR, f/k/a MARISSA NICHOLS,

Respondent.

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UNPUBLISHED

October 25, 2007

No. 277712

Saginaw Circuit Court

Family Division

LC No. 06-030231-NA

Before: Zahra, P.J., and White and O'Connell, JJ.

MEMORANDUM.

Respondent-appellant appeals the trial court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent-appellant claims that the court clearly erred in its best interests determination. We disagree. "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 regarding the child's best interests for clear error. *In re Trejo, supra* at 356-357.

The record supports the trial court's determination that there was an absence of clear evidence on the whole record that termination was clearly not in the children's best interests. Despite the children's wishes against termination and the evidence of a bond between respondent-appellant and the children, the record clearly showed that respondent could not adequately parent the children. Respondent had a longstanding history of failing to physically provide for the children (he had significant child support arrearages and never provided their mother with financial support for their care). During the proceedings, respondent failed to plan

for the children's care, obtain employment, or complete an employment assistance program. He visited only sporadically, and at the time of trial he was unavailable to parent the children, and did not know when he would be available to parent them, due to his incarceration awaiting trial on serious criminal charges.

Thus, the evidence failed to show that termination of respondent-appellant's parental rights was not clearly in the children's best interests, and the trial court did not err in terminating his parental rights. *In re Trejo, supra* at 354; MCL 712A.19b(5).

Affirmed.

/s/ Brian K. Zahra

/s/ Helene N. White

/s/ Peter D. O'Connell