

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIFFANY MARIE MICAH
MICHELLE KITCHING, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

FENNICE KITCHING,

Respondent-Appellant,

and

MICHELLE KING,

Respondent.

UNPUBLISHED
December 6, 2007

No. 277529
Macomb Circuit Court
Family Division
LC No. 2006-000004-NA

Before: Schuette, P.J., and Borrello and Gleicher, JJ.

PER CURIAM

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to his minor child pursuant to MCL 712A.19b(c)(i) and (g). For the reasons set forth in this opinion, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the trial court must terminate the respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

The evidence presented to the trial court established that the grounds for termination pursuant to MCL 712A.19b(3)(c)(i) and (g) were met by clear and convincing evidence. The minor child was taken into care because respondent-appellant was in jail, he did not have a home, he did not properly supervise the minor child, and the minor child appeared to be physically neglected. At the time of the termination trial, respondent-appellant was no longer in

jail, and he had been given the opportunity to work with petitioner on a parent agency agreement. The trial court did acknowledge that respondent-appellant had met some of the requirements of his parent agency requirement. He did not, however, address the critical issues of housing and parenting skills.

During the period of time that the minor child was under petitioner's supervision, respondent-appellant was unable to show that he had a stable place to live. He had lived in a variety of different houses over the course of the year with different friends and relatives. At one point, he was going to live in the home of a relative for minimal rent but it was not clear who owned the home and who else was living there. The trial court gave respondent-appellant every opportunity to show that he had settled down, signed a lease, and was making payments on a home so that the minor child could have a stable environment where she could grow up.

Respondent-appellant was also required to show that he could properly supervise and parent the minor child. He did attend parenting classes but was not able to show the trial court that he would do what was in the best interests of the minor child. An incident occurred that caused great concern to petitioner and the court when the relative with whom the minor child had been placed, left the minor child with respondent-appellant, and respondent-appellant did not report this to petitioner. Apparently, not only did respondent-appellant not report this, but he then left the minor child with another relative. This relative had been a prior placement for the minor child, and the child had been removed from that placement because of some problems. The minor child had been shuffled between relatives for most of her life, and petitioner and the trial court were very concerned with the minor child's need for stability.

The evidence established that the conditions that led to adjudication, respondent-appellant's lack of housing, inability to properly supervise the minor child, and failure to provide her with a stable and safe environment, continued to exist at the time of the termination trial. After a year of services, respondent-appellant still did not have a place to live and was living with friends. He was still leaving the minor child with various relatives. The minor child was five years old at the time of the termination hearing. There was no reasonable likelihood that these conditions would be rectified within a reasonable time considering the age of the minor child. Furthermore, with respect to MCL 712A.19b(3)(g), the evidence is also clear that respondent-appellant failed to provide proper care and custody of the minor child and would be unable to do so within a reasonable period of time considering the minor child's age.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(5). The minor child had been passed from relative to relative for most of her life. Even during the past year, she had lived in three different relative placements. Respondent-appellant was given every opportunity to show the trial court that he could provide the minor child with a stable and safe environment. The minor child deserved the opportunity to grow up in a place where she knew who would raise her, who would be there for her, and who she could rely on. She deserved the opportunity to be in a safe, nurturing environment, and respondent-appellant could not provide that for her.

Affirmed.

/s/ Bill Schuette
/s/ Stephen L. Borrello
/s/ Elizabeth L. Gleicher