

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of OLIVIA LEE DELEON, a/k/a
OLIVIA LEE WAGNER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANDRE E. OTIS,

Respondent-Appellant.

UNPUBLISHED

December 11, 2007

No. 278474

Tuscola Circuit Court

Family Division

LC No. 05-009022-NA

Before: Whitbeck, C.J., and White and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g) (failure to provide proper care and custody), and (j) (likelihood child will be harmed if returned to parent's care).¹ We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). This Court reviews the trial court's findings of fact under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Petitioner presented ample evidence that respondent lives a chronically unstable and chaotic lifestyle that prevents him from providing proper care and custody for his child. Respondent has no regular income. Although respondent maintained that he earns an adequate income from his food service businesses, he failed to document this claim. Respondent also failed to establish a stable housing arrangement. He repeatedly indicated that he intended to move in with his aunt, but never followed through with this plan. Furthermore, a psychological

¹ Contrary to what respondent asserts, the trial court did not rely on § 19b(3)(c)(i) as a statutory basis for termination.

evaluation indicated that respondent has an antisocial personality disorder, which was consistent with respondent's criminal history, and his belligerent, aggressive behavior throughout this case, including one episode when respondent threatened agency workers and the child's foster mother in the child's presence, causing her severe distress.

The record does not support respondent's claim that petitioner and the trial court were biased against respondent because of his Muslim background and practices. The record discloses that petitioner attempted to accommodate respondent's religion by, for example, allowing him seek counseling from his imam instead of a counselor recommended by petitioner. Further, the trial court's findings were supported by the testimony of several witnesses who had observed respondent's hostile, threatening, and aggressive conduct.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Affirmed.

/s/ William C. Whitbeck

/s/ Helene N. White

/s/ Brian K. Zahra