

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BROOKLYN MARIE HALL and
BRIAN SCOTT HALL, JR., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRIAN HALL,

Respondent-Appellant.

UNPUBLISHED

February 7, 2008

No. 281193

St. Clair Circuit Court

Family Division

LC No. 06-000127-NA

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

MEMORANDUM.

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

Respondent indicated that he loved his children and wanted to be a good father and actively involved in their upbringing. Although respondent had taken steps to address some of the identified concerns that brought the children into care there was insufficient documentation he had fully resolved the issues of domestic violence and substance abuse, which had been recurring issues when respondent was not incarcerated. Respondent asserted that he intended to alter his behavior to preclude future involvement with the criminal justice system. However, respondent acknowledged having 11 criminal convictions, including his most recent for domestic violence, and as noted by the Referee, respondent “has never been free of involvement with illegal drugs and the Criminal Justice System during any substantial period of his adult life.”

The children were adjudicated as court wards based in part on respondent’s inability to care for them because he was incarcerated, and because respondent left the children with their mother, who was also unable to provide adequate care for them. At the time of the termination hearing 14 months later, respondent remained in prison and the children’s mother was unable to care for them because her own parental rights had been previously terminated. As such, the trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were each established by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Because the trial court did not clearly err in finding that termination was warranted under §§ 19b(3)(c)(i) and (g), it is unnecessary to determine whether termination was also justified under § 19b(3)(j).

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5). Thus, the trial court did not err in terminating respondent's parental rights to the children. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Michael J. Talbot

/s/ Mark J. Cavanagh

/s/ Brian K. Zahra