

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BREANNA SHAWN HENDRIX,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHAWN HENDRIX,

Respondent-Appellant.

UNPUBLISHED

October 7, 2008

No. 283704

Wayne Circuit Court

Family Division

LC No. 04-429736-NA

Before: O'Connell, P.J., and Smolenski and Gleicher, JJ.

MEMORANDUM.

Respondent Shawn Hendrix appeals as of right from the order terminating his parental rights to his daughter 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).

Termination of a respondent's parental rights is appropriate when the petitioner establishes at least one ground for termination by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000). We review the trial court's findings for clear error. *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding of fact is clearly erroneous if we are left with a definite and firm conviction that a mistake has been made, giving due regard to the trial court's special opportunity to judge the credibility of witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The conditions that led to adjudication primarily involved the child's mother's failure to supervise and protect her children. However, the petition also alleged that respondent owed \$8,186.26 in child support. Despite being employed at times during the case, respondent failed to provide any financial support for his daughter. We acknowledge that, at one point in this case, respondent was making progress in gaining custody of his child. Respondent had completed parenting classes and had a home with his new wife. However, respondent's situation changed. Evidence revealed that respondent's whereabouts had been unknown, that he did not have suitable housing, and that he was incarcerated at the time of the termination trial. Thus, he was not in a position to provide his child with a safe and stable home, and the evidence established that he would not be able to do so within a reasonable time, given the child's age and the length of time she had been outside her parents' care. Therefore, termination pursuant to

MCL 712A.19b(3)(c)(i) and (g) was appropriate. Because termination was appropriate pursuant to MCL 712A.19b(3)(c)(i) and (g), we need not consider whether termination was also appropriate under MCL 712A.19b(3)(j).

Respondent contends that the court ignored the bond between him and his daughter when it determined that termination of respondent's parental rights was clearly not contrary to the child's best interests. We acknowledge that respondent's grandmother testified that this bond existed. In addition, respondent testified that he wanted to plan for the child. However, the child had been in her great-grandmother's care for some time and, according to her foster care worker, needed permanency. Furthermore, respondent had failed to provide for the child, even when he was able to do so. Thus, the evidence did not demonstrate that termination of respondent's parental rights was clearly not in the child's best interests. *Trejo, supra* at 354; MCL 712A.19b(5).

Affirmed.

/s/ Peter D. O'Connell
/s/ Michael R. Smolenski
/s/ Elizabeth L. Gleicher