

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ELLA DAWN DODSON and
DANIEL CHASE HABERMEHL, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JASON HABERMEHL,

Respondent-Appellant,

and

TONYA HABERMEHL,

Respondent.

UNPUBLISHED

January 8, 2009

No. 287049

Shiawassee Circuit Court

Family Division

LC No. 06-011755-NA

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

MEMORANDUM.

Respondent Jason Habermehl appeals as of right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). Respondent, who had a history of transient living, allowed the children to remain with their mother, who was unable to care for them. Despite participating in some services, he was unable to maintain stable employment, which caused him to lose his home. When the supplemental petition was filed a year later, respondent still lacked stable employment and was unable to support himself. At the time of the hearing, he was newly employed, but still lacked suitable housing for the children. Because the trial court did not clearly err in finding that termination was warranted under § 19b(3)(g), it is unnecessary to determine whether termination was also warranted under § 19b(3)(c)(i). *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Further, the trial court did not clearly err in finding that termination of respondent's

parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Brian K. Zahra

/s/ Peter D. O'Connell

/s/ Karen M. Fort Hood