

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTONIO VALENTINO
LEWIS, KYLE VASHAWN LEWIS, and KAYLE
MARY-ANNE LEWIS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANTONIO LEWIS SR.,

Respondent-Appellant.

UNPUBLISHED

March 31, 2009

No. 288846

Van Buren Circuit Court

Family Division

LC No. 06-015296-NA

Before: Wilder, P.J., and Meter and Servitto, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were established by clear and convincing evidence. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). The minor children came to the attention of the trial court in February 2006 after another of respondent's children, who also lived in the same household as the minor children in this matter, died of sudden infant death syndrome "associated with an unsafe sleep environment/position." The petition alleged that the home was unfit and unsanitary, but also alleged that respondent had a history of domestic violence. The minor children's mother, Jessica Phillips, admitted that the home was unfit and unsanitary, and further testified to instances of domestic abuse by respondent while the children were in the home, permitting the trial court to exercise jurisdiction over the children.

After the trial court assumed jurisdiction, in June 2006 respondent was ordered from the home and directed to meet with a psychiatrist, receive treatment for depression, participate in individual counseling, and work with a parenting education program. In the two years before termination, respondent failed to successfully complete the parenting classes, mental health counseling, domestic violence counseling or the anger management program as required by the trial court. In addition, respondent was not cooperative with the agency and threatened to kill various employees for kidnapping his children. Further, respondent lacked suitable housing for

the children and had no source of income with which to support them. Given that the children had been court wards for more than two years and respondent was still not in a position to assume custody, it was reasonably likely that he would not be able to provide proper care and custody within a reasonable time given the children's ages.

Further, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). All three children demonstrated unusual levels of physical aggression and the two boys were terrified of respondent and did not want to see him. Respondent had not maintained a bond with his children through visitation and rarely saw the children during the two-year period they were out of his custody.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Patrick M. Meter
/s/ Deborah A. Servitto