

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAMES ALLEN RIGGINS II,
DA'RON BRANDON RIGGINS, JEREMIAH
WILLIE RIGGINS, and MICHAEL
DARTANION COVINGTON, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAULA YVONNE LAWRENCE, f/k/a PAULA
YVONNE RIGGINS, a/k/a PAULA
COVINGTON,

Respondent,

and

JAMES ALLEN RIGGINS,

Respondent-Appellant.

UNPUBLISHED

June 30, 2009

No. 289476

Wayne Circuit Court

Family Division

LC No. 91-295674-NA

Before: O'Connell, P.J., and Bandstra and Donofrio, JJ.

MEMORANDUM.

Respondent James Riggins appeals as of right from the trial court's order terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(g), (i), 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 the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed that respondent's parental rights to another child were previously terminated in 1994, and that many of the same conditions that existed then continued to exist at the time of this proceeding, thereby justifying termination under § 19b(3)(i). In addition, the evidence showed that respondent has a history of domestic violence. Respondent failed to complete a treatment plan when two children were previously placed in foster care in 1997. More recently, respondent had been living in New York, where he

has two other children who have been court wards for approximately two years. Respondent had failed to complete treatment plans required by the New York courts to regain custody of these children. At the time of termination, defendant also lacked suitable housing or a stable income and was tens of thousands of dollars behind in child support. Respondent's apparent inability to provide for his special-needs children and his failure to complete treatment plans to regain custody of his other children demonstrate that respondent could not provide proper care and custody for his children and would be unable to do so within a reasonable period of time. Further, respondent's failure to provide for his children, combined with his history of domestic violence and his decision to abandon his minor children with their drug-addicted mother indicates that a reasonable likelihood of harm would exist if the children were returned to respondent's custody. Consequently, the trial court's decision to terminate respondent's parental rights under §§ 19b(3)(g) and (j) was not clearly erroneous.

Further, considering that respondent had not seen the minor children for approximately three years, the children have special needs that respondent is not qualified to handle, and the children have not expressed a desire to be reunited with respondent, 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, supra* at 356-357. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Peter D. O'Connell
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio