

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BROOKELYNN ELISE OLIVER
and BRENDAN CHAYSE OLIVER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WILLIAM HERBERT OLIVER,

Respondent-Appellant,

and

SHANNON OLIVER,

Respondent.

UNPUBLISHED

January 12, 2010

No. 291464

Oakland Circuit Court

Family Division

LC No. 07-740465-NA

Before: Davis, P.J., and Fort Hood and Servitto, JJ.

MEMORANDUM.

Respondent-appellant William Oliver appeals as of right from the trial court order terminating his parental rights to Brookelynn Oliver under MCL 712A.19b(3)(c)(i), (g), and (j), and to Brendan Oliver under MCL 712A.19b(3)(g) and (j). We affirm.

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(G); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Brookelynn was removed in November 2007, and Brendan was born in March 2008. Respondent's struggles with drug addiction culminated in an overdose in August 2008. Although respondent did comply with the parent-agency agreement to some extent, the evidence supported the court's finding that his history demonstrated a likelihood that he would again relapse and be unable to provide his children a proper home. His actions repeatedly endangered his children's lives. Further, respondent was provided with appropriate services to rectify the conditions causing removal. MCL 712A.18f(1), MCL 712A.19a(6)(c). He also had a meaningful opportunity to participate in the proceedings. *In re Rood*, 483 Mich 73, 111; 763 NW2d 587 (2009). His lack of participation was caused by his incarceration, substance abuse, and unavailability.

We also find no clear error in the trial court's determination that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Although professing his love for the children, respondent showed very poor judgment throughout the case, repeatedly endangered the children's lives, and demonstrated no ability to care for them and provide a stable environment. While there was some testimony that Brookelynn asked about respondent, the evidence did not show a strong bond with either child, and the court did not clearly err in finding termination to be in the children's best interests.

Affirmed.

/s/ Alton T. Davis
/s/ Karen M. Fort Hood
/s/ Deborah A. Servitto