

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

In the Matter of CHANTAE CURRY, DANTAE  
CURRY, NICHOLE CURRY, CLIFF CURRY,  
DESIREE CURRY and JEREMIAH CURRY, Minors.

---

FAMILY INDEPENDENCE AGENCY, f/k/a  
DEPARTMENT OF SOCIAL SERVICES,

UNPUBLISHED  
December 19, 1997

Petitioner-Appellee,

v

No. 202208  
Wayne Juvenile Court  
LC No. 92-299019

CLEVELAND CURRY,

Respondent-Appellant,

and

IVORY CURRY,

Respondent.

---

Before: MacKenzie, P.J., and Hood and Hoekstra, JJ.

PER CURIAM.

Respondent-appellant appeals by delayed application granted from the juvenile court order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(b)(i), (c)(i), (g), and (j). We affirm.

Respondent-appellant suggests that this Court wrongly affirmed the decision of the juvenile court to terminate the rights of his wife, respondent Ivory Curry. Respondent-appellant does not have standing to bring such a collateral attack. Moreover, respondent-appellant cannot collaterally attack the juvenile court's termination of Ivory Curry's parental rights because this Court has already examined this issue and affirmed the juvenile court's decision with regard to Ivory Curry in its January 23, 1997 order.

Respondent-appellant also argues that the juvenile court did not have clear and convincing evidence on which to terminate his parental rights. We disagree. The court provided four separate bases on which it acted to terminate respondent-appellant's parental rights to the children. The primary reason the children were taken from respondent-appellant and Ivory Curry was because of the physical injuries that two of the children suffered while in the custody of the Currys. After a review of the record, we conclude that the juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

On the basis of the factual record established in this case, the juvenile court did not clearly err in determining that there was clear and convincing evidence that if returned to the custody of their parents, there was a reasonable likelihood that the children would be harmed and subject to physical or sexual abuse, respondent-appellant and Ivory Curry could not provide proper care, and the conditions that led to the original adjudication would not be rectified within a reasonable time. See *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

The basis on which the juvenile court acted to terminate respondent-appellant's parental rights also provided a sound basis on which to reject his request to allow him the opportunity to retain custody of only Jeremiah or both Jeremiah and Nichole. The juvenile court found that Desiree was deliberately injured. Hence, the dangers that the children faced did not stem exclusively from the fact that there were six young children to raise at once. Respondent-appellant did not provide any evidence that the decision to terminate his parental rights was not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Barbara B. MacKenzie

/s/ Harold Hood

/s/ Joel P. Hoekstra