STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DARYL LEE LEWIS II, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DARYL LEE LEWIS,

Respondent-Appellant,

and

NAKIA SHARELLE WHITE,

Respondent.

UNPUBLISHED
January 12, 2001

No. 226434
Wayne Circuit Court
Family Division
LC No. 99-379651

Before: Griffin, P.J., and Holbrook, Jr., and Murphy, JJ.

PER CURIAM.

Respondent appeals as of right from an order of the circuit court terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(*i*), (g) and (j); MSA 27.3178(598.19b)(3)(c)(*i*), (g) and (j). We affirm.[1]

Once a trial court determines that one or more grounds for termination has been established by clear and convincing evidence, the trial court must terminate parental rights unless "there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Respondent argues that the family court erred 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). We disagree. We review the family court's findings

[1] Respondent White has not appealed the termination of her parental rights.

under the clearly erroneous standard. *Id.* at 358. "A finding is clearly erroneous where the reviewing court is left with a firm and definite conviction that a mistake has been made." *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

After carefully reviewing the record, we conclude that the trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence. The record clearly establishes that when his parental rights were terminated, the problems in respondent's living conditions, including respondent's history of domestic violence, persisted. Contrary to respondent's assertions, evidence presented at the February 14, 2000 dispositional review hearing showed that respondent was not in substantial compliance with his parent-agency treatment plan. Most importantly, in the seven months since he had signed the treatment plan, respondent had done almost nothing toward addressing his domestic violence problems. Respondent repeatedly missed appointments for both domestic counseling assessment and psychological evaluation. While he had finally completed the first part of the two-part domestic counseling assessment one week before the February 14 hearing, he failed to attend the second part of the assessment on the following day. As of February 14, 2000, respondent had not completed, nor had he rescheduled the second-part of the assessment. As for the psychological evaluation, respondent failed to make any of his scheduled appointments despite petitioner's efforts to provide him with transportation.

Further, even if respondent had begun domestic violence counseling in February 2000, the evidence established that he would not complete the program until November or December 2000. By this time, the minor child would have been in foster care for approximately one and one-half years. Had respondent begun domestic violence counseling either in July 1999 (when the treatment plan was signed), or after the initial dispositional hearing in early November 1999, he would have been well on his way to completing the program as of February 14, 2000.

We also reject respondent's assertion that the family court acted improperly during the course of the dispositional review hearing. The record shows that the trial court neither abused its discretion when questioning various witnesses, MCR 5.923(A), nor did it display a prosecutorial bias in its administration of the proceedings.

Affirmed.

/s/ Richard Allen Griffin
/s/ Donald E. Holbrook, Jr.
/s/ William B. Murphy