

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAMES GUY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROY LEE GUY,

Respondent-Appellant,

and

DONETTA NEWELL,

Respondent.

UNPUBLISHED

May 18, 2001

No. 227510

Calhoun Circuit Court

Family Division

LC No. 99-004139-NA

Before: McDonald, P.J., and Smolenski and K. F. Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating his parental rights to the minor child under MCL 712A.19b(3)(e), (g) and (j); MSA 27.3178(598.19b)(3)(e), (g) and (j). We affirm.

Although appellant argues that the trial court erred in terminating his parental rights at the initial dispositional hearing, the court rules expressly permit that practice. MCR 5.974(D). Applying that court rule, we hold that the trial court did not err in terminating appellant's parental rights at the initial disposition where: (1) the petition contained a proper request for termination, (2) the court found by a preponderance of the evidence that the child came under the jurisdiction of the trial court, and (3) the trial court did not clearly err in finding, by clear and convincing evidence, that one or more facts alleged in the petition were true, justified termination of parental rights, and fell under MCL 712A.19b(3)(e), (g) and (j); MSA 27.3178(598.19b)(3)(e), (g) and (j).

The trial court did not clearly err in finding a statutory basis for termination, given appellant's lengthy criminal history, multiple incidents of domestic violence, long-standing drug

and alcohol abuse, long-term failure to parent the child, and failure to comply with the court-ordered plan developed as part of the guardianship proceeding. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Further, the trial court did not clearly err in finding that the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors, supra* at 344. Accordingly, the trial court was required to terminate respondent's parental rights. *Id.*

Affirmed.

/s/ Gary R. McDonald
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly