

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARQUISE DIXON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RAFIKI DIXON,

Respondent-Appellant.

UNPUBLISHED

June 1, 2004

No. 252222

St. Clair Circuit Court

Family Division

LC No. 01-000661-NA

Before: Markey, P.J., and Wilder and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating his parent rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.2114(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 Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal conditions that led to adjudication were the mother's homelessness and inability or desire to care for the child and respondent's imprisonment. The evidence established that respondent failed to comply with the court's orders contained in the parent-agency agreement, was abusing drugs, did not supply financial support, and had two new pending charges against him, domestic violence and simple assault.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*; 462 Mich 341, 356-357; 612 NW2d 407 (2000). After respondent's release from prison, respondent only visited his son six of the scheduled thirteen visits. The evidence showed that respondent's missed visits were hurting the child's self-esteem and that the child was developing appropriately in his foster care home where he had resided for sixteen of the twenty-two months he had been a ward of the court. In addition, respondent had not seen the child for months before the trial and did not attend the trial despite his attorney's statement that he had been served with notice. Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Jane E. Markey
/s/ Kurtis T. Wilder
/s/ Patrick M. Meter