

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DIAMONDIQUE WILLIAMS and
NIVIAH ELLISON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DESHAWN ELLISON,

Respondent-Appellant,

and

TANYA WILLIAMS,

Respondent-Not Participating.

UNPUBLISHED

June 8, 2004

No. 252769

Jackson Circuit Court

Family Division

LC No. 01-004481-NA

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

MEMORANDUM.

Respondent-appellant appeals by right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence showed that respondent-appellant had never provided proper care or custody of the children for any length of time. During the short times he lived with them, he frequently assaulted their mother, so that the children feared him. Until the termination hearing, respondent-appellant never showed any desire to assume responsibility for the children. His usual pattern was to allow others to care for them. At the time of the termination hearing, respondent-appellant was incarcerated.

Respondent-appellant's minimization of his violent personality, denial of a substance abuse problem although he used marijuana everyday, frequent incarcerations, and ignoring in the children and their well being, indicate that there was no reasonable expectation that he would be

able to provide the children with proper care or custody within a reasonable time. There was a great likelihood that they would be emotionally and physically harmed, and neglected if returned to his care.

The goal of the initial petition was termination of respondent-appellant's parental rights; it was never petitioner's goal to reunite him with the children; therefore reunification services were not required. MCL 712A.18f(3)(e). The evidence showed that the trial court did order services, but that respondent-appellant avoided contact with the court system and agency because of outstanding arrest warrants. He made himself unreachable. Therefore, the fact that he was never provided services was a problem of his own making.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children were afraid for their safety because of respondent-appellant, and the evidence was clear that he could not be a suitable, stable parent for them within a reasonable time.

We affirm.

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