

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KRISTIAN EVANS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL NAPPIER,

Respondent-Appellant.

UNPUBLISHED

June 29, 2004

No. 250563

Calhoun Circuit Court

Family Division

LC No. 01-004629-NA

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

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 condition leading to adjudication was respondent's Children's Protective Services history in Kalamazoo County, the inconsistent care he had given Kristian during the course of her lifetime, and his past domestic violence and unstable behavior. Respondent was diagnosed with a personality disorder that would take years of counseling to modify, and not a mood disorder that could be remedied with medication. Respondent's personality disorder had serious detrimental effect over the years, causing him to engage in domestic violence and frequent suicide threats and attempts. It had permanently damaged the father-daughter relationship.

The evidence clearly showed that respondent could not safely and appropriately parent Kristian within a reasonable time, despite his complete compliance with services. Respondent's mental disorder brought instability into his own life and would also make Kristian's life unstable. This, coupled with Kristian's fear of and adamant refusal to live with respondent, clearly indicated that Kristian would likely be harmed physically and emotionally if returned to respondent.

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 Minors*, 462 Mich 341,

356-357; 612 NW2d 407 (2000). The evidence was clear that Kristian consistently and vehemently refused to return to respondent. While termination of parental rights should not be based only on the fears and wishes of a twelve-year-old child, the very real fear and anxiety Kristian felt had been caused by respondent's failure during the course of her entire lifetime to provide her with the care, safety and security every child needs. In light of the fact that respondent would not be able to appropriately parent Kristian, and the additional fact that Kristian expressly refused to return to him, the trial court did not err in determining that termination of respondent's parental rights was not clearly contrary to Kristian's best interests.

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens