

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of DUSTYN THOMPSON,  
JACLYN THOMPSON, and DYLAN  
THOMPSON, Minors.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRIAN THOMPSON,

Respondent-Appellant.

---

UNPUBLISHED  
November 9, 2004

No. 255712  
St. Clair Circuit Court  
Family Division  
LC No. 03-000030-NA

Before: Murray, P.J., and Sawyer and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(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 conditions of adjudication included respondent's substance abuse and his failure to provide adequate housing for the children. Those conditions clearly continued to exist at the time of the termination trial as respondent admitted that he lacked independent housing and his recent correspondence from jail indicated his consumption of alcohol even while incarcerated. Thus, the termination of parental rights under MCL 712A.19b(3)(c)(i) was not clearly erroneous.

It is also clear that respondent failed to provide proper care and custody for the children by failing to maintain adequate housing for them. MCL 712A.19b(g). We are left with no conviction that the trial court made a mistake when it found that respondent would be unable to provide proper care and custody for the children in the reasonable future, as he lacked housing at the time of the termination trial, repeatedly committed crimes resulting in his incarceration during the pendency of this matter, and had yet to begin performing critical requirements of the parent agency agreement and of the court, notably substance abuse assessment, random drug screening, parenting classes, and maintaining appropriate housing. Especially where respondent continued to commit criminal offenses resulting in his incarceration even while purportedly

seeking reunification with the children, it appears extremely unlikely that respondent will be able to provide a stable environment for the three young children, and we are left with no impression that the trial court made a mistake by finding a reasonable likelihood that the children would be harmed if returned to respondent. MCL 712A.19b(j).

Respondent has not seen these young children for approximately fourteen months preceding the termination trial. We find no evidence on this record indicating that termination is contrary to the best interests of the children. MCL 712A.19b(5).

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Michael R. Smolenski