

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of COLLEEN JONELL DIONE
BORN and VICTORIAN FRANCIS BORN-
NAPPIER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL JOHN NAPPIER,

Respondent-Appellant,

and

JOSEPHINE BORN,

Respondent.

UNPUBLISHED
November 21, 2006

No. 270929
Kalamazoo Circuit Court
Family Division
LC No. 99-000263-NA

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

Respondent Michael Nappier appeals as of right from the trial court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(g), (j), and (l). We affirm.

We review the trial court's decision for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). We therefore defer to the trial court's factual findings because it is an advantage having actually seen the parties and witnesses testify. *People v Paille*, 383 Mich 621, 627; 178 NW2d 465 (1970). The evidence accepted by the trial court showed that respondent was more preoccupied with his adult relationships than with the children's needs, that he lacked stability, and that he was unable to handle the responsibilities of parenting on his own. The trial court found that respondent delegated the majority of his parental responsibilities to his girlfriend. Respondent also had a history of domestic violence and abuse, and was involved in incidents with the children in which he purposefully broke the children's radio and physically pushed the children, and crashed his car into his girlfriend's car. Respondent did not obtain medical care for the children after these incidents, despite observing that they were bruised. It is also undisputed that respondent's parental rights to another child were previously terminated, and that physical abuse was an issue

in the prior proceeding. The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio