

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAYLIE MARIE TILLERY,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BOBBY BRYAN TILLERY,

Respondent-Appellant.

UNPUBLISHED

June 30, 2009

No. 290802

Van Buren Circuit Court

Family Division

LC No. 07-015964-NA

Before: O’Connell, P.J., and Bandstra and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (j), and (l). 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 §§ 19b(3)(j) and (l) were each established by clear and convincing evidence. MCR 3.977(G)(3); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent had a history of drug abuse and criminal activity. Despite receiving substance abuse treatment, respondent continued to abuse drugs during the pendency of these proceedings and was once again incarcerated at the time of the termination hearing. Evidence was presented indicating that respondent had anger management issues and had previously been accused of domestic violence. Given respondent’s apparent struggles with anger management issues, repeated incarcerations, and continued abuse of several controlled substances, including cocaine and methamphetamines, a reasonable likelihood existed that the child would be harmed if placed in respondent’s custody. Therefore, termination was appropriate under § 19b(3)(j).

Respondent also had three other children who became subjects of child protective proceedings in 2005, and his parental rights to those children were terminated in February 2007, just seven months before the present child was born. Therefore, termination was also appropriate under § 19b(3)(l). Because respondent’s parental rights were properly terminated under §§ 19b(3)(j) and (l), it is unnecessary to address whether termination was also warranted under § 19b(3)(g). See *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Further, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. Respondent testified that he loved his daughter and she presumably had some sort of connection to respondent, given that they had lived together for a month and that respondent visited the child when he was not evading authorities or incarcerated. However, respondent was unprepared to handle the responsibilities of parenthood and showed little inclination to improve, given his multiple incarcerations, his repeated use of drugs, and his unwillingness to seriously and consistently participate in court-ordered services.¹ Therefore, the trial court did not clearly err in terminating respondent's parental rights.

The fact that petitioner did not seek termination of the mother's parental rights does not affect the analysis of the case against respondent. The law is clear that "the parental rights of one parent may be terminated without the termination of the parental rights of the other parent . . ." *In re Marin*, 198 Mich App 560, 568; 499 NW2d 400 (1993).

Affirmed.

/s/ Peter D. O'Connell
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio

¹ Respondent asserts that the court "erred in its conclusion concerning his mental health stability and the fear of the child of him." It is unclear what respondent means by this, given that the trial court made no such findings. It found that respondent's lifestyle was unstable, given his drug use and criminal activity, but said nothing about his mental health apart from noting the findings made in the prior case. Nor did the court say anything about respondent's child being afraid of her father.