

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CLARK SMITH, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DUANE SMITH,

Respondent-Appellant,

and

ELIZABETH SMITH,

Respondent.

UNPUBLISHED

June 12, 2007

No. 275883

Shiawassee Circuit Court

Family Division

LC No. 05-011361-NA

Before: Fitzgerald, P.J., and Sawyer and O'Connell, JJ.

MEMORANDUM.

Respondent Duane Smith appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). There was evidence that respondent was able to care for the child, but did not put that willingness and ability into practice. A psychological evaluation indicated that respondent had an antisocial personality disorder that predisposed him to resist authority and engage in criminal activity, and that he was not amenable to treatment. Respondent was convicted of receiving or concealing stolen property while the child was in care and was sentenced to probation, which he later violated. He attended parenting classes but showed little interest in the topics presented and disrupted class by arguing with the instructor. He sometimes interacted appropriately with the child during parenting time, but other times disregarded the child's needs and argued with the mother over who should attend to them. Respondent preferred to leave some aspects of childcare up to the mother and could not maintain a sanitary home. Considering that the child had been in foster care for a year and that respondent was no closer to reunification, respondent was unlikely to be able to provide proper care and custody within a reasonable time.

Furthermore, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights to the child.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ David H. Sawyer

/s/ Peter D. O'Connell