

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GABRIELLA ANJELLICA
JIMENEZ, SABRINA ANDREA JIMENEZ, and
JESUS SIMON JIMENEZ, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESUS SIMON KLIMAS,

Respondent-Appellant.

UNPUBLISHED

January 8, 2009

No. 285143

Wayne Circuit Court

Family Division

LC No. 06-458484-NA

Before: Murray, P.J., and Markey and Wilder, 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), (h), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003); *In re Trejo*, 462 Mich 341, 350; 612 NW2d 407 (2000). During the August 2006 incident leading up to the removal, respondent reportedly held a knife to the throat of the children's mother, Betsaida ("Betsy") Jimenez, and a gun to the head of the children's half-sister Sarah. Respondent had a history of assaulting Betsy and a previous conviction for resisting or obstructing a police officer. Following this incident, he was convicted of felonious assault and probation violation.

While respondent did love his children and wanted to be a good parent, he was imprisoned at the time of the termination hearing and his earliest outdate was April 2009. In his testimony, he denied the assaults and blamed them on Betsy. He blamed his failure to improve on petitioner and the prison system. While in prison, he committed a major misconduct and received poor block reports, resulting in an extension of his outdate. Until respondent learns to control his violent impulses, he cannot be a fit parent. The trial court did order him to participate in certain programs for improvement in prison, and he did complete an assaultive offender program and most of his GED. His frequent moves within the prison system were partially responsible for his not participating in other programs, but his prison time was extended because

of his own failure to cooperate and follow the rules. Most importantly, he has no home for the children and would be unable to provide proper care or custody within a reasonable time. Ample evidence was presented to terminate his parental rights under subsections (c)(i), (g), and (j).¹

Respondent has not challenged the trial court's best interests determination. Our review of the record shows no clear error in the trial court's conclusion that termination of respondent's parental rights was not contrary to the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 353.

Affirmed.

/s/ Christopher M. Murray

/s/ Jane E. Markey

/s/ Kurtis T. Wilder

¹ Although we do not find sufficient evidence to support termination of respondent's parental rights under MCL 712A.19b(3)(h), only one statutory ground need be proven by clear and convincing evidence to terminate parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).