

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSHUA LEE ROBINSON,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

FENTON LEE ROBINSON,

Respondent-Appellant,

and

TIARA JONAE BENNETT,

Respondent.

In the Matter of JOSHUA LEE ROBINSON,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TIARA JONAE BENNETT,

Respondent-Appellant,

and

FENTON LEE ROBINSON,

UNPUBLISHED
July 20, 2006

No. 266929
Wayne Circuit Court
Family Division
LC No. 98-373567-NA

No. 266930
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Respondent.

Before: Fitzgerald, P.J., and Saad and Cooper, JJ.

PER CURIAM.

In these consolidated appeals, respondent Fenton Lee Robinson appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(i) and (j), and respondent Tiara Jonae Bennett appeals as of right from the same order terminating her parental rights to the minor child under MCL 712A.19b(j) and (l). We affirm.

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). Evidence was presented at trial that respondent Bennett's parental rights to her three oldest children were terminated because respondent Robinson physically abused one of those children and because Bennett failed to end her relationship with Robinson and failed to address her mental health issues. Evidence was also presented that respondent Robinson has a history of violence against Bennett and her children and that he has not benefited from domestic violence counseling or individual counseling. Thus, there was evidence that the parental rights of a sibling were terminated due to physical abuse and that prior attempts to rehabilitate have been unsuccessful, and that the parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter. Likewise, because there was evidence that the relationship between Robinson and Bennett is still ongoing and that respondent Robinson continues to pose a threat to the safety of the minor child, clear and convincing evidence established that there is a reasonable likelihood that the child will be harmed if returned to the home of either parent.

Further, the evidence failed to show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). There was no testimony that respondents are bonded with the minor child. Moreover, there was evidence that respondent Robinson was violent and respondent Bennett could not provide a safe environment for the children because of her relationship with Robinson. Thus, the trial court did not err in terminating both respondents' parental rights.

Although respondent Robinson raises several ineffective assistance of counsel claims on appeal, he failed to establish that his trial counsel's performance fell below an objective standard of reasonableness or that any substandard assistance so prejudiced him that he was denied a fair trial. *People v Pickens*, 446 Mich 298, 338; 521 NW2d 797 (1994). Further, although on appeal respondent Robinson challenges the admission of hearsay testimony presented at a previous termination trial regarding Bennett's other children, he did not object to this testimony in the trial court and has failed to establish a plain error that affected his substantial rights. *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999).

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Henry William Saad
/s/ Jessica R. Cooper