

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MYESHA BROWN, MARQUISHA
BROWN and MARCUS BROWN, Minors

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMES WALKER,

Respondent-Appellant,

and

TAMARA BROWN,

Respondent.

UNPUBLISHED

March 3, 1998

No. 202710

Muskegon Juvenile Court

LC No. 96-022883-NA

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the juvenile court order terminating his parental rights to the minor child, Myesha Brown, under MCL 712A.19b(3)(c)(i) and (j); MSA 27.3178(598.19b)(3)(c)(i) and (j). We affirm.

The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Hall-Smith*, 222 Mich App 470, 471-473; 564 NW2d 156 (1997). The conditions that caused the court to assume jurisdiction in this case continued to exist at the time of the termination hearing. At the time the court assumed jurisdiction, respondent-appellant had failed to provide support

* Circuit judge, sitting on the Court of Appeals by assignment.

or care for the child. Contrary to respondent-appellant's argument, he was offered services while he was not incarcerated, but he failed to complete any part of the parent-agency agreement or partake in services offered before he was once again incarcerated. Respondent-appellant's failure to complete or participate in the services offered was evidence that the conditions that caused the court to assume jurisdiction had not been alleviated when those services addressed the presenting problems in this case. Furthermore, respondent-appellant's failure to complete substance abuse treatment, as well as the other parts of the parent-agency agreement, was further evidence that the child would likely be harmed if the child was returned to respondent-appellant's custody. Termination was proper under both sections 3(c)(i) and (j).

The juvenile court also did not clearly err in finding that termination of respondent-appellant's rights was in the child's best interests. *In re Hall-Smith, supra* at 472-473.

Affirmed.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison