

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PAIGE FISHER, Minor.

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

Petitioner-Appellee,

v

MELISSA DOLMAN SEELEY,

Respondent-Appellant,

and

DONALD GARY FISHER,

Respondent.

UNPUBLISHED
November 22, 2005

No. 262501
Ingham Circuit Court
Family Division
LC No. 00-047679-NA

In the Matter of PAIGE FISHER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DONALD GARY FISHER,

Respondent-Appellant.

No. 262874
Ingham Circuit Court
Family Division
LC No. 00-047679-NA

Before: Smolenski, P.J., and Schuette and Borrello, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding the statutory grounds for termination established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The primary conditions leading to adjudication were domestic violence and respondent father's substance abuse. Respondent mother had an older child, Tyler, in foster care, and she released her parental rights to him during the pendency of this case. Respondent father had spent time in prison for a conviction of drunken driving resulting in a death and also had a cocaine conviction. The evidence established that respondent mother separated from respondent father, married and divorced his uncle, a sex offender, and then reunited with respondent father. Respondent mother was not able to live on her own, while respondent father missed many drug and alcohol screens and repeatedly tested positive for cocaine. While respondent mother began counseling and a support group for battered women in November 2004, there was insufficient evidence of benefit from the counseling and the trial court could logically conclude from respondent mother's history that she would be unable, within a reasonable time, to provide proper care and custody for the child. Respondent father did not sufficiently address his substance abuse problems and did not follow through with counseling, AA/NA, or other services. Paige had to be removed after six weeks of being returned to his care in 2004. Because respondents did not adequately address the barriers to reunification, Paige would continue to remain at risk in their care. The evidence clearly and convincingly showed that respondents would not be able, within the foreseeable future, to offer Paige a proper home.

Further, the evidence did not establish that termination of respondents' parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *Trejo, supra* at 356-357. Although Paige was bonded with respondents and both were appropriate and displayed good parenting skills, their continued failure to address the problems that brought Paige into care after fourteen months clearly supported the trial court's ruling. Paige needs a permanent, safe, stable home, free from domestic violence and substance abuse, which respondents cannot provide. Thus, the trial court did not err in terminating respondents' parental rights to the minor child.

Affirmed.

/s/ Michael R. Smolenski
/s/ Bill Schuette
/s/ Stephen L. Borrello