

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LAILAH ALI MUSTAQEEM and
IBNABDULLAH SALLAAM MUSTAQEEM,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEVAUGHN LEE CASELBERRY, a/k/a
ABDULLAH ALI MUSTAQEEM,

Respondent-Appellant.

UNPUBLISHED

June 21, 2007

No. 274092

Wayne Circuit Court

Family Division

LC No. 04-432664

Before: Whitbeck, C.J., and Wilder and Borrello, 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), and (j). We affirm.

The trial court did not clearly err in finding sufficient evidence to support the statutory grounds for termination. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). Respondent was not present when the abuse to Lailah occurred that led to the adjudication in this case, and there was no evidence that respondent ever abused either child. But by failing to substantially comply with his parent/agency agreement, respondent continued to be neither fully nor meaningfully present for his children. A parent's failure to comply with the parent/agency agreement is evidence of the parent's failure to provide proper care and custody for the child. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *In re Trejo*, 462 Mich 341, 360-363; 612 NW2d 407 (2000). Because respondent did not comply with the agreement's drug screening requirements, he was not able to visit the children nearly as often as he otherwise could have visited them. Although he understood that reinstatement of visitation depended upon three negative drops, respondent chose fighting the system over having the opportunity to visit his children. Similarly, respondent attended counseling and parenting classes only when he chose to. He attended only a few of Lailah's medical appointments, although required to attend them all in order to learn how to care for this special-needs child. Because of respondent's resistance, very little progress was made. Placement of the children with respondent would require his showing the court that he could

provide proper care and custody for them. For almost two years, respondent failed to take the necessary actions that could permit the court to place the children in his care and custody.

The trial court also did not clearly err in finding that the children's best interests did not preclude termination of respondent's parental rights. MCR 712A.19b(5); *Trejo, supra* at 354-355. The children had been in foster care for two years. Respondent had shown no indication that he would comply with the requirements of the parent/agency agreement within a reasonable time considering the ages of the children. The best interests of the children required permanency and stability.

Affirmed.

/s/ William C. Whitbeck
/s/ Kurtis T. Wilder
/s/ Stephen L. Borrello