

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAKOTA HOSKINS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROBERT HOSKINS,

Respondent-Appellant,

and

MELISSA BROHL,

Respondent.

UNPUBLISHED

August 19, 2008

No. 282933

Macomb Circuit Court

Family Division

LC No. 2006-000519-NA

In the Matter of DAKOTA HOSKINS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MELISSA BROHL,

Respondent-Appellant,

and

ROBERT HOSKINS,

Respondent.

No. 283113

LC No. 2006-000519-NA

Before: Schuette, P.J., Zahra and Owens, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right following an order that terminated their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm. These appeals have been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that 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).

The child was removed from respondents' home in October 2006 because of respondents' issues with criminality, drugs, and housing. There was also evidence that respondents were neglectful of the child's medical and educational needs. Respondents made little attempt to comply with their respective parent-agency agreements. They failed to provide verification of housing or income and failed to complete parenting classes. They were tardy in obtaining psychological evaluations and then failed to follow the evaluator's recommendations. Although respondent father completed individual therapy, respondent mother provided no verification that she was in counseling. Respondents claim that transportation was a problem, but they failed to make the caseworker aware of the problem and even turned down bus tickets. There was some evidence that respondent father began a substance abuse evaluation, but no similar evidence for respondent mother. Respondents failed to submit to random drug testing. Respondent father completed two of 64 drug screens, and both were positive for cocaine. Respondent mother completed two of 59 screens, with one positive for opiates. All of the missed screens are deemed positive.

Respondents did regularly and consistently visit with the child until parenting time was suspended. The fugitive task force had arrested respondent father during a visit, and a crack pipe was found in his pocket. Respondent mother fled that same visit, hoping to elude police because of an outstanding warrant. They did not visit with the child again before the termination hearing, having failed to provide four negative drug screens.

Based on the foregoing evidence, it was clear that the conditions leading to adjudication continued to exist, and respondents demonstrated an inability to provide the child with proper care or custody. There was no reasonable likelihood that respondents would be able to care for the child in the near future. Additionally, the child would likely have suffered harm if returned to his parents. At the time he was removed from their care, he had been to six schools in five years with numerous absences. He also had several abscesses from dental neglect.¹

Having determined that statutory grounds for termination found in MCL 712A.19b(3) were proven by clear and convincing evidence, the trial court was obligated to terminate

¹ Although the trial court erred in terminating respondents' parental rights pursuant to MCL 712a.19b(3)(c)(ii), because there were no allegations of any "new conditions" at trial, this error was harmless in light of the other statutory grounds that were proven.

respondents' parental rights unless it appeared, on the whole record, that termination was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondents consistently visited with the child until parenting time was suspended. The worker testified that the child shared a bond with his parents and that it was obvious that they all enjoyed the visits. However, parenting time never progressed past one-hour weekly visitation and was ultimately suspended, which was a decision that respondents made by refusing to comply with the drug screens. Respondents did little to ensure a reunion with their child by failing to comply with the parent-agency agreement. The child had been in care for over a year with no progress on the part of respondents. He was entitled to permanence and stability.

Affirmed.

/s/ Bill Schuette

/s/ Brian K. Zahra

/s/ Donald S. Owens