

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 26, 2012

In the Matter of WILLIAMS, Minors.

No. 307634
Kent Circuit Court
Family Division
LC No. 10-052788-NA;
10-052789-NA

Before: SHAPIRO, P.J., and HOEKSTRA and WHITBECK, JJ.

PER CURIAM.

Respondent father appeals as of right the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g).¹ We affirm.

¹ The relevant provisions read:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

* * *

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to

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). The principle conditions that led to the termination of respondent's rights were his substance abuse and his inability to provide proper care for the children. At the time of the termination, his substance abuse issue remained ongoing. He had yet to reach six months of sobriety (based on admitted cocaine use in May 2011), he recently pleaded guilty to use of cocaine, and he still refused to accept personal responsibility for his relapses. He also demonstrated an inability to provide proper care for the children. He had no permanent home. Most recently, he lived in a friend's home without a lease or other indicia of permanency, and he had no discernible means of obtaining his own lodgings in the near future. He was also unemployed. Throughout the case, he failed to maintain stable housing or employment. He also missed numerous visits with the children and resisted referrals for counseling. Such actions do not speak of progress or willingness to change, and nothing in the record supported that the conditions could be rectified or proper care and custody provided within a reasonable time considering the ages of the children. Given his continued struggle with substance abuse and his inability to provide a stable home or income for his children, the trial court did not clearly err for finding statutory grounds for termination under both MCL 712A.19(3)(c)(i) and (g).

Further, the evidence supported the trial court's finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Leading up to the termination hearing, the children spent 14 months in foster care, and respondent asks that their stay in foster care be extended further. While respondent claims a loving relationship with his children, he missed a substantial number of visits over the course of his case. He has also shown a general instability in matters of housing, employment, transportation, and sobriety. The children in this case are both very young and in need of stability. Accordingly, the best interests of the children were served by terminating respondent's parental rights and placing the children on a path to permanency and stability.

Lastly, the evidence establishes that reasonable efforts were made to reunify the family and avoid termination of parental rights. *In re LE*, 278 Mich App 1, 18; 747 NW2d 883 (2008). Respondent argues that caseworkers should have visited his friend's home to assess the suitability of the residence. However, his housing problems arose, not from the physical space itself, but from his inability to provide any permanence. He moved several times through the course of the case, living with friends and in motels in three different cities. Reasonable efforts to unify the family did not require the investigation of respondent's impermanent residence, particularly when he testified that he did not plan to bring his children to the residence.

Affirmed.

/s/ Douglas B. Shapiro
/s/ Joel P. Hoekstra
/s/ William C. Whitbeck

provide proper care and custody within a reasonable time considering the child's age.