

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CORTNEY HARDIN, BARBARA
HARDIN and EDWIN HARDIN, Minors.

DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

JOHN M. HARDIN and CONNIE GARDNER,

Respondents-Appellants.

UNPUBLISHED

May 9, 1997

No. 195887

Kent Probate Court

LC No. 95-000372-NA

Before: Corrigan, C.J., and Young and Michael J. Talbot,* JJ.

MEMORANDUM.

Respondents appeal as of right from the May 16, 1996 order of the probate court terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

The probate court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). There was clear and convincing evidence in the record that respondents could not properly care for the children given that they failed to complete the treatment plan. Termination of respondents' rights was proper under § 3(c)(i) where respondents did not seek treatment and, therefore, did not rectify the reasons for the initial placement of the children into care. Respondents were offered sufficient time to work on the treatment plan but made little or no progress until petitioner filed the petition to terminate their parental rights. Petitioner did not err in not offering individual counseling to respondents since they failed to timely attend psychological evaluations to determine what type of counseling would best assist in their treatment. Further, respondents failed to show that termination of their parental rights was clearly not in the children's best interests. *In re Hall-Smith*, ___ Mich App ___; ___ NW2d ___ (Docket No. 195833, issued 3/25/97), slip op p 3. Thus, the probate

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

court did not err in terminating respondents' parental rights to the children. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Maura D. Corrigan
/s/ Robert P. Young, Jr.
/s/ Michael J. Talbot