

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDI SUE SCOBNEY and
EMMILI FAYE SCOBNEY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRADLEY SCOBNEY,

Respondent-Appellant,

and

CHRISTINA SCOBNEY,

Respondent.

UNPUBLISHED

April 3, 2007

No. 273640

Barry Circuit Court

Family Division

LC No. 05-007123-NA

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

MEMORANDUM.

Respondent¹ appeals as of right from an order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not 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). Respondent failed to comply with his treatment plan. Substance abuse remained the primary issue, and he tested positive for drugs throughout the proceedings. His last drug screen in June 2006 tested positive for cocaine. He was convicted of operating while intoxicated on June 18, 2006. He claimed that he used Vicodin for back pain, but offered no explanation for failing to present a valid prescription for Vicodin despite repeated requests. He

¹ Because Christina Scobey is not a party to this appeal, all references to “respondent” refer to Bradley Scobey only.

alleges that he was unfairly “lumped in” with the children’s mother even though her history of drug use was far more serious than his. However, respondent’s own psychological evaluation showed that he started drinking at age 16, started using marijuana at age 14, and started using methamphetamine in 2000. he even admitted that he needed to “seek treatment” for his problem. A year had passed and he had made no progress regarding his substance abuse problems.

Further, respondent unsuccessfully participated in mental health services. The counselor testified that respondent had difficulty taking “ownership of any of the neglect.” He did not complete parenting classes and did not seek a mentor, though instructed to do so. He had recently been evicted and did not have adequate housing. He could not provide for the children based on his noncompliance with services and his continuing issues with substance abuse.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court was obligated to terminate respondent’s parental rights unless it appeared, on the whole record, that termination was not in the children’s best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Because of his failure to cooperate with the drug screening process, respondent had only occasional visits. He was alert at the visits only “about half the time.” His interaction with the children was “minimal.” He would often arrive late and “mostly just sit[] and wait[] for the kids to come to him.” The children had been in care for a year with no progress by respondent. They were entitled to permanence and stability.

Affirmed.

/s/ Brian K. Zahra
/s/ Richard A. Bandstra
/s/ Donald S. Owens