

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JADIN GORES, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DANIELLE GREENLEAF,

Respondent-Appellant,

and

GARY MELVIN GORES,

Respondent.

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In the Matter of JADIN GORES, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

GARY MELVIN GORES,

Respondent-Appellant,

and

DANIELLE GREENLEAF,

Respondent.

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Before: Saad, C. J., and Whitbeck and Zahra, JJ.

UNPUBLISHED  
September 1, 2009

No. 288698  
Oakland Circuit Court  
Family Division  
LC No. 06-727985-NA

No. 288699  
Oakland Circuit Court  
Family Division  
LC No. 06-727985-NA

PER CURIAM.

In these consolidated appeals, respondents appeal from the trial court's order that terminated their parental rights to their son (DOB 12-21-05) pursuant to MCL 712A.19b(3)(c)(i) and (3)(g). We affirm.

The trial court did not clearly err in ordering termination of respondents' parental rights. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005); MCR 3.977(J). To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence and that termination is in the best interests of the children. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991); MCL 712A.19b(5).

The conditions that led to the adjudication were respondents' substance abuse and domestic violence reports. While respondents complied with several requirements of their parent-agency agreements, the most troubling issue, substance abuse, continued throughout the proceedings. Respondents never reached a significant point past the intake interview stage of counseling. Despite completion of parenting classes and their ability to appropriately visit with their child, respondents' repeated failure to deal with their substance abuse for the child's sake showed that they were unable to properly take care of their child. It is not enough that respondents completed several requirements of their agreements; they must have benefited from services sufficiently so that they could provide the child with a safe home. *In re Gazella*, 264 Mich App 668, 677; 692 NW2d 708 (2005). Here, respondents would begin to improve, but over the course of two years, never adequately dealt with their substance abuse and related neglect of their child. Thus, there was clear and convincing evidence that the conditions that led to the adjudication continued to exist and there was no reasonable likelihood that they would be rectified within a reasonable time considering the child's age. MCL 712A.19b(3)(c)(i). Furthermore, a parent's failure to comply with the treatment plan is evidence of a parent's failure to provide proper care and custody for the child and can be a valid indication of neglect. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *In re Trejo*, 462 Mich 341, 360-363; 612 NW2d 407 (2000). Because of respondents' noncompliance with the treatment plans and relapses into substance abuse, there was also clear and convincing evidence to support the conclusion that they could not provide proper care or custody for their child within a reasonable time. MCL 712A.19b(3)(g).

Moreover, the trial court did not clearly err in finding that termination of respondent-mother's parental rights was in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. After two years in foster care, the child needed permanency, stability, and hope for the future. During this time, respondent had not complied with the treatment plan. She had not maintained a period free of substance abuse sufficient to demonstrate that she would not relapse. She had not obtained housing and did not have a legal source of income. There was no evidence of a bond between her and the child. There was no reasonable likelihood that she would be able to provide for the care and custody of her children within a reasonable time. The trial court did not clearly err in finding that termination of respondent-mother's parental rights was in the child's best interests.

Affirmed.

/s/ Henry William Saad  
/s/ William C. Whitbeck  
/s/ Brian K. Zahra