

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of O.G., C.G., D.G., and T.G., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICKY DARNELL GORDON,

Respondent-Appellant,

and

THERESA LOUIS GOOSBY,

Respondent.

UNPUBLISHED
February 21, 2003

No. 240916
Washtenaw Circuit Court
Family Division
LC No. 00-024976-NA

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

THERESA LOUISE GOOSBY,

Respondent-Appellant,

and

RICKY DARNELL GORDON,

Respondent.

No. 240992
Washtenaw Circuit Court
Family Division
LC No. 00-024976-NA

Before: Markey, P.J., and Smolenski and Meter, JJ.

PER CURIAM.

Respondents-appellants appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (j). We affirm.

First, we reject respondent-father's argument that the trial court clearly erred in terminating his parental rights because petitioner failed to make reasonable efforts at reunification as required by MCL 712A.19a(4). The record indicates that, before the children were taken from the home, petitioner informed respondent-father of the unsatisfactory conditions which needed to be rectified. Petitioner did not inform respondent-father that non-compliance would mean removal of the children for fear that respondent-mother would flee with the children and respondent-father would not stop her. Further, the court's order at the dispositional hearing was specific regarding the expectations of respondent-father, and petitioner's assistance was limited by respondent-father's lack of contact because he failed to provide petitioner with contact information. Therefore, we find that the court did not clearly err in determining that petitioner made reasonable efforts at reunification. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Second, respondents argue that the trial court violated the 70-day limit requirement of MCR 5.974(G)(1), and a remand is necessary to allow respondent-father an opportunity to verify his compliance with the court's recommendations and to allow respondent-mother an opportunity to verify her continued sobriety. The court did not issue its order within seventy days after the termination hearings commenced, and, therefore, committed error. However, the rule is silent as to the remedy.

MCR 2.613(A) provides that the error is not grounds for disturbing the order unless refusal by this Court to take action appears inconsistent with substantial justice.¹ We find that a remand in this case is unnecessary. The trial court did issue its order within the twenty-eight days following the taking of final proofs, which was the only hearing at which respondent-father presented proofs. At that time, he knew whom to contact to request a home study if he obtained new housing, but failed to do so. In regards to respondent-mother, at the December 2001 hearing, she provided the court with no information verifying her sobriety or attendance at substance abuse meetings and never requested to provide any such evidence at the February 2002 hearing, despite the fact that she alleged she had been sober since May 2001. Thus, we conclude that the court's delay did not result in a substantial injustice to respondents. MCR 2.613(A); *In re TC*, 251 Mich App 368, 371; 650 NW2d 698 (2002).

In the alternative, respondents assert that this Court should disagree with *In re TC, supra*, which held that reversal is not required when the trial court does not comply with the time limits in MCR 5.974(G)(1), and reverse the trial court's order. However, neither party explains why we should disagree with that case. A party may not merely announce his position and leave it up to this Court to discover and rationalize the basis for his claims and then search for authority to sustain or reject his position. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998). Moreover, we believe that *In re TC, supra*, was based on sound reasoning.

¹ This court rule is applicable to juvenile proceedings through MCR 5.902(A).

Third, we find that the trial 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, supra* at 337. The evidence clearly demonstrated that respondent-mother had not addressed her drug addiction. She completed a substance abuse program, but never attempted to provide any proof of her continued sobriety, such as documentation of her attendance at NA meetings or negative drugs screens. Furthermore, respondent-mother failed to understand how her drug abuse affected her ability to care for her children and failed to provide them with a safe and sanitary environment for which she was not wholly dependent on another.

The evidence also clearly demonstrated that respondent-father failed to take responsibility for his children and provide them with a safe and sanitary environment. Despite respondent-father's testimony to the contrary, there was also evidence that respondents had a continuing relationship, and that respondent-father could not or would not keep respondent-mother away from the children. Deference is given to the trial court in regards to its ability to judge the credibility of the witnesses. *In re Miller, supra* at 337.

Lastly, despite the bonding between the children and respondents, the evidence did not show that termination of respondents-appellants' parental rights was not clearly in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent-mother presented the court with no verification of her alleged sobriety, and had not secured stable housing for the children. Respondent-father continually failed to take responsibility for the children's welfare, and despite respondent-mother's drug use and the unsanitary conditions of the children's previous home, he believed she was a good mother and the children were not in any danger with her. Thus, the trial court did not clearly err in terminating respondents-appellants' parental rights to the children.

Affirmed.

/s/ Jane E. Markey
/s/ Michael R. Smolenski
/s/ Patrick M. Meter