

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KEEGAN FILBRANDT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GARRETT FILBRANDT,

Respondent-Appellant.

UNPUBLISHED

June 24, 2003

No. 245232

Kalkaska Circuit Court

Family Division

LC No. 01-003255-NA

Before: Sawyer, P.J., and Meter and Schuette, JJ.

PER CURIAM.

Respondent appeals from the trial court's order terminating his parental rights to his child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), and (g).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 3.977(J) *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

The trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. At the time the child was removed from the home, respondent admitted that he abused alcohol and that he could not care for the child. The evidence produced at the permanent custody hearing showed that respondent made some effort to comply with various aspects of the parent-agency agreement. Respondent maintained employment, improved

¹ The trial court's order also terminated the parental rights of non-participating respondent Jennifer Suchland, the mother of Keegan. Suchland has not appealed the order.

his housing situation, completed parenting classes, visited the child, and obtained a psychological evaluation.

However, respondent did not comply with a crucial aspect of the parent-agency agreement, i.e., that he abstain from the use of alcohol. Respondent obtained a substance abuse evaluation, but continued to consume alcohol. He stated falsely to his substance abuse counselor that he no longer consumed alcohol, and asserted to a psychologist that he did not consider his heavy consumption of alcohol to pose a problem. He did not provide verification of attendance at Alcoholics Anonymous meetings as required. Respondent was offered extensive services to enable him to address his alcohol problem; however, he failed to take advantage of those services, and did not demonstrate a commitment to deal with the problem in an effective manner. The trial court's finding that it was not reasonably likely that respondent could rectify his alcohol abuse problem and provide proper care and custody for the child within a reasonable time was not clearly erroneous in light of all the evidence. *Sours, supra*.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to adjudication and other conditions continued to exist, had not been rectified notwithstanding respondent having been given an opportunity to do so, and likely would not be rectified within a reasonable time, MCL 712A.19b(3)(c)(i) and (c)(ii), and that respondent failed to provide proper care and custody for the child and likely could not do so within a reasonable time, MCL 712A.19b(3)(g). The trial court's finding that the evidence did not establish that termination of respondent's parental rights was not in the child's best interests was sufficient and not clearly erroneous. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ David H. Sawyer
/s/ Patrick M. Meter
/s/ Bill Schuette