

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of REGINALD ADRIAN
THORNTON, QUANITA LOUISE THORNTON,
and ANGEL MARIE SIMPSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
May 24, 2005

v

REGINALD SIMPSON,

Respondent-Appellant.

No. 258690
Genesee Circuit Court
Family Division
LC No. 96-104348-NA

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (ii). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

The trial court did not clearly err in finding that petitioner established at least one of the statutory grounds for termination in MCL 712A.19b(3) by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

The evidence clearly established that respondent failed to rectify his substance abuse, housing issues, and other conditions causing the children to come within the court's jurisdiction, after receiving recommendations and several opportunities to do so, and that he would not likely rectify them within a reasonable time, if ever. MCL 712A.19b(3)(c)(ii). Throughout the proceedings, respondent was put on notice that he needed to address his substance abuse and housing issues in a parent-agency agreement, which was set forth in court hearings and court orders, and at several court hearings where respondent was repeatedly reminded of the need to address those conditions. Despite repeated notice of the changes that respondent was required to make in order to be reunified with the children, respondent failed to do so. Instead, the evidence indicated that, for over one year, respondent struggled with substance abuse, was unable to successfully complete treatment despite numerous opportunities to do so, and did not improve his housing situation. Most notably, after finding sufficient evidence to support grounds for

termination, the court gave respondent another ninety days to address his substance abuse and housing issues yet, even with assistance and additional referrals, respondent tested positive for marijuana and cocaine, failed to complete a substance abuse treatment program for the third time during the proceedings, and did not improve his housing situation, remaining at a hotel that was not appropriate for the children.¹

After review of the entire record, we also find that the evidence failed to establish that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5). Although there was evidence of a bond between respondent and the children, given his history of failing to make the necessary changes to gain custody of his children, despite numerous opportunities to do so, the trial court did not clearly err in terminating his parental rights instead of delaying the permanency for the children. *Trejo, supra* at 364-365.

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Patrick M. Meter

¹ We find that the evidence did not support grounds for termination under MCL 712A.19b(3)(c)(i) because respondent's substance abuse and housing issues were not conditions that led to the adjudication of the children. However, given the evidence supporting termination under MCL 712A.19b(3)(c)(ii), this error was harmless.