

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

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In the Matter of ANTHONY MICHAEL  
FARHAT, Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DANIEL JOSEPH FARHAT,

Respondent-Appellant,

and

RICHANN VIRGINIA MCKEE,

Respondent.

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v

RICHANN VIRGINIA MCKEE,

Respondent-Appellant,

and

DANIEL JOSEPH FARHAT,

Respondent.

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UNPUBLISHED  
August 10, 2006

No. 267199  
Wayne Circuit Court  
Family Division  
LC No. 96-345192-NA

No. 267200  
Wayne Circuit Court  
Family Division  
LC No. 96-345192-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

In these consolidated appeals, respondents Richann McKee and Daniel Farhat appeal as of right from the order that terminated their parental rights to their minor child.<sup>1</sup> We affirm. We decide this appeal without oral argument.<sup>2</sup>

The trial court did not clearly err by finding that at least one statutory ground for termination of each respondent's parental rights was established by clear and convincing evidence.<sup>3</sup> With respect to Farhat, his involvement with the child was so minimal at the time the case was reopened and Families First was placed in the home, that he was not even included in the Families First program goals. Additionally, his failure to complete his treatment plan was clear evidence of his inability to provide proper care and custody for his child.<sup>4</sup> With respect to McKee, her efforts to manage her drug abuse were commendable but, unfortunately, not completely successful since she was still struggling with her drug use at the time of the termination trial. After admitting to using drugs at least four times since the case was reopened and Families First services were in place, McKee found treatment on her own initiative yet continued to surround herself with drug users such as her fiancé. McKee did not appear to have benefited from the many months of services provided in the first phase of this case or from the services provided for approximately four weeks after her relapse. Benefiting from services is an inherent and necessary part of a service plan.<sup>5</sup> The trial court did not clearly err in finding clear and convincing evidence established both MCL 712A.19b(3)(g) and (j) with respect to both respondents.

Furthermore, the trial court did not clearly err in its determination regarding the child's best interests.<sup>6</sup> The parents have not been able to overcome their cocaine addictions and have continually made decisions that gave their addictions higher priority than their child. With respect to McKee, this was a particularly difficult decision since it appeared that the child was strongly bonded with her. However, the child had been in foster care for 18 months during the first phase of this case and, during the second phase, for an additional four to five months by the time of the termination trial. The child was five-years-old when the termination trial occurred.

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<sup>1</sup> MCL 712A.19b(3)(g) (authorizing termination for failure to provide proper care or custody); MCL 712A.19b(3) (j) (authorizing termination when there is a reasonable likelihood of harm should child return to parent's home).

<sup>2</sup> MCR 7.214(E).

<sup>3</sup> MCR 3.977(J); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 344-345; 445 NW2d 161 (1989).

<sup>4</sup> *In re Trejo*, 462 Mich 341, 360-363; 612 NW2d 407 (2000).

<sup>5</sup> *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005).

<sup>6</sup> MCL 712A.19b(5); *In re Trejo*, *supra* at 353, 356-357.

McKee's inability to control her drug addiction created instability and placed the child at risk of harm. The child is young and still developing, and needs permanency and stability in his life.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder