

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of BRIANNA RODGERS, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LAMONT SIMPSON and APRIL RODGERS,

Respondents-Appellants.

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UNPUBLISHED

July 17, 2007

No. 275779

Berrien Circuit Court

Family Division

LC No. 2005-000129-NA

Before: Meter, P.J., and Talbot and Owens, JJ.

MEMORANDUM.

Respondents appeal as of right from a circuit court order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i),<sup>1</sup> (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If the court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). This Court reviews the trial court's decision for clear error. *Id.*, pp 356-357; *In re Sours*, *supra*, p 633.

Respondents argue that their parental rights were terminated prematurely and that they should have been given more time to participate in services.

The father essentially did not participate in the services that were offered, including an evaluation and parenting classes. He visited only two or three times and frequently failed to submit drug screens. At the termination hearing, his attorney noted that he was "not going to argue that my client's done anything here." The father's failure to substantially comply with the

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<sup>1</sup> Only respondent April Rodgers's parental rights were terminated pursuant to § 19b(3)(c)(i).

case service plan was evidence of his failure to provide proper care and custody, and an indication that the neglect that had been shown would continue because he did not demonstrate a willingness to change. *In re Trejo, supra*, pp 360-363, *In re Miller*, 182 Mich App 70, 83; 451 NW2d 576 (1990).

The mother had ample time to participate in services. She initially participated, but after the father's release from prison, her participation in the services that were offered was sporadic at best. Instead of focusing on the return of the child, she sold and used drugs. Even after her release from jail following a conviction for possession of marijuana, she did not regularly participate in services. Her actions provided no reason to believe that her motivation and participation would improve.

To the extent that respondents challenge the trial court's best-interest analysis, the court did not clearly err. On the two or three occasions when the father visited the child, no bond was established. Although there was bonding between the mother and the child initially, at the time of the termination hearing in January 2007, the mother had visited only once since May 2006, and the child was no longer asking for the mother. The evidence did not clearly show that termination of respondents' parental rights would not be in the child's best interests.

Affirmed.

/s/ Patrick M. Meter

/s/ Michael J. Talbot

/s/ Donald S. Owens