STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MICHAEL EVAN IVERSON, EASTER NICOLE IVERSON, EUGEN EDWARD IVERSON, and JOSEPH DEONDRE IVERSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ULYSSES FOWLKES,

Respondent-Appellant.

UNPUBLISHED
May 5, 2000

No. 220735
Wayne Circuit Court
Family Division
LC No. 81-226185

Before: Kelly, P.J., and Holbrook, Jr., and Griffin, JJ.

PER CURIAM.

Respondent appeals as of right from an order of the circuit court terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(*i*), (g) and (j); MSA 27.3178(598.19b)(3)(c)(*i*), (g) and (j). We affirm.

The mother of the minor children died of a cocaine overdose in September 1997. In a petition dated December 15, 1997, petitioner sought temporary custody of the children. The petition alleged that respondent had an ongoing drug problem that undermined his ability to care for the children. Further, the petition alleged that the living conditions inside respondent's home were unacceptable. At the conclusion of the December 16, 1997 hearing held on the petition, the court assumed temporary custody of the children, having concluded that the allegations set forth in the petition had been established. The parent-agency treatment plan provided that respondent was to participate in a drug treatment program, submit to weekly random drug screens, attend parenting classes, secure a legal income and suitable housing, participate in a counseling group, and visit the children on a regular basis. A supplemental petition seeking permanent custody under subsections (3)(c)(*i*), (c)(*ii*), (g) and (j) was

filed on November 9, 1998. After a hearing on the supplemental petition, respondent's parental rights were terminated under subsections 3(c)(*i*), (g) and (j).

Respondent first argues that because he had substantially complied with the parent-agency treatment plan, the trial court committed clear legal error in terminating his parental rights. We disagree. In order to terminate respondent's parental rights, the trial court was required to find that at least one of the statutory grounds for termination of parental rights was established by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

Contrary to respondent's assertions, evidence presented at the hearing held on the supplemental petition established that respondent had not substantially complied with the treatment plan. For example, while respondent did supply four negative drug screens in the time between the filing of the supplemental petition and trial, the record of his previous screens is more problematic. Of the nine screens provided prior to December 1998, only one came back with a clearly negative result. Of the other eight, two tested positive for cocaine, while six others that had come back negative had indications that they had been tampered with.[1] Further, even when the last four screens are included, respondent has failed to provide the screens on the required weekly basis. Respondent also only attended three sessions of a drug treatment program he was referred to in April 1998. Respondent took no other actions toward seeking treatment until after the supplemental petition was filed. Additionally, respondent failed to complete parenting classes,[2] provide proof of a legal source of income,[3] or secure permanent suitable housing. As for visitation, after respondent's drug screens came back with indications of adulteration, the visits were changed from the foster home to the petitioner's facilities. The evidence shows that of the four visits scheduled for those facilities, respondent made the first one, was late for the second, and did not make either of the last two. Accordingly, we conclude that the trial court did not err in finding that subsections 3(c)(*i*), (g) and (j) were established by clear and convincing evidence. *In re Miller*, 182 Mich App, 70, 84; 451 NW2d 576 (1990).

We also disagree with respondent's contention that it was established that termination was not in the bests interest of the children. Once the statutory grounds for termination are established, termination of parental rights shall be ordered unless the court finds that termination is clearly not in the children's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 473; 563 NW2d 156 (1997). Even assuming that the children did have a bond with petitioner, given the circumstances of respondent's life, coupled with the indication that those circumstances are likely to change within a reasonable time given the ages and needs of the children, the presumption in favor of termination was not overcome by a showing that termination was not in the children's best interests.

Affirmed.

/s/ Michael J. Kelly
/s/ Donald E. Holbrook, Jr.
/s/ Richard Allen Griffin

[1] The record before us contains copies of eight of the nine reports on the results of the screens. These reports are dated 7/24/98, 5/20/98, 4/29/98, 4/16/98, 4/3/98, 3/20/98, 3/6/98, and 2/24/98. Patricia Walker, the case worker assigned to the Iverson case by petitioner, testified at trial about a ninth screen that was dated 6/5/98. While the results of the 6/5/98 drug screen were negative, it too contained evidence of adulteration that undermined its reliability.

[2] The record indicates that respondent only attended three parenting classes back in April 1998. When asked why he stopped attending, respondent indicated it was because he was overwhelmed by the requirements of the parent-agency treatment plan.

[3] At the February 2, 1999 hearing on the supplemental petition, respondent testified that he had obtained full-time employment at Belmont Meat Packing two weeks prior to the hearing. There is nothing in the record to support respondent's testimony that he had obtained this full-time employment.