

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GIESELLE DARLENE BROWN and
RODERICK FLOYD PROCTOR, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM MAURICE BROWN,

Respondent-Appellant,

and

KIMBERLY ANN PROCTOR and
MICHAEL GOSTIN,

Respondents.

In the Matter of GIESELLE DARLENE BROWN and
RODERICK FLOYD PROCTOR, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KIMBERLY ANN PROCTOR,

Respondent-Appellant,

UNPUBLISHED

August 22, 2000

No. 219089

Wayne Circuit Court

Family Division

LC No. 89-279696

No. 219114

Wayne Circuit Court

Family Division

LC No. 89-279696

and

WILLIAM MAURICE BROWN and
MICHAEL GOSTIN,

Respondents.

Before: Smolenski, P.J., and Doctoroff and Wilder, JJ.

PER CURIAM.

In Docket No. 219089, respondent-appellant William Maurice Brown appeals by right from a family court order terminating his parental rights to the minor children¹ pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). We affirm.

In Docket No. 219114, respondent-appellant Kimberly Ann Proctor appeals by right from a family court order terminating her parental rights to the minor children² pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). We affirm.

Both appellants argue that the trial court lacked sufficient evidence to terminate their parental rights. Once a statutory basis for termination is shown, the trial court shall terminate parental rights unless it finds that doing so is clearly not in the best interests of the children. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, __ Mich __; 612 NW2d 407 (2000). This Court reviews the trial court's decision for clear error. *Id.*

In this case, the trial court terminated Brown's parental rights under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i), on the grounds that the conditions that led to the issuance of the initial dispositional order continued to exist, and that there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the ages of the children. When the children were initially placed in the court's custody, Brown stipulated that he lacked suitable housing. At the permanent custody hearing, the family court found that this condition continued to exist.

¹ The trial court terminated Brown's parental rights to the two children for whom he established paternity: Gieselle Darlene Brown and Roderick Floyd Proctor. Brown maintained throughout most of the lower court proceedings that he was the legal and biological father of all respondent-appellant Proctor's four children. However, during the course of the termination proceedings, the Wayne Circuit Court determined that Aaron Beckwith was the legal father of two of Proctor's children, Elyse Lynnette Proctor and William Maurice Brown.

² We note that the trial court terminated Proctor's parental rights to all four of her children: Elyse Lynette Proctor; Gieselle Darlene Brown; Roderick Floyd Proctor; and William Maurice Brown. However, Proctor appealed the termination of her parental rights only as to Gieselle and Roderick.

The court issued several orders during the course of the wardship, requiring Brown to locate and maintain suitable housing. Brown initially moved in with his mother and step-father, until allegations came to light that his step-father had sexually molested one of the children. Brown then moved through a succession of residences, none of which was found suitable for the minor children. On the day before the permanent custody hearing, the case worker attempted to inspect Brown's residence. However, Brown lacked keys to the house and a woman inside the house denied Brown and the case worker access, claiming that Brown did not live there.

Brown argues that his parental rights should not have been terminated because he completed parenting classes, visited the children, and maintained employment. He argues that the family court should have given him additional time to obtain suitable housing, and that his failure to do so should not result in the termination of his parental rights. After a review of the record, we do not believe that the family court erred in finding that Brown lacked suitable housing, and that he was unlikely to obtain suitable housing within a reasonable time, considering the ages of the children. Because we believe that a statutory ground for termination was established by clear and convincing evidence, we conclude that the trial court did not clearly err in terminating Brown's parental rights. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The trial court likewise terminated Proctor's parental rights under MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). When the children were initially placed in the court's custody, Proctor admitted that she had an alcohol problem, and that she had been drinking regularly since age eleven. Further, the instant custody proceedings were initiated when Proctor's two-year-old child, William, was hospitalized with a .18 blood alcohol level. At the permanent custody hearing, the family court found that Proctor's alcohol problem continued to exist.

The court issued several orders over the course of the wardship, requiring Proctor to obtain an alcohol treatment assessment, to attend Alcoholics Anonymous meetings, to remain alcohol free, and to submit to regular alcohol screens. Our review of the record demonstrates that Proctor failed to comply with the court's orders. She failed to enter a treatment program and failed to submit to regular alcohol screens. Although she claimed to have resolved her alcohol problem on her own, without counseling or treatment, the case worker testified that Proctor appeared for visitation under the influence of alcohol, shortly before the permanent custody hearing. Furthermore, the record demonstrates that Proctor was incarcerated multiple times during the course of the wardship, and that she failed to obtain suitable housing. After a review of the record, we do not believe that the family court erred in finding that Proctor was unlikely to resolve her alcohol problem within a reasonable time, considering the ages of the children. Because we believe that a statutory ground for termination was established by clear and convincing evidence, the trial court did not clearly err in terminating Proctor's parental rights. MCR 5.974(I); *In re Miller*, *supra* at 337.

We affirm.

/s/ Michael R. Smolenski

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder