

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ERIC DONALD BOLLES, JR.,
and MARISSA LARENE BOLLES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

ERIC D. BOLLES, SR.,

Respondent-Appellant

and

ADELIA BOLLES,

Respondent.

UNPUBLISHED

February 1, 2002

No. 235776

Ingham Circuit Court

Family Division

LC No. 00-033015-NA

Before: Sawyer, P.J., and O'Connell and Zahra, JJ.

MEMORANDUM.

Respondent Eric Bolles, Sr. appeals as of right the order terminating his parental rights to the minor children. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.*, 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.*, 356.

The trial court found that the evidence established that the two grounds for termination were established by clear and convincing evidence. Under MCL 712A.19b(3)(c)(ii), the court found that respondent's substance abuse problem came to light after the court took jurisdiction. The evidence established that respondent had a serious problem with substance abuse, and he repeatedly failed to comply with the court's orders in regard to testing and treatment. The court

could reasonably disregard respondent's testimony that he had solved his drug problem on his own, because he provided no other evidence to confirm that he had stopped using drugs, and would be able to maintain his abstinence without support.

In regard to MCL 712A.19b(3)(j), the evidence showed that despite the fact that respondent had completed anger management classes, he was subsequently found guilty of violating a personal protection order relating to his ex-wife. The evidence supported the court's finding that there was a reasonable likelihood that the children would be harmed if they were returned to respondent's home. The court did not clearly err in finding that the statutory grounds for termination were established. There is no evidence showing that the termination was clearly not in the best interests of the children. MCL 712A.19b(5).

Affirmed.

/s/ David H. Sawyer
/s/ Peter D. O'Connell
/s/ Brian K. Zahra