

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.M.A, T.E.A., K.M.L.A., and
E.E.A., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE GOGINS,

Respondent-Appellant,

and

TIMOTHY EUGENE ANDREWS, SR.,

Respondent.

In the Matter of A.M.A, T.E.A., K.M.L.A., and
E.E.A., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TIMOTHY EUGENE ANDREWS, SR.,

Respondent-Appellant,

and

MICHELLE GOGINS,

Respondent.

UNPUBLISHED
September 27, 2002

No. 239436
Van Buren Circuit Court
Family Division
LC No. 00-012583

No. 239437
Van Buren Circuit Court
Family Division
LC No. 00-012583

Before: Whitbeck, C.J., and Sawyer and Kelly, JJ.

MEMORANDUM.

Respondents appeal as of right from an order terminating their parental rights to their minor children pursuant to MCL 712A.19b(3)(g) and (j). This case is being decided without oral argument pursuant to MCR 7.214(E)(1)(b). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Contrary to respondents' assertions, the trial court did not consider evidence of allegations of sexual abuse when rendering its ultimate decision to terminate their parental rights. The evidence demonstrated that respondents were unable to provide proper care or custody for the children because of their failure to comply with the parent-agency agreement regarding substance abuse counseling. Respondents' failure to address their substance abuse created a reasonable likelihood that the children would be harmed if released to their care. Additionally, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although visitation went well, a significant amount of time had passed since the children were made wards of the state. The children were entitled to stability and permanency. Respondent father's remaining argument that the trial court abused its discretion in considering confidential drug treatment reports was not preserved for appellate review, and, in any event, is meritless.

Affirmed.

/s/ William C. Whitbeck

/s/ David H. Sawyer

/s/ Kirsten Frank Kelly