

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L.A.M. and A.M.M., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LANCE IRVIN MARSCHNER,

Respondent-Appellant,

and

CHRYSTAL GAIL MARSCHNER,

Respondent.

UNPUBLISHED

October 25, 2002

No. 239764

Macomb Circuit Court

Family Division

LC No. 00-049257-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating his parental rights to his children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

¹ The trial court's order also terminated the parental rights of respondent Chrystal Gail Marschner, the children's mother. She has not appealed the order.

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Petitioner removed the children from the home due to respondent's potentially dangerous mental health difficulties and substance abuse by respondent and the children's mother. Respondent did not obtain mental health treatment and undergo a substance abuse evaluation as required by the parent-agency agreement. Respondent insisted that he was not in need of mental health treatment, notwithstanding his bizarre statements regarding surveillance of his activities by government agencies and his false claim that he was an undercover officer for the police. Respondent's circumstances at the time of the permanent custody hearing were essentially unchanged from the time petitioner took the children into custody. His failure to substantially comply with the parent-agency agreement constituted evidence that returning the children to his custody could cause a substantial risk of harm to the children. See MCR 5.973(C)(4)(b).

The trial court did not err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to adjudication continued to exist and it was not likely that the conditions would be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that there was a reasonable likelihood that the children would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra