

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GLEN DE' ANDRE SEALS III,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GLEN SEALS II,

Respondent-Appellant.

UNPUBLISHED

January 8, 2004

No. 248665

Wayne Circuit Court

Family Division

LC No. 01-402690

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (j). 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;¹ *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The condition that led to adjudication was respondent's inability to provide proper care for his child, in part because of his being arrested for possession of illegal substances. At the time of termination, respondent was unable to demonstrate that he could provide a safe and stable living environment or that he could maintain regular employment. Furthermore, respondent did not substantially comply with his treatment plan and did not comply with the terms of his probation. Consequently, the trial court did not clearly err when it concluded that the conditions that led to adjudication continued to exist at the time of termination and there was no reasonable likelihood that the conditions would be rectified within a reasonable time. Moreover, respondent's wholesale denial of substance abuse problems, despite two drug

¹ Effective May 1, 2003, the court rules governing proceedings regarding juveniles were amended and moved to the new MCR subchapter 3.900. The provisions on termination of parental rights are now found in MCR 3.977. Specifically, the court rule governing the standard of review is found at MCR 3.977(J). In this opinion, we refer to the rules in effect at the time of the order terminating parental rights.

related convictions, and his failure to participate in treatment, precluded respondent from providing proper care and custody of the child and created a risk of harm should reunification occur. Accordingly, the court did not clearly err in finding that a statutory basis for termination of parental rights had been established.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen