

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHANNA HALE and SEAN
HALE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEONARD HALE,

Respondent-Appellant,

and

JERI JO LYSHER,

Respondent.

In the Matter of SHANNA HALE and SEAN
HALE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JERI JO LYSHER,

Respondent-Appellant,

and

LEONARD HALE,

Respondent.

UNPUBLISHED
January 13, 2004

No. 249464
Jackson Circuit Court
Family Division
LC No. 99-097260-NA

No. 249579
Jackson Circuit Court
Family Division
LC No. 99-097260-NA

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

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor children. The trial court terminated respondent Leonard Hale's parental rights under MCL 712A.19b(3)(g), (h), and (j) and respondent Jeri Jo Lysher's parental rights under MCL 712A.19b(3)(g) and (j). In both cases, we affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(A) and (E)(1)(b).

In Docket No. 249464, petitioner concedes that the trial court clearly erred in finding that § 19b(3)(h) was established with respect to respondent Hale. However, the trial court did not clearly err in finding that §§ 19b(3)(g) and (j) were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that respondent Hale had a substance abuse problem, which he had neither acknowledged nor resolved. At the time of adjudication, respondent Hale admitted that he drank alcohol after taking the pain medication Oxycontin. Sean was returned to his home, but Shanna was placed in residential placement. However, Sean was again removed from the home after respondent was arrested for selling Oxycontin and morphine. Respondent Hale was later convicted of the crimes and was imprisoned at the time of the termination hearing.

Further, the evidence did not show that termination of respondent Hale's parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent Hale's relationship with Shanna was strained, and joint counseling was not implemented because of his resistance to services. Moreover, although Sean and respondent Hale appeared to have a good relationship, in light of the evidence of respondent Hale's substance abuse issues, the trial court did not clearly err in terminating his parental rights.¹

In Docket No. 249579, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to respondent Lysher. MCR 3.977(J); *Sours*, *supra* at 633; *Miller*, *supra* at 337. The evidence established that respondent Lysher was a longtime intravenous drug user, was addicted to heroin, and used cocaine and opiates/analgesics. Although respondent Lysher may have been cooperative with drug treatment at the time of the termination hearing, she had recently been discharged from drug treatment in January 2002 after being accused of selling her methadone. Respondent Lysher had not had custody of the children in at least six years and, while the case

¹ Respondent Hale has abandoned his argument that the trial court failed to provide Shanna with her own attorney by failing to include the issue in his statement of questions presented, failing to cite any authority in support of his argument, and failing to develop his argument beyond a conclusory statement. *In re BKD*, 246 Mich App 212, 218; 631 NW2d 353 (2001); *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995).

was pending, never had stable housing. Moreover, while the case was pending, respondent was convicted for selling heroin and was incarcerated at the time of the termination trial.

Further, the evidence did not show that termination of respondent Lysher's parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); *Trejo, supra* at 356-357. In addition to her severe substance abuse problem and lack of stable housing, the evidence established that respondent Lysher only sporadically exercised parenting time with the children.

Affirmed.

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