

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIPHANY LUMBERT and
NATHAN LUMBERT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TONYA WHITE,

Respondent-Appellant,

and

WILLIAM LUMBERT,

Respondent.

In the Matter of TIPHANY LUMBERT and
NATHAN LUMBERT, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WILLIAM LUMBERT,

Respondent-Appellant,

and

TONYA WHITE,

Respondent.

UNPUBLISHED
September 9, 2004

No. 253858
Kent Circuit Court
Family Division
LC No. 02-268500

No. 254113
Kent Circuit Court
Family Division
LC No. 02-268500

Before: Donofrio, P.J., and White and Talbot, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal from the orders of the trial court terminating their parental rights to their minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). At the time of adjudication, respondent mother was using illegal drugs, which affected her ability to properly care for the children. Respondent mother moved frequently with the children, had no reportable source of income, failed to provide food for the children, failed to send the children to school, and used illegal drugs in front of the children. During the time that the children were in foster care, respondent mother made virtually no efforts to address her substance abuse or to correct the other conditions of neglect. Though respondent mother took some steps toward substance abuse treatment in the weeks before the termination hearing, she failed to correct the conditions that led to adjudication and instead demonstrated that it was unlikely that she would be able to provide care for the children within a reasonable time given the ages of the children.

Respondent father was absent from the children's lives for approximately three years before the children were placed in foster care. After he was notified that the children were in foster care he returned to Michigan and began to comply with the requirements of the parent-agency agreement and to make efforts to get to know the children. After five months, however, allegations that respondent father had previously sexually abused Tiphany were made and his visitation with the children was discontinued while the allegations were investigated. After visitation was discontinued, respondent father ceased contact with the agency and discontinued his efforts to demonstrate his ability to parent. Respondent father, therefore, failed to rectify the conditions that led to adjudication, namely, his abandonment of the children, and his actions demonstrated that it was unlikely that he would be able to provide proper care for the children within a reasonable time given the ages of the children.

Respondents also contend that the trial court erred in determining that termination was not contrary to the best interests of the children. We disagree. While the children were in respondents' care, respondent father abandoned them and respondent mother focused her efforts on sustaining her substance abuse. Therefore, termination of respondents' parental rights was not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Pat M. Donofrio
/s/ Helene N. White
/s/ Michael J. Talbot