

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TORIO JAMAR EDWARD
HUBBARD and FRANCINE ELIZABETH
HUBBARD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

EDWARD LEWIS,

Respondent-Appellant,

and

PINKIE JEWELL HUBBARD,

Respondent.

In the Matter of TORIO JAMAR EDWARD
HUBBARD and FRANCINE ELIZABETH
HUBBARD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PINKIE JEWELL HUBBARD,

Respondent-Appellant,

and

UNPUBLISHED
September 14, 2004

Nos. 252688
Wayne Circuit Court
Family Division
LC No. 99-385286

No. 252816
Wayne Circuit Court
Family Division
LC No. 99-385286

EDWARD LEWIS,

Respondent.

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

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), (j), and (k)(i). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(A) and (E).

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions leading to adjudication were respondent Hubbard's drug use, homelessness, and lack of supervision over the children. Respondent Hubbard waited until six months after the children's removal to begin drug treatment. Although she maintained sobriety for a period of approximately eighteen months and complied with all the elements of her treatment plan except housing, she relapsed shortly after the children were returned to her in October 2002. Respondent disappeared with one of the children, leaving the other behind with his maternal grandmother. Respondent Hubbard did not rectify the conditions of adjudication over the long-term and remained unable to provide the children with long-term proper care or custody. The children suffered emotional distress because of their mother's neglect and the dissolution of their family, and since conditions had not changed they were likely to suffer harm if returned to her.

Respondent Lewis did not live with or support the children for the six months prior to commencement of this proceeding in February 2000. He left the children in the care of their substance-abusing mother, and did not financially support the children to the point that they were faced with homelessness. During the three-year course of these proceedings, respondent Lewis expressed interest in reunification with the children, but failed to vigorously pursue this goal. Despite some early participation in services, for the most part respondent did not visit the children, did not provide consistent drug/alcohol screens, did not financially support the children, and did not maintain contact with the caseworker. In three and a half years, respondent Lewis failed to rectify the conditions of substance abuse, domestic violence, and failure to visit and support his children. Returning the children to his care would be likely to result in their emotional and physical harm. The fact that respondent Lewis did not visit the children or participate in any services for the last ten months or more of the proceedings also demonstrated that he was not effectively pursuing their custody and had effectively abandoned them.

Further, 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*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence indicated that the oldest child suffered emotionally as

a result of his parents' neglect. The trial court did not err in terminating respondents' parental rights to the children.

Affirmed.

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