

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RANDOLPH JOSEPH HUZIAK,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRANDY WEAVER,

Respondent,

and

WILLIAM JOSEPH HUZIAK,

Respondent-Appellant.

In the Matter of RANDOLPH JOSEPH HUZIAK,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRANDY WEAVER,

Respondent-Appellant,

and

WILLIAM JOSEPH HUZIAK,

Respondent.

UNPUBLISHED
December 18, 2007

No. 278426
Wayne Circuit Court
Family Division
LC No. 05-443178-NA

No. 278427
Wayne Circuit Court
Family Division
LC No. 05-443178-NA

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

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from a circuit court order terminating their parental rights to the minor child pursuant to 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(E).

The trial court did not clearly err in finding that §§ 19b(3)(a)(ii), (c)(i), (g), and (j) were each proved by clear and convincing evidence with respect to respondent Huziak. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent participated in an evaluation at the Clinic for Child Study, attended a few parenting classes, and visited his son at least once. He then disappeared for nearly a year. Even when the court authorized the filing of a supplemental petition for termination, it afforded respondent the opportunity to participate in services and visit his son, yet he still did nothing apart from attending court hearings. Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent Huziak's parental rights to the child. *In re Trejo*, *supra* at 356-357.

The trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g), and (j) were each proved by clear and convincing evidence with respect to respondent Weaver.¹ *In re IEM*, *supra*. Respondent made progress with her treatment plan for approximately six months, but then began to waiver. Although she never wholly abandoned the service plan apart from a brief period of incarceration, she was unable to maintain the level of participation necessary to achieve reunification. She did not complete substance abuse therapy, provided drug screens only when convenient to her, did not maintain stable employment, and although she completed two sets of parenting classes, she did not take full advantage of the liberal visitation afforded her and did not demonstrate good parenting techniques when she did visit. Further, the evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, *supra* at 354, 356-357; MCL 712A.19b(5). The trial court did not clearly err in terminating respondent Weaver's parental rights to the child. *In re Trejo*, *supra* at 356-357.

We likewise concluded that the trial court did not err in finding that the minor's best interests did not preclude termination of both respondents' parental rights. *In re Trejo*, *supra* at 354. With respect to respondent Huziak, the trial court did not clearly err in finding that his failure to complete any part of the service plan, and his lack of any visitation from November 2005 to May 2007, demonstrated his total lack of interest in caring for his son. And, although respondent Weaver clearly had a bond with her son, the trial court did not err in determining that her failure to follow through with the entire service plan, engage in meaningful visitation, and

¹ Contrary to what respondent Weaver asserts, the trial court did not rely on § 19b(3)(h) (imprisonment) as a statutory basis for termination.

her failure to maintain her early improvements, warranted the conclusion that termination was not against the child's best interests.

Affirmed.

/s/ Christopher M. Murray

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder