

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of VERONICA TIBBS, LEROY
TIBBS, CHRISTOPHER TIBBS, and
ADRIONNA REID-TIBBS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANGELA TIBBS,

Respondent-Appellant.

UNPUBLISHED

July 1, 2008

No. 283083

Genesee Circuit Court

Family Division

LC No. 05-119749-NA

Before: Meter, P.J., and Smolenski and Servitto, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E), and without the benefit of a brief from appellee.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). We review the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005).

Respondent argues that she substantially complied with the parent/agency agreement because she was treated for substance abuse and mental health issues in prison and attended a few parenting classes when she was out on parole. She contends that the only requirement that she had not complied with was to find housing. Thus, she concludes that there was not sufficient evidence to terminate her parental rights and the trial court clearly erred. We disagree.

While complying with the terms of a parent/agency agreement is necessary, it is not sufficient to physically comply with the terms of the agreement by going through the motions. A parent must also benefit from the services offered. *In re Gazella, supra* at 676. There was clear and convincing evidence that respondent did not benefit from any classes or programs that she

may have attended in prison or any classes that she attended during the short periods that she was on parole. Each time she was paroled, she violated the parole in some way and ended up back in prison. She continued to test positive for cocaine and visited the children only sporadically. During the majority of this case, respondent was incarcerated for parole violations, including drug abuse and absconding. At the time of the termination trial, respondent had been out of prison for about two months. She was still on parole and did not have housing or employment. The children had been in foster care for over two years, and they needed and deserved permanence and stability.

There was clear and convincing evidence to support the statutory grounds for termination, and the trial court did not err in terminating respondent's parental rights.

Affirmed.

/s/ Patrick M. Meter

/s/ Michael R. Smolenski

/s/ Deborah A. Servitto