

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOHN SNYDER, JR., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOHN SNYDER,

Respondent-Appellant,

and

LAURISA SNYDER,

Respondent.

UNPUBLISHED

August 28, 2008

No. 281601

Kent Circuit Court

Family Division

LC No. 06-050912-NA

In the Matter of DAKOTA SNYDER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOHN SNYDER,

Respondent-Appellant,

and

LAURISA SNYDER,

Respondent.

No. 281602

Kent Circuit Court

Family Division

LC No. 06-050915-NA

Before: Davis, P.J., and Wilder and Borrello, JJ.

PER CURIAM.

In these consolidated appeals, respondent John Snyder appeals as of right the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's 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 primary conditions leading to adjudication were unstable housing, lack of employment and financial means to properly provide for the children, substance abuse, and lack of parenting skills. These conditions constituted failure to provide proper care or custody for the children. The initial disposition occurred on April 26, 2006, at which respondent was ordered in part to obtain and maintain stable housing and employment, complete parenting classes, cooperate with in-home services, and provide for the needs of the children. Respondent tested positive for cocaine in May 2006, and drug screens and AA/NA attendance were added as components of his treatment plan on July 11, 2006. More than 182 days elapsed between initial dispositional orders and the September 7, 2007 termination hearing.

Respondent argues on appeal that he complied with the substance abuse treatment, anger management, psychological evaluation, and parenting class requirements of his parent agency treatment plan, and that compliance constitutes evidence that a parent is able to provide proper care and custody for a child. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). However, benefit from the services ordered is also an inherent and necessary part of compliance with the treatment plan. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005). In this case, respondent did not comply with the housing, employment, AA/NA attendance, or consistent random drug screen components of his treatment plan, failed to maintain regular visitation privileges with the children, and failed to demonstrate any benefit from the substance abuse, parenting class, and anger management components.

Respondent was married to the children's mother, Laurisa Snyder, who had an 11-year history of protective services involvement. Respondent's psychological evaluation showed that he had no mental health issues preventing him from obtaining employment or providing a fit environment for the children, but the psychologist expressed concern that respondent had not felt it necessary to inquire about Laurisa Snyder's past child protective history, or to carefully consider her continual protective services interventions before marrying and fathering children with her. At the time this proceeding commenced in February 2006, the family lacked housing and was residing temporarily with friends, and respondent's mother-in-law had made three or four protective services referrals. Families First services were instituted after four-year-old John, Jr. played with a lighter and suffered burns requiring skin grafting, while his parents and others with whom they resided were present in the home but unaware of his activities.

The evidence showed that respondent did not actively participate in, or benefit from, in-home service programs and refused to enter the Salvation Army housing program, to establishing independent housing. The children were removed when their parents tested positive for cocaine, and during the 19-month interval between the original petition and termination, respondent moved eight times, stated that he was employed seasonally in the construction trade, but never

provided documentation of payment by any employer or client, and failed to follow up on referrals to Jubilee Jobs or Michigan Works. Respondent separated from Laurisa Snyder, and for several months returned to and maintained housing at the address at which John, Jr. was burned, but he resumed a transient lifestyle after being forced to leave that apartment because of Ms. Snyder's insistence that she was also entitled to reside at that address.

Respondent completed parenting classes early in the proceeding, and regularly attended visits with the children, at which he was appropriate and a parent-child bond was evident. However, positive drug screens, on occasion, and respondent's delay in providing two consecutive negative screens, resulted in several missed visits with the children, resulting in emotional distress and behavioral issues.

Respondent took six months to complete 16 sessions of what was intended to be an intensive four-day-per-week, one-month outpatient substance abuse program. His compliance was reluctant, sporadic, and not intensive, and respondent felt that it was not beneficial. He failed to provide documentation of attendance at AA/NA meetings. By December 2006, respondent's hair follicle screen remained only slightly positive for cocaine, and he did not test positive for cocaine thereafter, but he submitted a urine screen in May 2007 that evidenced tampering. Respondent completed anger management classes after a short delay, but ten days later had a physical altercation with Laurisa Snyder.

The evidence showed that, by the time of termination in September 2007, respondent had not rectified the conditions of lack of stable, independent housing, and lack of employment, that had existed at the time the original petition was filed in February 2006. In addition, the tampered screen indicated an attempt to conceal use of a prohibited substance, and respondent's failure to attend AA/NA meetings showed a lack of commitment toward addressing his drug use. The inordinate amount of time he took to provide two negative screens in order to reinstate visits with the children, evidenced lack of concern for their emotional well-being. As a whole, the record evidenced respondent's pervasive and long-term apathy toward his children's physical, mental, and emotional well-being, beginning with his lack of interest in their mother's prior protective services history, and extending to his failure to follow up proactively on referrals for employment, seek a stable home, and truly invest in services. Given respondent's lack of progress during the 19-month proceeding, the trial court did not err in determining that respondent had not rectified the conditions leading to adjudication, that he was not yet able to provide proper care for the children, and that there was no reasonable likelihood that he would do so within a reasonable time.

Furthermore, the evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children were bonded to respondent, but they suffered serious emotional distress when visits were sporadic, and Dakota was also bonded to his foster family. After 16 months of separation, reunification was still not possible, and was not expected within a reasonable time. The trial court did not err in determining that the children needed permanency, stability, and parents who focused on their needs, and that their best interests were served by termination of respondent's parental rights.

Affirmed.

/s/ Alton T. Davis

/s/ Kurtis T. Wilder

/s/ Stephen L. Borrello