

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JERSEY MARIE LYNN
PAISLEY, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MATTHEW LEE PAISLEY,

Respondent-Appellant,

and

JESSICA LEE WILSON,

Respondent.

UNPUBLISHED
February 24, 2009

No. 287473
Branch Circuit Court
Family Division
LC No. 04-002901-NA

Before: Whitbeck, P.J., and O'Connell and Owens, JJ.

MEMORANDUM.

Respondent Matthew Paisley appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Termination was improper under § 19b(3)(c)(i) because 182 or more days had not elapsed since entry of the initial dispositional order. However, the trial court did not clearly err in finding that termination under § 19b(3)(j) was established by clear and convincing evidence. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). Respondent had a severe long-term substance abuse problem and, as a result, the child had been adjudicated a temporary court ward in 2004. Respondent regained custody of the child, and the court terminated its jurisdiction in April 2006. Respondent resumed using drugs within a few months and continued to do so despite additional rounds of treatment. He admittedly smoked marijuana while caring for the child and took her to a house where drugs were being used and syringes were lying about on the floor. The trial court did not clearly err in finding that there was a reasonable likelihood that the child would be harmed if returned to respondent's home. Because

petitioner established one ground for termination with clear and convincing evidence, termination of respondent's parental rights was appropriate. MCL 712A.19b(3).

Further, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Although respondent and his daughter loved each other and respondent wanted to regain custody, he continued to use drugs despite participating in both inpatient and outpatient treatment. There was no indication that he could reasonably be expected to have this problem sufficiently under control to enable him to resume custody. The trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ William C. Whitbeck

/s/ Peter D. O'Connell

/s/ Donald S. Owens