

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of SARAH ANN NIXON PULLEY,  
SPENCER WILLIAM PULLEY, and MICHAEL  
LEE PULLEY, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOHNNY LEE PULLEY, SR.,

Respondent-Appellant,

and

DOROTHY JEAN NIXON,

Respondent.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DOROTHY JEAN NIXON,

Respondent-Appellant,

and

JOHNNY LEE PULLEY, SR.,

Respondent.

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UNPUBLISHED

March 17, 2009

No. 287041

Cass Circuit Court

Family Division

LC No. 07-000093-NA

No. 287042

Cass Circuit Court

Family Division

LC No. 07-000093-NA

Before: Sawyer, P.J., and Zahra and Shapiro, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence clearly showed that termination of parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The primary conditions that led to the filing of the original petition in this case were respondents' issues of substance abuse and inadequate housing. Neither respondent made any meaningful progress in addressing these issues. Respondents' failure to address their substance abuse problems was crucial to the decision to terminate their parental rights. All three of their children had been born with fetal alcohol exposure, and Michael had also been born exposed to cocaine. As a result of the fetal alcohol exposure, and for Sarah and Spencer their exposure to chronic neglect, parental substance abuse, and parental conflict, all three children had special needs. Specifically, all three were in need of permanence and stability to minimize any further developmental impact of the instability and chronic stress that they had already experienced.

Neither respondent was able to provide the permanence and stability the children needed. Respondent-father continued to use alcohol throughout the case, in spite of the trial court's order to abstain from alcohol and drug use. Additionally, he had a domestic violence incident in March 2008, for which he was on probation for six months. He tested positive for alcohol just two weeks before the termination hearing as he had five other times. He did not complete a substance abuse treatment program, missed 19 drug screens, refused six others, and never attended any NA or AA meetings.

Respondent-mother argues that petitioner failed to make reasonable efforts to help her address her substance abuse problem. However, the evidence supports that petitioner made reasonable efforts to help respondent-mother reunite with her children. Respondent-mother voluntarily left Family Treatment Court, an intensive substance abuse program, because she would not sever contact with respondent-father. She was discharged from treatment at Woodlands because she failed to admit that she had a substance abuse problem, failed to meaningfully participate in treatment, and missed ten of 15 appointments with her counselor. Respondent-mother's discharge from treatment was a result of her own failure to participate and not a lack of effort on petitioner's part. In addition, the trial court ordered respondent-mother to stop taking the vicodin she had been prescribed for back pain, because she was trading one addiction for another, and to manage her pain with something non-addictive. However, respondent-mother continued taking vicodin and tested positive for opiates 25 times. Respondent-mother further challenges the failure of petitioner to follow the recommendations of Dr. Haugen for in-home therapy. However, considering the evidence regarding respondent-

mother's housing situation, petitioner could not have offered respondent-mother in-home therapy because she did not have suitable or stable housing or housing that was her own.

In addition to respondents' failure to address their substance abuse issues and their lack of adequate housing, respondents failed to take any responsibility for the impact their actions had on their children and failed to demonstrate any understanding of how serious their children's needs were. Considering this evidence, the trial court properly concluded that clear and convincing evidence supported the statutory grounds for termination and that termination was in the children's best interests.

Affirmed.

/s/ David H. Sawyer

/s/ Brian K. Zahra

/s/ Douglas B. Shapiro