STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of GIOVANNI BRADLEY LOCKE and GIETANNO PAOLETTI LOCKE., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMANDA BJUR,

Respondent-Appellant,

and

BRADLEY JOHN LOCKE,

Respondent.

UNPUBLISHED
April 27, 2010

No. 293490
Macomb Circuit Court
Family Division
LC Nos. 2008-000242-NA
2008-000337-NA

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Respondent.

Before: BANDSTRA, P.J., and BORRELLO and SHAPIRO, JJ.

PER CURIAM.

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

The children initially came into care because of respondents' substance abuse, eviction, and lack of income. Although respondent-mother was referred to outpatient treatment at Millennium Services in July 2008, the foster care worker testified that she received no information from Millennium regarding any services provided to respondent-mother, except a single March 2008 document, from before the children came into care and unrelated to her July 2008 referral, indicating respondent-mother was in services. Respondent-mother provided a log of appointments with counselors at Millennium, but the log showed that 20 sessions had been rescheduled. Respondent-father was referred to counseling at New Passages, but there was minimal attendance and no progress. Respondent-father was also referred to Alternatives to Domestic Aggression, but he never scheduled an intake appointment.

Although respondent-father made several representations regarding working full time at various locations, the places that the foster care worker called reported respondent-father did not work there and respondent-father continually failed to provide the trial court with any evidence of income, such as a check stub or tax document. Respondent-mother reported that she worked at Cracker Jack's Bar and Grill, including doing bartending, even though she had had an alcohol problem from age 13 until 2004. She was unable to provide any pay stubs because she was apparently "working under the table."

Although both respondents were required provide periodic drug testing, both of them failed to comply. Each was required to daily place a telephone call to a specific number to determine if a drug screen was required. Respondent-father called only 17 times, missed 60 screens, submitted three positive for cocaine, one positive for cocaine and marijuana, and one that was negative but diluted. Respondent-mother called only seven times, missed 57 screens, and submitted only one, on December 16, 2008, which was positive for cocaine. Respondent mother provided 25 drug screens from Millennium, 19 of which were positive, and admitted to having had only two consecutive negative screens since January 2009. When the termination hearing began, respondent-father tested positive for cocaine and respondent-mother admitted she used cocaine six days before; respondents lived with their parents; although respondents had completed a parenting class, it was not petitioner-approved; and the foster care worker did not have complete information about the services respondents participated in.

We conclude that the circuit court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). Petitioner offered sufficient evidence that both respondents had not rectified the conditions leading to adjudication and were not likely to within a reasonable time, MCL 712A.19b(3)(c)(*i*). Respondents continued to use substances, even though that meant they

could not have parenting time. Respondent-father's positive test for cocaine at the first termination hearing and respondent-mother's admission that she used cocaine six days earlier, along with their failure to comply with drug screens and counseling, supported the circuit court's finding that respondents were not reasonably likely to provide proper care and custody in a reasonable time, MCL 712A.19b(3)(g), and the children were likely to be harmed if returned, MCL 712A.19b(3)(j).

The circuit court was also required to find that termination was in the children's best interests before terminating respondents' parental rights. MCL 712A.19b(5). The bond between respondents and the children was relevant to this analysis. See *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004); *In re AH*, 245 Mich App 77, 89; 627 NW2d 33 (2001). The youngest child was removed at birth and there was testimony that the older child stopped talking about respondents. Respondents had not seen their children in six months because they failed to submit three consecutive negative drug screens. The children's need for permanency and stability weighed in favor finding that returning the children to respondents was not in the children's best interests. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The court was not required to restate its factual findings when it held that termination was in the children's best interests. The court may consider the entire record in its analysis. See *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). Accordingly, we concluded that the circuit court did not err in its best interests determination.

Respondent-mother also argues that petitioner failed to make reasonable efforts to rectify respondent-mother's problems. See *In re Rood*, 483 Mich 73, 89; 763 NW2d 587 (2009); *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005); MCL 712A.18f. Respondent-mother was twice enrolled in the required parenting classes but failed to attend. Thereafter, she was placed on the waiting list behind parents who had not yet had an opportunity to enroll. We conclude that it was entirely reasonable for priority to be given to parents who had yet to receive an opportunity to take the parenting class in light of respondent-mother's failure to attend twice before. Additionally, although it was unclear why petitioner never received counseling progress reports from Millennium, there was no evidence that the reports would have changed the outcome. See *In re Fried*, 266 Mich App at 543. Respondent-mother obtained counseling and did not request additional treatment. Petitioner's efforts were reasonable and any oversights did not affect the outcome, which was the result of respondent-mother's continued substance abuse.

Affirmed.

/s/ Richard A. Bandstra
/s/ Stephen L. Borrello
/s/ Douglas B. Shapiro