

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

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In the Matter of COREY JAMES KRZYCKI and  
CALEB CHRISTOPHER KRZYCKI, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

COREY DIJION JOHNSON,

Respondent-Appellant,

and

TAMARA LYNN KRZYCKI,

Respondent.

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In the Matter of COREY JAMES KRZYCKI and  
CALEB CHRISTOPHER KRZYCKI, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMARA LYNN KRZYCKI,

Respondent-Appellant,

and

COREY DIJION JOHNSON,

Respondent.

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UNPUBLISHED

May 11, 2010

No. 294399

Macomb Circuit Court

Family Division

LC No. 2006-000584-NA

No. 294400

Macomb Circuit Court

Family Division

LC No. 2006-000584-NA

Before: TALBOT, P.J., AND FITZGERALD AND M. J. KELLY, JJ.

PER CURIAM.

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

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interest of the children. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). The trial court's decision regarding termination of parental rights is reviewed for clear error. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355-357; 612 NW2d 407 (2000).

Only respondent-father contests the finding of statutory grounds for termination of his parental rights. We find no clear error in the court's determination that the statutory grounds for termination of his parental rights were established by clear and convincing evidence. At the time of the adjudication, respondent-mother had an untreated substance abuse addiction, and respondent-father had never intervened to protect Corey from respondent-mother's drug use. By the time of the permanent custody hearing, respondent-mother had not overcome her drug addiction, and respondent-father had not made any effort or expressed the willingness to care for the children independently. Respondent-father was unable to provide proper care and custody of Corey and Caleb and never came into full compliance with his treatment plan. Although the caseworkers were not concerned that respondent-father was drug addicted like respondent-mother, during the pendency of the case he used illegal drugs and did not regularly submit drug screens as required by his parent-agency agreement. Respondent-father, therefore, was unable to demonstrate that he was drug-free, and also never demonstrated an ability to maintain suitable housing for any significant length of time. Additionally, respondent-father did not comply with the treatment plan's requirements that he maintain regular contact with the caseworker and show evidence of his progress in counseling. Respondent-father's failure to come into compliance with his parent-agency agreement is evidence of his failure to provide proper care and custody for the children. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). Further, because of respondent-father's involvement with respondent-mother, the children would be exposed to her use of illegal drugs, which would put them at risk of harm. The trial court warned respondent-father that, if he continued his relationship with respondent-mother, her substance abuse issues would affect his chances for reunification. There was no evidence that respondent-father had a childcare plan that did not involve respondent-mother, or that he would take steps to keep the children protected from her drug use.

Both respondents argue that the trial court erred in its best interests determination. We disagree. It is in Corey and Caleb's best interest to be raised in a drug free, safe environment, which respondents have been unable to provide. It is also in Corey and Caleb's best interests to be cared for by individuals who can provide for their basic needs. Although respondent-father had been employed throughout the case, there was no evidence that respondent-mother could make any financial contribution to the family. Moreover, respondents never showed a copy of their lease agreement to the caseworker in an effort to demonstrate their ability to obtain independent housing, and never demonstrated an ability to maintain suitable housing for any

length of time. Respondents are, therefore, unable to provide the children with the stability that they need, and continuing their court wardship as suggested by respondent-mother would deprive them of the permanency that is in their best interests.

Respondents' failure to address their drug issues, regularly submit drug screens, and maintain suitable housing demonstrates that they are not fit caregivers for Corey and Caleb. Other than to argue that they have a strong bond with their children, neither of the respondents demonstrated that termination of parental rights was not in the children's best interests. Thus, the trial court did not clearly err in its best interest determination.

Affirmed.

/s/ Michael J. Talbot  
/s/ E. Thomas Fitzgerald  
/s/ Michael J. Kelly