

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

July 6, 2010

In the Matter of GENTZ Minors.

No. 295179

Kent Circuit Court

Family Division

LC No. 08-052245-NA

08-052248-NA

08-052255-NA

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Before: SHAPIRO, P.J., and JANSEN and DONOFRIO, JJ.

PER CURIAM.

Respondents appeal as of right from an order that terminated their parental rights to their minor children pursuant to 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 respondents' parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The children were made temporary wards in July 2008 after respondents admitted that DGG had been found wandering in the street unsupervised. Respondents admitted to extensive drug use and drug paraphernalia throughout the home. The home was filthy and cluttered. There was insufficient food for the children, and the children, were also filthy and unkempt.

From the outset of the case, it was clear that the focus would be on addressing respondents' substance abuse problems. They were expected to provide random drug screens and participate in substance abuse therapy. Respondents got off to a very slow start and did not earnestly seek treatment until the end of November 2008. The January 2009 review hearing

revealed that they had each tested positive for drugs during the reporting period, but that those positive screens came at the beginning of the reporting period. Their most recent screens were negative and both respondents had completed intensive outpatient therapy (IOP) and were following up at a methadone clinic. It appeared that they had been clean for a five-week period. The workers and the court were pleased with respondents' recent effort and praised them; however, respondents were also warned that they would have to maintain their sobriety if they hoped to be reunified with the children. They needed to show a six-month period of sobriety and effort.

Unfortunately, the April 2009 review hearing revealed that respondents were consistently testing positive for drugs, in spite of their participation in the methadone clinic and in spite of the fact that they had already completed an IOP. Their psychological evaluations revealed drug dependence on such a level that inpatient treatment was appropriate. This was not the first time the issue of inpatient treatment was brought up. The worker spoke with respondents about inpatient treatment months before when they began to test dirty. Respondents' parenting time was suspended because of the positive screens and the worker wanted to proceed toward termination. Still, the trial court wanted to afford respondents additional time. It was made clear to both of them that they were expected to hastily report to inpatient treatment centers, as no other method of therapy or counseling appeared to be working.

At the July 2009 review hearing, it was reported that the father had just recently checked himself into an inpatient treatment center in June 2009. The mother had yet to take that step. The trial court found no alternative to proceeding to termination. The termination hearing consisted primarily of testimony regarding respondents' untreated drug abuse. The only witness was the worker, who testified that respondents' continued drug abuse was the primary reason for termination. The trial court found "that the parties' instability, substance abuse problems, lack of stable support system, unemployment, all of that, that existed at the beginning of this case and continues to exist today. And there's no reasonable likelihood these problems can be fixed within a reasonable time given these children's ages."

The trial court did not clearly err in making such a conclusion. Although respondents eventually completed inpatient treatment, there was no evidence that they were following up on aftercare, which included additional IOP. During the 15 months the children were in care, respondents were sober for only five weeks. Without even exploring the issues of housing or income, it was clear that the conditions leading to adjudication continued to exist and that respondents were without the ability to provide the children with proper care or custody.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court then had to address whether termination of respondents' parental rights was in the children's best interests. MCL 712A.19b(5). While there were no real substantive concerns regarding respondents' parenting, the worker testified that the visits were often chaotic because of respondents' hyperactivity, presumably due to their drug use. The oldest child, CVG, was alert to what was happening. He was affected when the visits were suspended following respondents' drug use. The two youngest children were doing well in foster care. VAG was only seven months old when she came into care. It could not be argued that a significant bond existed, considering the amount of time the children were in care and the frequency with which

visits were suspended for failure to provide consecutive negative screens. Sadly, respondents were simply unable to conquer their drug addiction despite being repeatedly granted time and opportunity to do so. The children were entitled to permanence and stability.

Affirmed.

/s/ Douglas B. Shapiro

/s/ Kathleen Jansen

/s/ Pat M. Donofrio