

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 14, 2010

In the Matter of W. VOORHEES, Minor.

No. 295780
Ingham Circuit Court
Family Division
LC No. 09-000029-NA

Before: TALBOT, P.J., and METER and DONOFRIO, JJ.

MEMORANDUM.

D. W. Green contests the termination of his parental rights by asserting that termination was premature based on the level of progress he had attained in addressing the issues that brought the minor child to the attention of DHS. We affirm.¹

The trial court terminated Green's parental rights in accordance with MCL 712A.19b(3)(c)(i) [conditions leading to the adjudication continue to exist], (c)(ii) [other conditions exist that have not been rectified], (g) [failure to provide proper care or custody], and (j) [harm is likely if the child is returned to parental home]. Although the trial court did not clearly err in finding that the statutory grounds for termination under §§ 19b(3)(c)(ii), (g), and (j) were established by clear and convincing evidence, we question the trial court's reliance on § 19b(3)(c)(i) as a basis for terminating parental rights.² The conditions that led to the adjudication consisted of substance abuse and neglect by the child's mother only. The child did not come within the court's jurisdiction based on any act or omission by Green, but because the trial court properly found that termination was warranted under §§ 19b(3)(c)(ii), (g), and (j), any error in relying on § 19b(3)(c)(i) as an additional ground for termination is harmless.³

Although he obtained housing and employment, Green demonstrated little progress in overcoming a serious substance abuse problem. He missed numerous drug screens and tested positive for drugs only three weeks before the termination hearing. Because of his poor compliance with substance abuse treatment, Green was not able to regularly visit with the child and did not develop any appreciable bond with the child. When Green did visit, he did not

¹ This appeal has been decided without oral argument pursuant to MCR 7.214(E).

² MCR 3.977(G) and (J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

³ *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

demonstrate appropriate parenting skills and interactions despite having participated in parenting classes.

Considering Green's significant substance abuse problem, the absence of demonstrable parenting skills, and the lack of any appreciable bond with the child due to circumstances entirely attributable to Green, the trial court did not clearly err in finding that termination of parental rights was in the child's best interests⁴ and in terminating Green's parental rights.

Affirmed.

/s/ Michael J. Talbot

/s/ Patrick M. Meter

/s/ Pat M. Donofrio

⁴ MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357.