

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
August 21, 2012

In the Matter of D. N. THOMPSON, Minor.

No. 308136  
Wayne Circuit Court  
Family Division  
LC No. 09-488963-NA

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Before: SAAD, P.J., and SAWYER and CAVANAGH, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. See *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The conditions that led to the child's adjudication were respondent's drug use, lack of stability, and inability to physically support his other children, conditions that clearly jeopardized his ability to effectively parent the child. During the lengthy period of time since the court's entry of its initial dispositional order requiring respondent to comply with services intended to address his issues, respondent demonstrated some compliance with his court-ordered treatment plan. However, he never abstained from marijuana use for an appreciable period of time, never successfully completed a substance abuse program or consistently provided drug screens as required, failed to abide by the terms of his probation resulting in his incarceration during the proceedings, and failed to gain any physical stability in housing or employment to provide for the child. On this record, we find no clear error in the trial court's termination decision.

The evidence clearly established that respondent remained unable to physically support his child. By the time of the termination hearing, respondent lacked stable and suitable housing and never obtained employment during the proceedings. Respondent wholly failed to demonstrate the stability necessary for the child to be returned to his care. The evidence also clearly established that respondent failed to address his substance abuse issue. Testimony showed that during the proceedings respondent failed to comply with the substance abuse services offered to him, continued to use marijuana during the proceedings despite the court orders and the terms of his probation prohibiting him from doing so, and failed to consistently or substantially comply with drug screening. Although respondent participated and made progress

in substance abuse therapy during the proceedings, he never completed it and was clearly unable to refrain from marijuana use as evidenced by his continued positive drug screens.

Likewise, the evidence clearly supported a finding that respondent would not likely be able to rectify his substance abuse issue and lack of stability to be able to provide proper care and custody for the child within a reasonable time in light of the child's young age. By the time of the termination hearing, the child, only four years old, had already been in foster care for over half of her life. Although numerous services were provided to assist respondent during the lengthy proceedings, he remained unable to benefit from and/or fully comply with those services so that he could reunify with the child. His lack of commitment and dedication toward reunification with the child was especially concerning in light of the child's special needs, including serious developmental delays and emotional and social issues, which made the child's need for permanency and stability great. The record established that respondent would likely not be able to provide the child with an appropriate, stable, and safe environment within a reasonable time. A reasonable likelihood of harm existed if the child returned to respondent's home, especially in light of her special needs that require heightened stability, dedication, and commitment to the child.

The trial court also did not clearly err in its determination regarding the child's best interests. See MCL 712A.19b(5); *Trejo*, 462 Mich at 354, 356-357. Although undisputed testimony showed that respondent and the child shared a bond, loved each other, and interacted positively with each other, evidence also clearly demonstrated a failure by respondent to adequately address his issues or fulfill the necessary requirements so that he could provide the child with the stable, safe, and appropriate environment she needed. This is especially so in light of the child's significant developmental delays and emotional issues, which increased her need for stability and permanency. Respondent failed to make the necessary effort during the proceedings to address his issues, expressed a desire to no longer plan for the child, and failed to appear at the termination hearing. On this record, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Henry William Saad

/s/ David H. Sawyer

/s/ Mark J. Cavanagh