

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

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In the Matter of APRIL RAY, ANGELINA RAY,  
ASHLEY RAY, ADAM RAY, JOVELINA RAY,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD C. RAY,

Respondent-Appellant,

and

MARGIE JONES,

Respondent.

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In the Matter of APRIL RAY, ANGELINA RAY,  
ASHLEY RAY, ADAM RAY, JOVELINA RAY, and  
JEREMIAH JONES, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARGIE M. JONES,

UNPUBLISHED

August 25, 2000

No. 218683

Genesee Circuit Court

Family Division

LC No. 95-102572

No. 219092

Genesee Circuit Court

Family Division

LC No. 95-102572

Respondent-Appellant,

and

RICHARD C. RAY,

Respondent,

and

JUAN DUNCAN,

Respondent.

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Before: Wilder, P.J., and Holbrook, Jr., and McDonald, JJ.

PER CURIAM.

In this consolidated appeal, respondent-father Richard Ray and respondent-mother Margie Jones appeal as of right from a family court order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i)(ii), (g), and (j); MSA 27.3178(598.19b)(3) (c)(i)(ii), (g), and (j). Respondent-father Ray and respondent-mother Jones are the parents of April, Angelina, Ashley, Adam, and Jovelina Ray. Respondent-mother and respondent Duncan are the parents of Jeremiah Jones.<sup>1</sup> We affirm.

This matter began back in June 1995. At the time, respondent-father was incarcerated and respondent-mother's whereabouts were unknown. Finding that the allegations in the petition for temporary custody had been established, the trial court placed the then-born children into foster care. It is clear from the supplemental orders entered following the numerous review hearings that the terms of respondent-father's parent-agency treatment plan included (1) substance abuse counseling, (2) random drug screens, (3) domestic violence counseling, and (4) obtaining stable housing and employment. Subsequently, respondent-father was also ordered to "maintain suitable housing, abstain from alcohol and/or substance abuse, attend [Alcoholics Anonymous] meetings regularly, [and] resume his use of Antabuse." Later, respondent-father was specifically ordered by the court to obtain suitable housing as of September 3, 1998.

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<sup>1</sup> Respondent Duncan has not appealed the termination of his parental rights. Therefore, respondent-father Ray is identified hereafter as "respondent-father."

Respondent-mother was ultimately located when she was arrested on October 10, 1995. Respondent-mother testified that she “was dependent on drugs then, and I was with somebody that—we were committing crimes together.” Respondent-mother turned herself in to police, was convicted of receiving and concealing stolen property, and sentenced to three to seven and one-half years’ imprisonment.

At first, respondent-mother was serving her time in prison, but in March 1996 she was transferred to Community Programs Incorporated Substance Abuse Treatment Center (CPI). In May 1996, respondent-mother truanted CPI. In July 1996, respondent-mother was returned to custody when she was turned into the police by respondent-father. She was then sent to Scott Correctional Facility in Plymouth, Michigan, and shortly thereafter to Camp Branch in Coldwater, Michigan. After respondent-mother became pregnant while at Camp Branch, she was transferred back to Scott Correctional Facility. On February 17, 1998, respondent-mother was transferred to Project Transition, a residential program within the Department of Corrections. Shortly thereafter, Jeremiah was born. After approximately four months, respondent-mother was tethered to an apartment in Detroit. Respondent-mother testified that after leaving Project Transition, she relapsed into substance abuse. In early August 1998, respondent-mother removed her tether and fled to Flint, Michigan. She then entrusted the care of six-month old Jeremiah to a friend. According to respondent-mother, she then began working as a prostitute in order to obtain crack cocaine.

Looking to the supplemental orders entered following the numerous review hearings, it is clear that the terms respondent-mother’s parent-agency treatment plan included (1) substance abuse therapy, (2) abstinence from drug use, (3) obtaining and maintaining stable housing and employment upon release from prison, and (4) attending parenting classes.

Both respondent-father and respondent-mother argue that the trial court erred in terminating their parental rights because the statutory grounds for termination were not established by clear and convincing evidence. We disagree.

Contrary to respondent-father’s assertions, evidence presented at the hearing held on the supplemental petition established that he had not substantially complied with the parent-agency treatment plan. Regarding his alcohol abuse, respondent-father admits that he was twice convicted of OUIL while he was subject to the treatment plan. Further, his admission that he drank a beer on Christmas 1998, as well as testimony by his case worker that he smelled of alcohol when he showed up for the November 10, 1998 and January 12, 1999 parenting times, evidence that he violated the court’s October 2, 1997 order to “abstain from alcohol and/or substance abuse.” Respondent-father’s refusal to submit to a drug test on November 10, 1998 and January 12, 1999, violates the requirement that he submit to random drug screens. While testimony concerning his attendance at AA meetings is somewhat unclear, it is apparent from the evidence that respondent-father has failed to demonstrate that he was attending AA meetings on a regular basis.

There is also no evidence that respondent-father received counseling for domestic violence. His poor attendance at parenting times and his failure to reschedule those is also problematic. It does appear that he had rented a three bedroom residence in early September 1998 and spent time and effort to fix up the home. However, there is no evidence that he began occupying and maintaining the home as of September 3, 1998. Finally, while respondent-father asserts that he has been working regularly as a mechanic, he has not provided documentation to support this contention. Based on this evidence, we conclude that the statutory grounds for termination have been established by clear and convincing evidence. *In re Miller*, 182 Mich App 70, 84; 451 NW2d 576 (1990).

We also conclude that the record includes clear and convincing evidence supporting the termination of respondent-mother's parental rights. *Id.* The record clearly establishes that respondent-mother has a long standing ongoing substance abuse problem. There are no indications that she has the problem under control, or that she is making significant progress toward achieving that goal. By her own admission, within weeks after completing her time at Project Transition, respondent-mother had abandoned Jeremiah, resumed her crack cocaine abuse, and was financing her purchase of the drug through prostitution. The record also establishes that she twice fled DOC confinement. Further, there is no indication that she has or is capable of obtaining and maintaining suitable housing and stable legal employment, or that she has the necessary parenting skills to care for her children.

Affirmed.

/s/ Kurtis T. Wilder

/s/ Donald E. Holbrook, Jr.

/s/ Gary R. McDonald