

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

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In the Matter of KENNETH SIMMONS, JR.,  
KENDRA HATTIX, KENDALL JACKSON, and  
KENDRIC JACKSON, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

EUGENE JACKSON,  
  
Respondent-Appellant,

and

BUNNY JACKSON, KENNETH SIMMONS, and  
HUGH HATTIX,  
  
Respondents.

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UNPUBLISHED  
December 16, 2003

No. 249142  
Kalamazoo Circuit Court  
Family Division  
LC No. 99-000002-NA

Before: Fitzgerald, P.J., and Neff and White, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the order terminating his parental rights to his minor children, Kendall and Kendric, under MCL 712A.19b(3)(c)(i). We affirm.

The trial court did not clearly err in finding that § 19b(3)(c)(i) was established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant concedes on appeal that he did not rectify the conditions leading to adjudication, which primarily involved substance abuse issues. Instead, respondent-appellant argues that if the petitioner had planned to reunite the children with him rather than their mother, then he may have resolved his issues. We are not convinced by respondent-appellant's argument. Respondent-appellant still refused to comply with virtually all aspects of the parent/agency agreement after the children were again removed from their mother's care nearly six months before the termination hearing was held. Respondent-appellant reported that he continued to use drugs as late as November 2002, never submitted random drug screens, and failed to appear at the termination hearing.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Janet T. Neff

/s/ Helene N. White