

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JACOEBI BERNARD PARLOUR,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HAROLD PARLOUR,

Respondent-Appellant,

and

STACY IRELAND,

Respondent.

In the Matter of JUSTIN MARTEL IRELAND,
JAMES EARL IRELAND, and JACOEBI
BERNARD PARLOUR, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STACY IRELAND,

Respondent-Appellant,

and

HAROLD PARLOUR,

UNPUBLISHED

January 15, 2004

No. 249050

Ingham Circuit Court

Family Division

LC No. 01-050578

No. 249093

Ingham Circuit Court

Family Division

LC No. 01-050578

Respondent.

Before: Zahra, P.J., Cavanagh and Cooper, JJ.

PER CURIAM.

In Docket No. 249050, respondent-father appeals as of right from an order terminating his parental rights to his minor child, Jacoebi Bernard Parlour, under MCL 712A.19b(3)(c)(i) (conditions leading to adjudication not rectified) and (g) (failure to provide proper care or custody). In Docket No. 249093, respondent-mother appeals as of right the same order terminating her parental rights to Jacoebi, as well as Justin Martel Ireland and James Earl Ireland pursuant to §§ 19b(3)(c)(i), (g), and (j) (reasonable likelihood that child will be harmed if returned home). This Court consolidated these appeals. We affirm.

The children were brought into the court's custody after respondent-mother angrily threatened employees at a bus garage. The petition seeking temporary custody of the children noted prior proceedings against respondent-mother, concerns that she might be suffering from mental illness and substance abuse problems, and her unwillingness to participate in offered services in the past. The children were taken into the court's custody and both respondent-mother and respondent-father entered into parent-agency agreements with petitioner. Although the allegations in the original petition did not reference respondent-father, he entered into a parent-agency agreement in order to regain custody of his son.

The two critical issues for respondent-mother were anger management and substance abuse treatment. During the course of the proceedings, respondent-mother failed to address either issue, despite repeated services offered to her. Thus, the trial court did not err in finding sufficient evidence to support termination of respondent-mother's parental rights under § 19b(3)(c)(i) and § 19b(3)(g). Because respondent-mother failed to manage her anger the trial court properly found evidence of a likelihood of harm to the children if returned to her care sufficient to justify termination under § 19b(3)(j).

Respondent-father maintains that the trial court erred in basing termination of his parental rights on § 19b(3)(c)(i) (conditions leading to adjudication not rectified). We agree. The conditions resulting in the court's custody over Jacoebi involved respondent-mother's behavior, not respondent-father. Respondent-father cannot be required to rectify the behavior of the mother. *In re C.R.*, 250 Mich App 185; 646 NW2d 506 (2002). However, this error was harmless in light of the evidence supporting termination of respondent-father's parental rights under § 19b(3)(g). *In re Powers*, 244 Mich App 111, 117-118; 624 NW2d 472 (2000).

Termination is warranted under § 19b(3)(g) if the parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent would be able to provide proper care and custody within a reasonable time considering the child's age. A respondent's failure to substantially comply with the parent-agency agreement would support termination of respondent's parental rights under § 19b(3)(g). See *In re A.H.*, 245 Mich App 77, 87-88; 627 NW2d 33 (2001). The court may terminate parental rights even if the respondent complies with the parent-agency agreement in part, where the respondent's partial

compliance is insufficient to rectify the conditions that led to adjudication of the children. See *Matter of Jackson*, 199 Mich App 22, 27; 501 NW2d 182 (1993).

Here, respondent-father's parent-agency agreement required, among other things, that he obtain and verify steady, lawful employment and abstain from use or possession of any illegal drugs. The record clearly establishes respondent-father's non-compliance in this regard. Respondent-father failed to verify any employment. While he claimed to be employed from September 2001 through September 2002, this purported employment was with five different employers. Further, respondent-father admits that he lost his last job because he was incarcerated for a drug related conviction. Respondent-father also failed to establish stable housing that was suitable for a child. Respondent-father reported at least six different addresses for the period between January 2002 and March 2003.

Respondent-father also displayed exceedingly poor decision-making skills, as evidenced by his involvement in drug related criminal activity in violation of his lifetime probation, which was imposed for a conviction relating to the delivery of cocaine. Further, the psychologist who performed respondent-father's evaluation expressed concern with respondent-father's ability to parent a young child.

Respondent-father also argues that, at a minimum, he should be granted an additional ninety-day period to show that he can properly care for the child. However, the trial court had already granted respondent-father ninety days to work towards reunification at the August 20, 2002, permanency planning hearing. Prior to the lapse of that ninety-day period, respondent-father had pleaded guilty to a drug use charge and had been sentenced to jail time. In light of respondent-father's conduct, the court could properly conclude that there was no reasonable expectation that respondent-father would be able to provide proper care and custody of Jacobeb within a reasonable time considering the child's age. Thus, we conclude that the trial court did not clearly err when it found clear and convincing evidence to terminate respondent-father's parental rights to Jacobeb under § 19b(3)(g).

Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We conclude the evidence did not show that termination of respondents' parental rights was clearly not in the best interests of the children at issue. That termination of respondent-mother's parental rights was not contrary to the best interests of the children considering that the children all had special needs and respondent-mother was unwilling to work with agencies, schools and other professionals who were available to address those needs. Respondent-mother had also failed to visit the children for almost a year prior to trial and had behaved inappropriately when she did visit. Likewise, the evidence also supports the trial court's finding that termination of respondent-father's parental rights was not contrary to the best interest of Jacobeb. Dr. Hobbs, who had performed a psychological evaluation of respondent-father, concluded that respondent-father did not have any real understanding of what parenting required. Respondent-father's counselor indicated that respondent-father had limited or little insight regarding his lifestyle choices and would rarely take responsibility for his action, tending instead to blame others. Furthermore, respondent-father did not recognize or understand the child's special needs. Even

though the child was receiving occupational, speech, and physical therapy while in the court's custody, respondent-father testified that his son was a healthy child, without problems.

Affirmed.

/s/ Brian K. Zahra

/s/ Mark J. Cavanagh

/s/ Jessica R. Cooper