

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

---

In the Matter of LEMUEL TUCKER III,  
JENNIFER TUCKER, NICHOLAS TUCKER,  
ANDREW TUCKER, and WILLIAM TUCKER,  
Minors.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LEMUAL TUCKER and JUDITH TUCKER,

Respondents-Appellants.

---

UNPUBLISHED

October 5, 2004

No. 252651

Monroe Circuit Court

Family Division

LC No. 00-015333-NA

Before: Schuette, P.J., and Bandstra and Meter, JJ.

PER CURIAM.

Respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

The trial court took jurisdiction over the minor children on grounds of abuse and neglect, following respondents' arrest and consequent inability to provide the children with proper care and custody. Respondents were arrested on outstanding warrants for failure to pay child support to the children's paternal uncle, who cared for the children during an earlier child protective proceeding. The incident leading to respondents' arrest involved respondent-father's dog biting a child in the face while respondents and the minor children were residing in a state park; respondent-father was not allowed to house animals as a condition of probation for five counts of animal cruelty. The petition for jurisdiction alleged that in the month preceding respondents' arrest, their lender foreclosed on their trailer, and they were evicted from the trailer park where they were staying. Additionally, the recreational vehicle in which they were staying at the state park was impounded. Respondent-father was unemployed, but claimed that he was running for President of the United States. Respondent-mother was also unemployed, but received social security disability payments which were used to support the family. At the time of respondents' arrest, they were apparently in the process of moving to West Virginia. After the children were removed, respondents moved to West Virginia, notwithstanding the fact that they were attempting to regain custody of their children.

Pursuant to plea agreements, essentially all that was necessary for the children to be returned to respondents was completion of parenting classes and a home study on their new home in West Virginia. But the record reveals that respondents not only failed to cooperate in the home study, but severely interfered with it by filing a frivolous lawsuit against state workers in West Virginia who were not even involved in the study. Additionally, respondents vandalized their new home when the landlord declined to renew their lease. Respondents then moved to Kentucky without notifying the Family Independence Agency or the trial court.

Despite an adequate income, respondents could not account for their expenditures or demonstrate that they could support the children financially. They failed to submit an adequate budget as ordered by the trial court, and spent money on respondent-father's presidential campaign that would more appropriately have been used to provide for the children. Respondents failed to complete parenting classes, failed to complete the home study, failed to submit an adequate budget, and failed to undergo the psychological evaluations ordered by the trial court—things which could have demonstrated that they could provide proper care and custody for the children. Instead, respondents filed a series of frivolous motions and grievances against FIA workers, court-appointed special advocates, and attorneys for petitioner and the children, seeking their removal on the grounds of “interference with reunification.” There was clear and convincing evidence that the children's educational, dental, nutritional, and hygiene needs were neglected. Respondents' confrontational behavior and failure to comply with orders do not suggest these situations would be remedied in a reasonable time.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). On the basis of the previously summarized evidence, the trial court did not clearly err in finding that: the conditions that led to adjudication continued to exist and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the age of the children; other conditions existed and respondents failed to follow the recommendations to rectify those conditions, and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the age of the children; respondents did not provide proper care and custody for the children; and there was a likelihood of harm to the children if returned to respondents' care. MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j).

Once a statutory ground for parental termination has been established, a trial court must terminate parental rights unless it finds from the entire record that the termination is clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review a trial court's decision whether parental termination is against the children's best interests for clear error. *Id.* at 356-357. The evidence supported the trial court's determination that termination was not clearly against the children's best interests, and we are not left with a definite and firm conviction that a mistake has been made. Accordingly, the trial court did not err in terminating respondents' parental rights to the children.

We affirm.

/s/ Bill Schuette  
/s/ Richard A. Bandstra  
/s/ Patrick M. Meter