

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ANDRE' HENRY RANDALL,  
JR., JAYLEN NICHOLAS RANDALL, and  
APRIL CHRISTIAN RANDALL, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANDRE' HENRY RANDALL, SR.,

Respondent-Appellant,

and

LOLITHA ANN DEERE,

Respondent.

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UNPUBLISHED

August 21, 2008

No. 282541

Kalamazoo Circuit Court

Family Division

LC No. 06-000110-NA

Before: Meter, P.J., and Smolenski and Servitto, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (j). We affirm.

Respondent-appellant contends that, because he was not properly notified of the proceedings, the trial court's decision should be reversed. This argument is not properly before this Court because respondent-appellant did not raise it in his statement of questions presented. *People v Albers*, 258 Mich App 578, 584; 672 NW2d 336 (2003). Even if we were to consider this argument, we would find that respondent-appellant was properly notified of the proceedings. The record before us shows that petitioner took steps to locate respondent-appellant, and that the trial court ordered service by publication, as authorized by MCL 712A.13, which occurred.

Respondent-appellant next argues that the statutory grounds for termination were not established by clear and convincing evidence. Termination of parental rights is appropriate if the petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that termination is clearly not in the best interests of the

children. *Id.* at 352-353. This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); MCR 3.977(J).

Respondent-appellant contends that the trial court made "significant" factual errors in its opinion. First, respondent-appellant argues that, because he was not homeless contrary to the trial court's finding, he was able to adequately care for his children. Although respondent-appellant may not have been technically homeless, he did not have a permanent and appropriate home for himself and the children at the time of trial. Therefore, any error in labeling him "homeless" was harmless. Next, respondent-appellant argues that the trial court erred in finding that he appeared for only three drug screens. We acknowledge that testimony revealed that respondent-appellant submitted six drug screens. However, these six drug screens were insufficient to establish that respondent-appellant substantially complied with the parent/agency treatment plan.

Respondent-appellant further contends that, given the fact that he was able to comply with a number of the components of his treatment plan in a short period of time, the trial court was "wholly unjustified" in terminating his parental rights pursuant to MCL 712A.19b(3)(g) and (j). We acknowledge that respondent-appellant attended therapy sessions and completed parenting classes, after being referred to parenting classes twice. Tom Duffield, respondent-appellant's therapist, initially testified that respondent-appellant was "taking ownership in what he now needed to do to get his children back." However, after being informed of respondent-appellant's positive drug screens, Duffield stated that he was less encouraged. Testimony revealed that respondent-appellant did not regularly and consistently provide drug screens and that he had positive screens. In addition, respondent-appellant entered a plea to possession of less than 25 grams of cocaine.

The evidence of respondent-appellant's inadequate housing throughout this case<sup>1</sup> and ongoing abuse of illegal substances clearly demonstrated that respondent-appellant failed to provide proper care for his children and that there was a reasonable likelihood that the children would be harmed if returned to his care. Respondent-appellant's failure to fully comply with his treatment plan during this case supports the finding that there was no reasonable expectation that he would be able to provide proper care within a reasonable time considering the children's ages. Thus, termination was warranted under MCL 712A.19b(3)(g) and (j).

Respondent-appellant next contends that reversal is warranted because petitioner failed to make reasonable efforts to reunite him with his children. We disagree. Testimony revealed that respondent-appellant was referred for random drug screens, parenting classes, and therapy. Respondent-appellant argues that he should have been offered additional services to address his substance abuse problem. However, evidence revealed that respondent-appellant did not fully take advantage of the services that were offered. Thus, we find that petitioner made reasonable efforts to address respondent-appellant's parenting skills and his substance abuse problem.

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<sup>1</sup> We reject respondent-appellant's contention that the trial court erred in commenting on respondent-appellant's housing history; the evidence showed that respondent-appellant failed to maintain a stable home suitable for the children.

Respondent-appellant next contends that termination of his parental rights was clearly against the children's interests. Respondent-appellant argues that it was shown that he could provide his children a stable, loving, and permanent home. However, at the time of trial, respondent-appellant was not able to provide such an environment and had not fully addressed his substance abuse problem. Given the children's need for stability, the evidence did not show that termination of respondent-appellant's parental rights was clearly contrary to the children's best interests.

Affirmed.

/s/ Patrick M. Meter

/s/ Michael R. Smolenski

/s/ Deborah A. Servitto