

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
November 18, 2010

In the Matter of HANKINS, Minors.

No. 297935  
Genesee Circuit Court  
Family Division  
LC No. 08-124527-NA

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Before: MURPHY, C.J., and METER and SHAPIRO, JJ.

MEMORANDUM.

Respondent father appeals as of right the order terminating his parental rights to the two minor children under MCL 712A.19b(3)(c)(i), (g), and (j).<sup>1</sup> We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence and that termination was in the children's best interests. MCL 712A.19b(3) and (5); MCR 3.977(K); *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005).

The conditions of adjudication were that respondent was a heroin addict living with the minor children (then three years old and two months old) and their mother in a garage, without heat or running water. The children were placed with their maternal grandmother. For ten months after the initial referral, respondent failed to comply with the Parent Agency Agreement. Services were first offered by Children's Protective Services and then ordered by the trial court, including drug assessment and treatment, a parenting class, and domestic violence classes. Respondent enrolled in a program for inpatient substance abuse treatment for his heroin addiction three times, but only completed the program once, and even then quickly relapsed. He failed to attend parenting classes and domestic violence classes, and he failed to obtain regular employment and an appropriate place to live. Instead, he continued to use heroin and live in a garage without a job for ten months until his criminal activity resulted in his incarceration in the Genesee County Jail. He remained in jail at the time of the termination hearing ten additional months later.

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<sup>1</sup> Respondent mother's parental rights were also terminated, but she did not appeal the decision.

During his incarceration, the DHS worker visited him to update him on the progress of the case and encouraged him to attend substance abuse services available to him in jail. His visits with the minor children during the first ten months of this case were sporadic, and he did not communicate with them in any way during the ten months between his incarceration and the termination hearing. Respondent could conceivably be incarcerated until May 2011, almost three years after he last lived with the minor children, who were then quite young. He has never demonstrated that he can remain drug-free for any appreciable length of time. Additionally, upon his release, he will be attempting to obtain a job and an appropriate place to live with three felony convictions and eight misdemeanor convictions on his record.

While we applaud respondent for attending substance abuse classes and NA meetings in jail, and obtaining his GED, we cannot say that the trial court clearly erred in holding that the conditions of adjudication continued to exist, § 19b(3)(c)(i), that there was no reasonable likelihood of respondent being able to provide proper care and custody to the minor children within a reasonable time considering their tender ages, § 19b(3)(g), and that the children were likely to be harmed if returned to his custody, § 19b(3)(j).

Affirmed.

/s/ William B. Murphy  
/s/ Patrick M. Meter  
/s/ Douglas B. Shapiro