

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
May 28, 2013

In the Matter of G. A. TISDALE, Minor.

No. 313110
Genesee Circuit Court
Family Division
LC No. 11-127499-NA

Before: DONOFRIO, P.J., and MARKEY and OWENS, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); MCR 3.977(H)(3)(a) and (K). At the time the initial petition was filed, respondent was unable to provide proper care or custody because he had recently tested positive for marijuana and he had not established legal paternity of the child. Respondent was provided with a parent/agency agreement in October 2011 outlining the goals to be met for successful reunification. Petitioner's evidence showed that respondent completed a substance abuse assessment which indicated that he did not require treatment. However, he did not complete parenting classes or a psychological evaluation, did not establish a legal source of income, and he would not allow a home study to determine whether his home was appropriate for the child. At the time of the termination hearing, he had only recently resumed family visits after a seven-month absence and his attendance remained sporadic. At the hearing, respondent provided proof of income for only 72 hours of work. There was no evidence that he had a lawful, steady income sufficient to support himself and his child. Although respondent provided proof that he had completed video parenting classes, there was no evidence that the curriculum of those classes met respondent's needs in this case.

A parent's failure to substantially comply with the requirements of a parent/agency agreement is evidence that the parent cannot provide proper care and custody for the child, and may support termination under § 19b(3)(g). *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *In re AH*, 245 Mich App 77, 87-88; 627 NW2d 33 (2001). Because respondent failed to make any substantial progress with the requirements of his parent/agency agreement, there was no reasonable likelihood that he would be able to provide proper care and custody within a

reasonable period of time. Therefore, the trial court did not clearly err in finding that termination was warranted under § 19b(3)(g).

The trial court's reliance on § 19b(3)(c)(i) as an additional basis for termination with respect to respondent is questionable, given that the conditions that led to the adjudication primarily related to the child's mother, and that respondent subsequently established legal paternity to the child. But because only one statutory ground for termination need be established, and the trial court did not err in finding that § 19b(3)(g) was established by clear and convincing evidence, any error with respect to § 19b(3)(c)(i) was harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Affirmed.

/s/ Pat M. Donofrio
/s/ Jane E. Markey
/s/ Donald S. Owens