STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of COREY M. MIDDAUGH and KEVIN MARTIN, JR., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RONDAL KLEIN,

Respondent-Appellant,

and

DARREN MIDDAUGH and KEVIN MARTIN,

Respondents.

UNPUBLISHED
October 19, 2006

No. 270077
Calhoun Circuit Court
Family Division
LC No. 05-001846-NA

In the Matter of COREY M. MIDDAUGH and KEVIN MARTIN, JR., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KEVIN MARTIN,

Respondent-Appellant,

and

RONDAL KLEIN and DARREN MIDDAUGH,

Respondents.

No. 270078
Calhoun Circuit Court
Family Division
LC No. 05-001846-NA

Before: Cavanagh, P.J., and Bandstra and Owens, JJ.

PER CURIAM.

In these consolidated appeals, respondent mother Rondal Klein appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(*i*), (g), and (j), and respondent father Kevin Martin appeals as of right from the same order terminating his parental rights to Kevin Martin, Jr., under the same subsections. We affirm.

Initially, respondent mother claims that the trial court erred in accepting her plea because she was not advised on the record of the rights she was giving up pursuant to MCR 3.971(B). This claim was not raised below and no appeal was taken from the order of disposition. The claim is thus unpreserved for review. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993); *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005). Further, the court did not err in assuming jurisdiction over the children. Respondents both signed waiver of rights forms, and the trial court ascertained that their attorneys had explained the forms. The court also made inquiries concerning the voluntariness of the plea pursuant to MCR 3.971(C). Respondent mother then admitted to pleading guilty to possession of cocaine, while respondent father admitted pleading guilty to domestic violence against respondent mother. These convictions were a matter of public record and clearly sufficient to confer jurisdiction under MCL 712A.2(b). The court also had the testimony of a Children's Protective Services worker from the preliminary hearing. All of these bases supported the court's jurisdiction over Corey and Kevin, Jr.

Next, both respondents argue that termination of their parental rights was clear error because they were complying with their parent agency agreements (PAAs) and making progress. We disagree. The children were removed in May 2005 because of poor home conditions, domestic violence, and respondents' criminality and drug use. Respondents participated sporadically in their PAAs and made minimal progress. A parent must benefit from services to be able to provide a proper home. *Gazella, supra* at 676-677. Here, respondent father failed to complete his psychological evaluation and respondent mother missed three appointments before completing hers. Neither obtained domestic violence treatment until late in the case, and the treatment was not complete. Respondents' attempts at substance abuse treatment were also insufficient. Both had many missed drug screens and positive screens that were only partially explained by prescriptions. Respondent mother was severely addicted to crack cocaine and even testified that she "tried to" resume daily use after release from an inpatient treatment program. Respondents both spent time in jail. Their therapist estimated that it would take at least a year of intensive treatment before they might be ready to resume custody, and that the children could not be safely returned.

Respondents also failed to visit the children regularly when given the opportunity. Their excuses were not plausible or reasonable. Corey was disappointed when respondent mother did not visit. Corey was clearly damaged by respondents' neglect, drug use, and chaotic lifestyle. There was evidence that respondent father physically abused the mother and children. Kevin and Corey feared him. While respondents loved their children and were no doubt sincere in their wishes to improve, the trial court correctly found their efforts "too little, too late." Clear and convincing evidence supported termination of respondents' parental rights under subsections (c)(*i*), (g), and (j). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000).

Finally, we find no clear error in the trial court's determination that termination of respondents' parental rights was not clearly contrary to the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 364-365.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Richard A. Bandstra
/s/ Donald S. Owens