STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
December 11, 2012

In the Matter of A.R. HUDSON, Minor.

No. 310727
Genesee Circuit Court
Family Division
LC No. 07-122851-NA

Before: SAAD, P.J., and K. F. KELLY and M. J. KELLY, JJ.

MEMORANDUM.

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

Respondent's parental rights were previously terminated based on the fact that he had been continuously incarcerated since the child entered foster care. However, this Court reversed the termination, finding that respondent's conduct while in prison – which included participation in parenting classes, anger management classes, and substance abuse classes – as well as his imminent release from prison, "indicated that respondent's incarceration would be rectified, and that respondent would be available to plan for the child and provide custody within a reasonable time." *In re Hudson*, unpublished opinion per curiam of the Court of Appeals, issued September 23, 2010 (Docket Nos. 296685 and 296793), slip op p 2.

The matter was remanded to the trial court and respondent was provided with a parent-agency agreement (PAA) on October 27, 2010, which required respondent to obtain a psychological evaluation, attend parenting classes, attend anger management classes, submit to drug screens, maintain and obtain suitable housing, maintain and obtain legal employment, and follow the conditions of his parole.

The trial court did not clearly err in finding that respondent failed to comply with his PAA. MCR 3.977(K); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). Once again, respondent spent a majority of his time in and out of jail and was unable or unwilling to comply with the PAA. Respondent never supplied verification of income or housing. There was some evidence that he completed anger management and parenting classes, but failed to benefit. Respondent's drug abuse and the drug addiction remained the primary barrier to reunification, as confirmed by his psychological evaluation and consistent positive drug screens. In fact, at the termination hearing, respondent admitted that he had only been "clean" for two and a half weeks. Respondent also testified that he got "blasted drunk" over his frustrations and fears about not seeing the child. Although respondent blames the agency for his failings, we reiterate that the

agency need only offer services to a parent, but it is the parent's ultimate responsibility to complete those services. In viewing the evidence presented as a whole, the trial court did not clearly err in finding that the statutory grounds for termination had been met by clear and convincing evidence.

Nor did the trial court err in finding that termination of respondent's parental rights was in the child's best interests. *In re Olive/Metts*, 297 Mich 35; ___ NW2d ___ (2012), slip op at 3; MCL 712A.19b(5); MCR 3.977(E)(4). The child had been in care nearly his entire life. His brother, who is not respondent's child, has already been adopted, and the child struggled with not being similarly adopted. While the evidence does suggest respondent has made some positive changes, the evidence clearly indicates respondent has failed to transition from a drug addict to an addict in recovery, despite seeking treatment. Therefore, the lower court did not clearly err in determining that termination of respondent's parental rights is within the child's best interests regarding safety, permanency, and care.

Affirmed.

/s/ Henry William Saad
/s/ Kirsten Frank Kelly
/s/ Michael J. Kelly