

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESSE JAMES LUCKING,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

HOLLY MARIE WALTERS,

Respondent-Appellant,

and

JAMES MICHAEL LUCKING,

Respondent.

In the Matter of JESSE JAMES LUCKING,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JAMES MICHAEL LUCKING,

Respondent-Appellant,

and

HOLLY MARIE WALTERS,

Respondent.

UNPUBLISHED
April 24, 2007

No. 273705
Oakland Circuit Court
Family Division
LC No. 05-704707-NA

No. 273762
Oakland Circuit Court
Family Division
LC No. 05-704707-NA

Before: Meter, P.J., and Kelly and Fort Hood, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the trial court's order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

Jesse was removed at the hospital following his birth in March 2005 because of allegations of mental instability and excessive drinking during pregnancy with regard to respondent mother and of criminality and domestic violence with regard to respondent father. Respondents pleaded no contest to an amended petition and an order of disposition was entered. Respondents' parent agency agreements (PAAs) called for visitation, parenting classes, drug screens, suitable housing, a physical and financial plan for the child, regular contact with the caseworkers, and following court orders and recommendations of psychological and psychiatric evaluations. Respondent mother, who had a history of psychiatric hospitalizations and a conservator to manage her finances, was also to attend a mental health assessment for medication review and counseling as determined by a physician. Respondent father was to attend counseling including substance abuse treatment and to remain law abiding. Later requirements were anger-management therapy and AA/NA for respondent father, and further psychiatric evaluations and counseling for both parents.

Respondents complied only partially with the PAA requirements. Both had outbursts and refused to accept responsibility. Regular drug screens were not provided, but respondent mother admitted to periods of drinking every night, and respondent father smelled of alcohol and pleaded guilty to a drunk driving offense in August 2006. Respondent mother did not attend a medication review and respondent father refused anger management treatment and further substance counseling. Both parents failed to attend AA regularly. Their relationship was also problematic, and there was testimony that they needed couples counseling if they planned to stay together. To their credit, they completed parenting classes, attended nearly all visitations, and were usually appropriate with and concerned for the child. Respondent father completed one round of substance abuse treatment. Respondent mother made good progress in counseling after getting a late start. But her mental health status was unclear and she needed additional counseling. Overall, their actions while under court scrutiny provided little evidence that they would be able to adequately care for a young child. Clear and convincing evidence supported termination of their parental rights to the minor child under MCL 712A.19(3)(c)(i), (g), and (j). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 345; 612 NW2d 407 (2000).

We also find no clear error in the trial court's ruling concerning the child's best interests. Although respondents clearly loved the child and demonstrated the desire to provide him with adequate care and a good home, they failed to sufficiently address serious issues of substance abuse and emotional instability that would impede their ability to provide a stable and permanent home. On this record, we conclude that the trial court did not clearly err in finding that termination was not clearly contrary to the child's best interests. MCL 712A.19b(5); *Trejo*, *supra* at 353-355.

Affirmed.

/s/ Patrick M. Meter
/s/ Kirsten Frank Kelly
/s/ Karen M. Fort Hood