STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of CHRISTIAN EVERETT GIRARD and DONTA' LORENZ WILLIAMS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LAURA GIRARD,

Respondent-Appellant,

and

MARK WILLIAMS,

Respondent.

UNPUBLISHED
June 23, 2000

No. 219202
Macomb Circuit Court
Family Division
LC No. 89-034795-NA

Before: Hoekstra, P.J., and Holbrook, Jr., and Zahra, JJ.

PER CURIAM.

Respondent-mother appeals as of right from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (i), and (m); MSA 27.3178(598.19b)(3)(c)(i), (i), and (m). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-mother first argues that the trial court erred in concluding that the statutory grounds for termination had been established by clear and convincing evidence. We disagree. The record establishes that at the time of the termination proceeding, the conditions that led to the court's assumption of jurisdiction over Christian continued to exist and there was no reasonable likelihood that those conditions would be rectified within a reasonable time. MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). The record shows that respondent-mother has been unable to maintain a

drug free life, and that she has failed to obtain suitable housing and employment. Discounting the periods when she was incarcerated, respondent-mother's visitation with the child was sporadic. Further, respondent-mother has failed to take advantage of the substance abuse counseling that has been offered to her. Given these circumstances, we conclude that the court did not clearly err in finding that the statutory grounds for termination of parental rights in Christian were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

With respect to Donta', the evidence also supports the finding that the statutory grounds had been established. Respondent-mother's parental rights to two other children were previously terminated, one by the court and one voluntarily. MCL 712A.19b(3)(i) and (m); MSA 27.3178(598.19b)(3)(i) and (m).

We also reject respondent-mother's argument that the family court erred in finding that termination was not contrary to the best interests of the children. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Boursaw*, 239 Mich App 161, 180; 607 NW2d 408 (2000). Acknowledging the importance of the child-parent relationship, we nonetheless believe that the record supports the conclusion that the best interests of the children are served by termination of respondent-mother's parental rights. *In re Boursaw, supra* at 180.

Limiting our review to the record, *People v Maleski*, 220 Mich App 518, 523; 560 NW2d 71 (1996), we also find no merit to respondent-mother's claim that she was denied the effective assistance of counsel. *People v Pickens*, 446 Mich 298, 309; 521 NW2d 797 (1994). The record does not support respondent-mother's claim that the trial was rushed. On the contrary, trial counsel was afforded an opportunity to question each of appellee's witnesses and to call any witnesses on her behalf. It was unnecessary for counsel to subpoena respondent-mother's parole records, inasmuch as respondent-mother testified regarding her anticipated outdate from the treatment facility and the family court accepted that testimony. Also, the record does not support respondent-mother's claim that counsel did not meet with her and did not allow her to speak. Indeed, respondent-mother was afforded the opportunity to speak when she testified at the termination hearing. Further, contrary to respondent-mother's claim that trial counsel was not diligent in his representation, the record reflects that counsel diligently argued a continuing hearsay objection prior to the start of the termination hearing and presented numerous exhibits to highlight respondent-mother's attempts to improve herself. Therefore, respondent-mother's claim that she was denied the effective assistance of counsel must fail. *People v Shively*, 230 Mich App 626, 628; 584 NW2d 740 (1998).

Affirmed.

/s/ Joel P. Hoekstra
/s/ Donald E. Holbrook, Jr.
/s/ Brian K. Zahra