

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of WILLIAM THOMAS DEFRAIN,
NATHEN ERIC DEFRAIN and NICOLE
ELIZABETH DEFRAIN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

LINDA JOAN VAN KAMMER,

Respondent-Appellant.

UNPUBLISHED
April 23, 2002

No. 234854
Wayne Circuit Court
Family Division
LC No. 99-375775

Before: Gage, P.J., and Griffin and Buth*, JJ.

MEMORANDUM.

Respondent 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). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that MCL 712A.19b(3)(g) and (j) were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Also, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Initial disposition occurred on March 23, 1999 and over two years elapsed before the trial court ordered termination on April 6, 2001. The Court was exercising patience and discretion in favor of the respondent in order to give her an opportunity to comply with the court plan. Respondent was intelligent, articulate and her work performance was quite good. She visited the children regularly and there was never any evidence that respondent neglected or harmed them in any way. The difficulty was respondent had been unable to become drug-free for over two years and after giving respondent several chances, the trial court could conclude that there was no reasonable expectation that she would become drug-free within a reasonable time. The trial court could reasonably conclude that the needs of the children would not be met and the children

* Circuit judge, sitting on the Court of Appeals by assignment.

would be neglected by a parent who used cocaine, especially her children, all of whom had special needs. Therefore, the trial court did not err in terminating respondent's parental rights pursuant to Section 19b(3)(g).

Additionally, the trial court did not abuse its discretion or prejudice respondent in denying respondent's request for adjournment of the June 9, 2000 termination hearing. MCR 2.503(D)(1); *People v Snider*, 239 Mich App 393, 421; 608 NW2d 502 (2000).

Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Hilda R. Gage
/s/ Richard Allen Griffin
/s/ George S. Buth