

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHYFIRSKA DAWNRELL
EMERY, LARONDA MAE GARNER,
AVANGELIA MEECHELLE RASHAWNA
HOBBS, and RONALD DOMINIC HOBBS, JR.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

REGINA LEE EMERY a/k/a REGINA LEE
GARNER,

Respondent-Appellant.

UNPUBLISHED
March 25, 2004

No. 248388
Wayne Circuit Court
Family Division
LC No. 93-305397

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to three of the minor children under MCL 712A.19b(3)(i) and (j). We affirm.

Respondent previously had her parental rights to four children terminated in 1995. According to the record, the grounds were in part based on desertion and a “long-standing and serious” substance abuse problem. This constitutes termination for serious and chronic neglect as required by MCL 712A.19b(3)(i). Further, the record demonstrates that she was offered a parent agency treatment plan and the opportunity to participate in services in that prior case, but she failed miserably to do what was necessary to take care of her children. Therefore, the trial court did not clearly err in determining that MCL 712A.19b(3)(i) was established by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Moreover, respondent’s substance abuse problems continued in the instant case. By her own admission, she continued to use marijuana after the adjudication. Sadly, respondent does not acknowledge the seriousness of the situation and insists she does not have a problem. This substance abuse and the likelihood it will continue since respondent does not accept responsibility, present a serious risk of harm to the children if returned to respondent. Also, respondent continued to experience instability in her housing. This satisfies MCL

712A.19b(3)(j), and the trial court did not clearly err in finding that this statutory ground for termination was established by clear and convincing evidence. *Miller, supra* at 337.

Though respondent says she is closely bonded to the children, she nonetheless places her own destructive habits above the welfare of her children. Thus, 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). The trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Bill Schuette