

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MAKAYLA BAKER, MONIQUE
BAKER and MEAYAH BAKER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SAMANTHA SUEZANNE RUTH BAKER,

Respondent-Appellant,

and

WILLIAM BARRY BAKER, JR.,

Respondent.

UNPUBLISHED

June 29, 2004

No. 252435

Berrien Circuit Court

Family Division

LC No. 2002-000025-NA

Before: Sawyer, P.J., and Gage and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals by 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.

The trial court did not clearly err when it found that statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The conditions leading to adjudication, specifically, repeated episodes of substance abuse and a lack of stable employment and independent housing, continued to exist at the time of termination and were unlikely to change within a reasonable time, considering respondent-appellant's history of brief progress and regression. See MCL 712A.19b(3)(c)(i).

Respondent-appellant also did not provide proper care and custody in the past because she was using heroin and living among drug users, and she was unable to do so within a reasonable time, in light of her history of relapsing into substance abuse and her lack of appropriate housing. See MCL 712A.19b(3)(g). Respondent-appellant notes on appeal that recovery from substance abuse requires significant time and patience; however, MCL 712A.19b(3)(g) examines whether the respondent will actually be likely to provide proper care

and custody in a reasonable time, without regard to her intent or effort to improve. See *In re Hamlet*, 225 Mich App 505, 515-516; 571 NW2d 750 (1997). Finally, the substance abuse and inappropriate environment made it reasonably likely the children would be harmed if returned to respondent-appellant. See MCL 712A.19b(3)(j).

The evidence also did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357, 365; 612 NW2d 407 (2000). Although respondent-appellant acted appropriately during visits and the children were strongly bonded to her, the children needed a safe home environment and the emotional stability of a final resolution.

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

Affirmed.

/s/ David H. Sawyer

/s/ Hilda R. Gage

/s/ Donald S. Owens