

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of COTY MYERS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MENDY MARSHALL,

Respondent-Appellant,

and

KIRSTIAN MYERS,

Respondent.

UNPUBLISHED

August 19, 2004

No. 253857

Kent Circuit Court

Family Division

LC No. 02-266301-NA

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The principal conditions leading to adjudication were respondent-appellant's substance abuse and leaving her child in the care of others without adequate provisions. The evidence established that respondent-appellant failed to complete substance abuse treatment, continued to use alcohol and marijuana until well into the case, and was not consistent in her visitations with the child. Respondent-appellant's lack of compliance with her treatment plan clearly supported the trial court's conclusion that the conditions leading to adjudication had not changed and would not be rectified within a reasonable time, and that respondent would be unable to provide proper care and custody for the child within a reasonable time considering his age.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*. Although

the child loved and was bonded with his mother, other testimony and evidence demonstrated that the child's continued frustration over respondent-appellant's lack of progress and uncertainty over his own placement was affecting his mental and emotional well-being. Thus, the trial court did not clearly err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Jessica R. Cooper

/s/ Kirsten Frank Kelly