

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CALVIN CLARK, TYLER
CLARK, AVRYANNA CLARK, and RICHARD
WYRICK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PATRICIA CLARK,

Respondent-Appellant,

and

RICHARD WYRICK, HUGH SMITH,
FREDERICK CADDELL, and TERENCE DEAN
COWAN,

Respondents.

UNPUBLISHED
December 16, 2004

No. 255514
Calhoun Circuit Court
Family Division
LC No. 2002-960007-NA

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that a statutory ground had been established by clear and convincing evidence. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Proofs at trial showed that, after twenty-one months and several attempts, respondent-appellant could not remain free of cocaine and alcohol abuse. Respondent-appellant did attempt to comply with the plan directed by the FIA and the court, but she last abused cocaine just nine days before the final review hearing on the termination of her parental rights.

There was clear and convincing evidence at the initial disposition that respondent-appellant abused drugs and alcohol then and continued to do so during the entire process in the lower court. The FIA set forth a reasonable service plan, which respondent-appellant chose not to follow. The conditions that existed at the time of the adjudication did continue to exist, and

given respondent's lack of progress, there was no reasonable likelihood that those conditions would be rectified within a reasonable time, considering the ages of respondent's children. MCL 712A.19b(3)(c)(i).

Respondent-appellant was unable or unwilling to address her drug and alcohol problems. We agree with the trial judge that there can be no proper care or custody in a home where a parent is abusing cocaine. After twenty-one months, it was apparent that there was no reasonable likelihood that the situation would improve. MCL 712A.19b(3)(g).

Finally, we conclude that drug abuse in a home poses a real risk to the health and safety of any child who lives there. Drug use seriously impairs family resources and, as here, it led to rent and utilities not being paid, a lack of decent housing, poor household hygiene, and lack of proper food for respondent-appellant's children. There is a reasonable likelihood that the children would have been harmed had they been returned to her care. MCL 712A.19b(3)(j).

Affirmed.

/s/ Jane E. Markey
/s/ E. Thomas Fitzgerald
/s/ Donald S. Owens