

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PIERRE DERRELL MCNAIR,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
September 29, 2005

Petitioner-Appellee,

v

AVA WILLIAMS,

Respondent-Appellant.

No. 262540
Wayne Circuit Court
Family Division
LC No. 94-322555-NA

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(i), (g), (i), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review the trial court's findings in termination proceedings for clear error. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). In this case, the trial court did not clearly err in finding that the grounds for termination were established by clear and convincing evidence. It is undisputed that respondent's parental rights to five other children had been terminated in previous child protective proceedings due to serious and chronic neglect related to her cocaine addiction. During those proceedings, respondent had been offered services but failed to either comply or benefit from the services. At least four of respondent's children, including the one at issue in this appeal, were born with cocaine in their systems. Respondent has a severe drug addiction for which she was in her fifth treatment facility at the time of termination. Respondent's substance abuse problem has lasted more than a decade, and she has a history of relapse. Clearly, prior efforts to rehabilitate respondent were unsuccessful and it would be a significant period of time before respondent could even attempt to parent her child. Therefore, we conclude that the trial court did not err when it terminated respondent's parental rights pursuant to MCL 712A.19b(3)(b)(i), (g), (i), and (j).

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341,

356-357; 612 NW2d 407 (2000). The trial court did not err in terminating respondent's parental rights to her child.

We affirm.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio