

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JACK SRUBA, Minor.

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

UNPUBLISHED
October 4, 2005

Petitioner-Appellee,

v

GINA SRUBA,

Respondent-Appellant,

and

SALVATOR ZAMBITO,

Respondent.

No. 261340
Kent Circuit Court
Family Division
LC No. 04-057901-NA

Before: Saad, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

Respondent appeals the trial court's dispositional order that placed the minor child in foster care. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not abuse its discretion in removing the minor child from respondent's care and placing him in foster care. *In re PAP*, 247 Mich App 148, 153; 640 NW2d 880 (2001); *In re Martin*, 167 Mich App 715, 727; 423 NW2d 327 (1988). At the time the order was entered, the minor child was less than four months old. Respondent has a longstanding addiction to crack cocaine, which had resulted in her parental rights to her two older children being terminated. Respondent admitted that she had used crack cocaine as recently as April 2004, during her pregnancy with the minor child. In addition, a psychological evaluation of respondent detailed several concerns regarding the potential for respondent to relapse. Indeed, respondent lost her parental rights to her other children because she failed to make efforts to solve her drug problems and failed to even attempt to take care of her children. Moreover, the trial court expressed legitimate concerns regarding respondent's "live-in" relationship with the minor child's biological father, who had a history of substance abuse and had only recently been discharged

from prison and parole. Though respondent appears recently to be attempting to deal with her drug addiction, her long-term addiction and failure to care for her other children, raises serious questions about the welfare of the child that remains in respondent's home. Also, the trial court raised legitimate concerns about respondent's veracity in dealing with the court and with agencies regarding her children and her addiction. In light of this evidence, the trial court's decision is not an abuse of discretion. For the same reasons, the trial court did not clearly err in finding that it was contrary to the minor child's welfare to remain in respondent's care.

Affirmed.

/s/ Henry William Saad

/s/ Kathleen Jansen

/s/ Jane E. Markey