

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JOSHUA HUNT and JUSTIN  
HUNT, Minors.

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

UNPUBLISHED  
November 29, 2005

Petitioner-Appellee,

v

PATRICIA HUNT,

Respondent-Appellant.

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No. 262654  
Clinton Circuit Court  
Family Division  
LC No. 04-017249-NA

Before: Donofrio, P.J., and Zahra and Kelly, JJ.

PER CURIAM

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

I. Basic Facts

Respondent is the mother of two minor boys, born in 1990 and 1993, and the three have moved back and forth between Michigan and Ohio during the boys' lives. Ohio authorities placed the boys in their great-grandparent's custody in 1999 because of respondent's drug dependency and neglect. The boys moved with their mother to Michigan in 2000. Shortly thereafter respondent was arrested for operating under the influence of alcohol, child endangerment and violating license restrictions. At the time, respondent was already on probation for operating under the influence of alcohol. Later the same year, the younger boy was physically abused by respondent's then-boyfriend. Throughout the next few years, respondent provided barely a modicum of stability in the boys' lives. The record shows she freely used cocaine, marijuana and heroin; abused alcohol; engaged in role-reversal in which the boys were made to support respondent emotionally; allowed horrendous attendance in the boys' schooling, forcing them to fail in grade; moved back and forth from Ohio; left the boys in the care of adults who had criminal backgrounds; and, when leaving them did not provide for emergency medical authorization. According to the record below, respondent would make progress in counseling, employment and overcoming substance abuse only to relapse. Respondent was again apparently making progress when, on October 7, 2004, she was arrested after being charged with conspiracy to distribute cocaine in Ohio. Petitioner moved to terminate respondent's parental rights.

## II. Analysis

The trial court did not clearly err in determining that statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). Respondent clearly failed to provide proper care and custody when she was incarcerated and left the children without medical authorization and without suitable caregivers. Respondent was making apparent progress in the two to three months before her most recent incarceration, which stemmed from past misconduct. However, respondent had already gone through several cycles of progress and relapse. This was the children's third time in foster care. Respondent's lifestyle was so unstable that both children had to repeat their last grade in school. Respondent continued to demonstrate poor parenting during the present proceedings by placing too much responsibility on the children to make her feel better. Based on respondent's history of substance abuse, unstable housing, and inadequate parenting, respondent was not reasonably likely to provide proper care and custody within a reasonable time, and the children were reasonably likely to be harmed if returned to her. Therefore, the trial court did not err when it found clear and convincing evidence of statutory grounds to terminate respondent's parental rights under MCL 712A.19b(3)(g) and (j).<sup>1</sup>

Furthermore, the trial court did not clearly err in making a best-interests determination. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). The primary evidence that termination was against the children's best interests was the length of time they spent in respondent's care, despite their time in foster care, and their strong emotional attachment to respondent. Petitioner's witness conceded that the children would likely always worry about their mother. However, the court properly considered the children's need for permanence when determining whether termination was in their best interests. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The children faced physical danger from respondent's substance abuse, as well as emotional harm from her poor parenting. Her instability delayed their education, as well. The children required stability and security that respondent repeatedly demonstrated she could not provide. The trial court did not err when it held that termination was not against the children's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Brian K. Zahra  
/s/ Kirsten Frank Kelly

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<sup>1</sup> Although the court erred in finding that MCL 712A.19b(3)(h) applied because respondent's incarceration would not likely deprive the children of a normal home for more than two years, see *In re Perry*, 193 Mich App 648, 650; 484 NW2d 768 (1992), the error was harmless because the court properly found other grounds for termination. See *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998).