

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESERIE KATHERINE
WILLIAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESSICA LYNNE WILLIAMS,

Respondent-Appellant.

UNPUBLISHED

January 3, 2008

No. 277262

Kent Circuit Court

Family Division

LC No. 06-050792-NA

Before: Murray, P.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

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

Respondent argues that the evidence did not support the statutory grounds for termination and that she should have been given more time to show she could properly parent her child, especially since petitioner delayed in providing services after the initial petition was filed.

The petitioner must establish a statutory ground for termination by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). This Court reviews the trial court's findings of fact for clear error. *Id.* at 356. A trial court's decision to terminate parental rights is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire record is left with the definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

Initially, we reject respondent's argument that she was prejudiced by a delay in providing services. Although services were not provided for a brief period after the original petition was filed in March 2006, apparently because the caseworker was unavailable, services were provided after the April 2006 adjudication hearing and respondent had also received many services in the past to address her substance abuse problem. The supplemental petition requesting termination of respondent's parental rights was not filed until December 2006, and respondent had ample opportunity to benefit from the services provided. There is no basis for concluding that respondent would have fared any better but for the brief period of inactivity during the early

stages of the proceeding. Therefore, respondent is not entitled to appellate relief on this ground. *In re Fried*, 266 Mich App 535, 543; 702 NW2d 192 (2005).

Further, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. The evidence disclosed that respondent had a long-term and significant substance abuse problem involving crack cocaine and heroin. Respondent's drug use began when she was 13 years old and remained constant as an adult, continuing through three pregnancies. She continued to test positive for drugs during the pendency of this case. Although respondent was in a drug treatment program at the time of the termination hearing and had remained drug-free for a period of months, that was insufficient to show that she had overcome her substance abuse problem, especially considering that she had participated in several drug treatment programs in the past without success. Further, respondent's psychological assessment revealed that she had other severe problematic personality patterns that would interfere with successful parenting, and that long-term therapy would be required to resolve those issues. Under the circumstances, the trial court did not clearly err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Christopher M. Murray

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder