

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SINCERALLY MARVELOUS
SHUMAKE and STEELE WILLIAM-JUSTUS
SCHUMAKE, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STAR BILLY SCHUMAKE,

Respondent-Appellant.

UNPUBLISHED

May 13, 2008

No. 280746

Wayne Circuit Court

Family Division

LC No. 05-445695-NA

Before: Donofrio, P.J., and Sawyer and Murphy, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (child will be harmed if returned to parent). Because clear and convincing evidence established a statutory basis for termination of parental rights and termination of parental rights was not clearly contrary to the best interests of the children, we affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary conditions leading to the children's wardship were respondent's addiction to cocaine and marijuana, lack of basic parenting skills such as proper supervision, and lack of stable housing. This proceeding lasted two years, and respondent became partially compliant with her treatment plan for eight months before relapsing. She completed inpatient substance abuse treatment and remained sober for nearly eight months, but she never began parenting classes to address the issue of improper supervision and did not complete individual counseling to address issues of poor decision-making. Respondent's housing and employment remained unstable throughout this proceeding. The same issues had caused respondent to previously relinquish custody of three older children in Genesee County. Given her long history of addiction and number of unsuccessful attempts to remain sober, the trial court did not clearly err in finding respondent failed to rectify the conditions of lack of proper care or custody and instability and was not likely to do so within a reasonable time. In addition, the trial court did not err in determining that the children would

likely suffer the harm of neglect if returned to respondent. MCL 712A.19b(3)(c)(i), (g), and (j). MCR 3.977(J).

Respondent argues on appeal that she was allowed time for only one review hearing following the trial court's dismissal of the first termination petition in July 2006, and she should have been provided additional time to demonstrate an ability to conquer her addictions. However, her relapse in October 2006 warranted the refiling of a petition requesting termination in light of her eight-year history of addiction, recovery, and relapse. The termination hearing was not held until July 2007, giving respondent ample time to demonstrate her ability to become sober and properly care for the children.

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent attempted more than once to conquer her addictions, and it appeared that she desired to live a sober life but was unable to do so. She remained without housing and was unemployed. Sinceraly had been out of respondent's care for two of her four years, and respondent had never provided care for Steele. There was no expectation that respondent could properly care for them within a reasonable time, and it was not fair to the children to delay their permanency any longer.

Affirmed.

/s/ Pat M. Donofrio

/s/ David H. Sawyer

/s/ William B. Murphy