

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAZMIN RAE McCARRICK,
KAYLEE McCARRICK, ALIANNA KRYSTIN
McCARRICK, and ANGELIQUE COLE HICKS,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AVIS MAE McCARRICK,

Respondent-Appellant.

UNPUBLISHED
July 24, 2008

No. 283039
Ingham Circuit Court
Family Division
LC No. 06-002111-NA

Before: Saad, C.J., and Fort Hood and Borrello, JJ.

MEMORANDUM.

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

Respondent argues that she was not given adequate time to demonstrate her ability to properly parent her children. Respondent's children had been removed from her care previously under similar circumstances involving substance abuse and homelessness or inadequate housing. Respondent failed to substantially address these issues. Her progress in outpatient substance abuse treatment during this proceeding was minimal. Testimony revealed that respondent was attending group and individual session in the months immediately before the termination hearing, and her substance abuse therapist testified that respondent seemed to grasp the techniques and procedures discussed during sessions and opined that respondent would be able to implement them in the future. However, the therapist had not observed respondent outside of group sessions. Respondent testified that she had been attending AA and NA meetings, but she provided no verification of her attendance to her worker. She did not obtain housing until the weeks before the termination trial, when she signed a lease on a two-bedroom apartment.

The trial court did not clearly err in finding that statutory grounds for termination had been established by clear and convincing evidence or in its best interests determination. *In re Trejo*, 462 Mich 341, 353, 355; 612 NW2d 407 (2000); MCR 3.977(J). The evidence established that respondent did not substantially comply with her treatment plan. Her last-minute efforts at addressing her housing situation and her substance abuse problem were not sufficient to

demonstrate that she could properly care for the children. In addition, respondent's failure to fully comply with her treatment plan during the pendency of this case indicated that she would not likely make a meaningful effort toward reunification even if she were given additional time to comply.

Furthermore, the evidence did not establish that the children's best interests precluded termination of respondent's parental rights. MCL 712A.19b(5). The foster care worker noted that this was the second removal of the children, and it had been devastating for them. Opining that respondent's rights should be terminated, the worker noted that respondent had been unwilling or unable to benefit from the services provided to her and did not make efforts to address her substance abuse until the termination of her parental rights was imminent. The worker believed that the children would be placed at risk if returned to respondent's care. Respondent's 15-year-old daughter also expressed concern about being returned to respondent's care, testifying that she believed that it would not be safe for her and her sisters to live with respondent. Thus, the court did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ Henry William Saad

/s/ Karen M. Fort Hood

/s/ Stephen L. Borrello