

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KADEN LEIK, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMY LEIK,

Respondent-Appellant.

UNPUBLISHED

November 13, 2008

No. 284936

Kent Circuit Court

Family Division

LC No. 07-050877-NA

Before: Beckering, P.J., and Borrello and Davis, JJ.

PER CURIAM.

Respondent mother appeals as of right the order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) and (g). For the reasons set forth in this opinion, we affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). There were five barriers to reunification: substance abuse, emotional instability, parenting skills, domestic violence, and lack of social support. Of these, the two primary issues that caused the child to be removed from his mother's care were her continued substance abuse and emotional instability. Because neither of the issues was properly addressed in the year that the child was a temporary ward, the conditions leading to adjudication continued to exist and respondent mother could not provide proper care or custody.

A psychiatric evaluation performed on respondent mother set forth a diagnosis of "cocaine-induced mood disorder, a history of attention deficit disorder, probable learning disability, and a possible underlying mood disorder, bipolar disorder." The psychiatrist was attempting to adjust respondent mother's medication in order to level her mood. Respondent mother was to meet with the psychiatrist again following the evaluation, but she failed to do so. Contrary to respondent mother's assertion, there is also no evidence that she was compliant with her medication. Respondent mother was also required to meet with a therapist at Arbor Circle for individual counseling, but she failed to do so. Respondent mother took no steps to address her emotional instability until her release from jail a few months before the termination trial.

As to the substance abuse issue, respondent mother attended a 30-day intensive inpatient treatment program at Turning Point but relapsed after failing to consistently attend her intensive outpatient counseling (IOP). She tried to check herself into Turning Point again, but there were no beds available. Instead, she went to a detoxification program at Sparrow Hospital. Following her program at Sparrow, respondent mother did nothing to address her substance abuse issues. Respondent mother claimed that she attended AA and NA meetings, but she did not provide verification. In fact, respondent mother continually tested positive for drugs up until her arrest. Respondent mother's attorney argued that respondent mother was drug-free for several months while in jail. Respondent mother was also making an attempt to address the substance abuse problem by attending four IOP sessions a week after her release. While respondent mother's efforts may have been commendable, they were late in coming. The child had been in care for nearly a year. Given respondent mother's history of relapse, the trial court correctly held that it would be many months before respondent mother could demonstrate a level of sobriety that would have allowed for reunification.

Having found statutory grounds for termination established by clear and convincing evidence, the trial court was obligated to terminate respondent mother's parental rights unless it appeared, on the whole record, that termination was clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent mother and the four-year-old child had shared a very close bond. Respondent mother consistently visited with the child up until the time her visits were suspended. The visits went well and respondent mother engaged the child in reading and other activities. However, the child had not seen his mother in eight months because respondent mother could not provide one negative drug screen. It was not until after the termination petition was filed that respondent mother finally offered a negative screen. Respondent mother's newfound commitment to sobriety would have to be demonstrated over an appreciable period of time. The child had already been in temporary care for a year. He was entitled to permanence and stability, and accordingly, we affirm the trial court.

Affirmed.

/s/ Jane M. Beckering
/s/ Stephen L. Borrello
/s/ Alton T. Davis