

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SAVANNAH ANTOIN  
TAYLOR, ANTHONY ANTOIN TAYLOR, and  
NEVAEH TAYLOR, Minors.

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OAKLAND COUNTY PROSECUTOR,

Petitioner-Appellee,

v

HOLLY ANN TAYLOR,

Respondent-Appellant.

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UNPUBLISHED

January 8, 2009

No. 285874

Oakland Circuit Court

Family Division

LC No. 07-729960-NA

Before: Zahra, P.J., and O'Connell and Fort Hood, JJ.

PER CURIAM.

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

The trial court did not clearly err by finding that 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). Respondent failed to provide proper care and custody for the two older children, MCL 712A.19b(3)(g), by using cocaine four or five times per week over a period of two years before December 2007. At the jurisdictional hearing in this matter, respondent admitted having a problem with heroin and crack cocaine over the past two years that had affected the way she cared for her children. Respondent failed to provide proper care and custody for the youngest child, Nevaeh, by using cocaine while pregnant with her. See *In re Nash*, 165 Mich App 450, 456; 419 NW2d 1 (1987); *In re Gentry*, 142 Mich App 701, 708; 369 NW2d 889 (1985).

The trial court did not clearly err by finding that there was no reasonable likelihood that respondent would be able to provide proper care and custody for the children within a reasonable time considering their ages. MCL 712A.19b(3)(g). At the time of the termination trial she had participated in two substance abuse treatment plans but failed to demonstrate ongoing sobriety. Respondent completed drug treatment in 2006, shortly before the initial petition was filed in this matter, but testified that she continued to use heroin and crack cocaine. She participated in residential substance abuse treatment through the Department of Corrections beginning in September 2007, but on October 4, 2007, violated her probation by testing positive for opiates.

The probation violation resulted in respondent mother's incarceration from October 2007 until March 2007. As the trial court noted, due to her incarceration, she was unable to participate in her parent-agency agreement. Respondent mother was released from incarceration approximately one month prior to the termination hearing. She testified at the termination hearing that she had attended three AA/NA meetings in the month since her release, but had no documentation of her attendance. She did not contact the foster care worker until the week before the termination hearing. She then took two drug screens, the first of which, on April 15, 2008, showed some evidence of benzodiazepines. Given respondent mother's failure to successfully address her serious substance addiction to date, the trial court did not clearly err by finding that there was no reasonable likelihood that she will do so within a reasonable time considering the ages of the children. MCL 712A.19b(3)(g).

The same evidence indicating that there is no reasonable likelihood that respondent will be able to provide proper care and custody for the children within a reasonable time considering their ages, MCL 712A.19b(3)(g), equally indicates that there is a reasonable likelihood that, because of respondent's conduct or capacity, the children would be harmed if returned to her care, MCL 712A.19b(3)(j), and the trial court did not clearly err by terminating her parental rights under statutory subsection (j).

Finally, the trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the children. MCL 712A.19b(5). Nevaeh, approximately 11 months old at the time of termination, has never been in the care of respondent. Anthony, now four, and Savannah, now five, have been out of respondent's care since at least January 24, 2007. Where respondent mother has not successfully addressed her serious substance addiction during the pendency of this case, and apparently maintained sobriety only while incarcerated, the prospects of the successful resolution of this issue in the foreseeable future remain uncertain at best. Under these circumstances, the trial court did not clearly err by finding that termination was not contrary to the best interests of the children.

Affirmed.

/s/ Brian K. Zahra  
/s/ Peter D. O'Connell  
/s/ Karen M. Fort Hood