

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SIERRA DAWN MORTON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DONALD RAY ALEXANDER,

Respondent-Appellant,

and

PATRICIA A. MORTON,

Respondent.

In the Matter of SIERRA DAWN MORTON,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PATRICIA ANN MORTON,

Respondent-Appellant,

and

DONALD RAY ALEXANDER,

Respondent.

UNPUBLISHED
April 14, 2009

No. 286933
Wayne Circuit Court
Family Division
LC No. 06-454532

No. 286934
Wayne Circuit Court
Family Division
LC No. 06-454532

Before: Fort Hood, P.J., and Talbot and Davis, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the order of the trial court terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that clear and convincing evidence supported termination under the statutory provisions. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005); MCR 3.977(J). Respondents were in no better position to assume custody of the child at the time of termination than they had been at the time of adjudication. At the time of adjudication, respondents were using illegal substances and respondent mother was manufacturing, or allowing the manufacture of, crack cocaine in the home. The child was regularly exposed to respondents and others using drugs and could describe in detail how crack cocaine was made and used. Both respondents had long histories of drug use and criminal activity, and the child had previously been in foster care for a long period while respondents received drug treatment and other services. When together, respondents engaged in domestic violence, and the child had observed violent attacks upon respondent mother by respondent father. None of these conditions were rectified after adjudication. At the time of termination, respondent mother had failed to comply with the agency's treatment plan and was continuing her lifestyle of drug use and criminality, was unemployed, and lacked independent housing. Also, at the time of termination, respondent father was incarcerated. We reject respondent father's contention that he was entitled to agency-provided services while incarcerated. Services are not mandated in all circumstances. *In re Terry*, 240 Mich App 14, 26 n 4; 610 NW2d 563 (2000).

Finally, we find no error in the trial court's determination that the child's best interests did not preclude termination of respondents' parental rights. The record is replete with instances where respondents failed to provide proper care for the child and strongly indicates that the child would not be safe in respondents' care. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Affirmed.

/s/ Karen M. Fort Hood

/s/ Michael J. Talbot

/s/ Alton T. Davis