

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MIKAYLA FAITHANNE GEAN,
DEVAN DANIEL GEAN, and JORDAN
ANTHONY GEAN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SUZANNE MARIE STURM,

Respondent-Appellant,

and

BRAD ALLEN TREAT,

Respondent.

UNPUBLISHED

July 28, 2009

No. 289877

Macomb Circuit Court

Family Division

LC No. 2008-000027-NA

Before: Talbot, P.J., and Fitzgerald and Hoekstra, JJ.

PER CURIAM.

Respondent Suzanne Marie Sturm appeals as of right the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i).¹ Because the trial court did not clearly err in terminating respondent's parental rights, we affirm.

The trial court did not clearly err by finding that the statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004). The children were originally brought into care in February 2007 because of respondent's substance abuse problems, mental health issues, and housing conditions. After

¹ Respondent asserts that her parental rights were also terminated under MCL 712A.19b(3)(g) and (j). Although petitioner requested termination under these additional statutory grounds, the record discloses that the trial court relied only on § 19b(3)(c)(i) to terminate respondent's parental rights. Petitioner was only required to establish one statutory ground for termination. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

successfully completing a parent-agency agreement, the children were returned to respondent in August 2007, but were again removed from her care in January 2008 because she relapsed and was again using drugs. Although respondent enrolled in an inpatient drug treatment facility, she left the facility six days later, claiming that it was too religious, her husband had broken his leg, and she did not feel comfortable around the other patients. Since April 2008, respondent had completed only 16 of 23 drug screens, and twice tested positive for cocaine. She also admitted to her therapist that she had relapsed in July 2008 and had used cocaine and alcohol.

Respondent also missed half of her sexual abuse counseling sessions and 9 out of 12 substance abuse counseling sessions. During the seven-week period before trial, she missed five individual therapy sessions. Respondent's therapist testified that respondent's ability to care for her children depended on her regular attendance at counseling sessions. Respondent also missed two parenting classes and was dropped from the program. She was reenrolled and was still taking parenting classes at the time of trial. She had missed one class during this second session. She also failed to maintain stable housing and was twice evicted from her residence during the course of the lower court proceedings. At the time of trial, she had lived in her current residence for only two months.

Further, the evidence showed that respondent continued to associate with Eric Brooks, who was her boyfriend at the time the children were removed from her care in February 2007. Brooks has both a protective services history and a felony criminal history, and the children have expressed fear of him. Brooks was staying at respondent's home in January 2008, immediately before the children were removed from her care the second time. Under these circumstances, the trial court did not clearly err in finding that the conditions that led to the adjudication continued to exist and were not likely to be rectified within a reasonable time. MCL 712A.19b(3)(c)(i).

Finally, termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5). Respondent had failed to maintain stable housing, and she had used cocaine several times since the children were removed from her care. In addition, respondent's therapist believed that it would take another six months of counseling for respondent to make substantial progress. Further, Mikayla indicated that she did not want to be returned to respondent's care because she was scared that respondent would relapse. She had seen drugs in the home and had witnessed respondent push Jordan against a wall. Although she was only ten years old at the time of trial, Mikayla felt responsible for the care of her younger brothers and viewed respondent as more of a friend than a mother.

Affirmed.

/s/ Michael J. Talbot
/s/ E. Thomas Fitzgerald
/s/ Joel P. Hoekstra