

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SHAKIRRA EVELYNA DENISE  
AYERS-BOLDEN and CONSTANCE MEANNA  
NEVAEH AYERS, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MARY PATRICIA AYERS,

Respondent-Appellant.

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UNPUBLISHED  
September 3, 2009

No. 289789  
Wayne Circuit Court  
Family Division  
LC No. 91-293901-NA

Before: Saad, C.J., and Whitbeck and Zahra, JJ.

PER CURIAM.

Respondent appeals from the trial court's order that terminated her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm.

The trial court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004). Despite repeated substance abuse treatment, respondent continued to use marijuana and cocaine. At the time of trial, respondent was participating in her fourth substance abuse treatment program in 11 years. By her own admission, she had used marijuana for 30 years. She initially testified that she last used marijuana in June 2008 but thereafter maintained that she last smoked marijuana approximately four weeks before trial. Her testimony contradicted drug test results indicating that she tested positive for marijuana only 2½ weeks before trial.

Although respondent claimed that she had not used crack cocaine in nine years, she was admitted to the hospital in June 2008 because of an overdose of cocaine and marijuana. She initially denied being admitted to the hospital and claimed that the person admitted had wrongfully used her name. She then admitted that she was the person admitted to the hospital but denied using any drugs. She maintained that she tested positive because her dentist had injected her with Novocaine and she had been inside a car with people who were smoking marijuana. At trial, she admitted that she had smoked marijuana before being admitted to the hospital, but she continued to deny that she had used cocaine. Further, although respondent

maintained otherwise, medical records indicated that six-year-old Shakirra was the person who discovered respondent unresponsive following her overdose and called her older sister for help.

Respondent's children were repeatedly removed from her care because of her substance abuse issues. Her parental rights to Alexis were terminated in 1997. Thereafter, three of her children were made temporary court wards but were ultimately returned to her care in 2005. When respondent gave birth to Constance on April 24, 2007, Constance tested positive for marijuana. Respondent admitted that four of her eight children tested positive for alcohol, cocaine, or marijuana at birth. Respondent continued to maintain, however, that she did not smoke marijuana while pregnant with Constance. Accordingly, the record shows a lengthy history of substance abuse and respondent's failure to fully acknowledge that abuse and its consequences. The trial court did not clearly err in finding that the evidence supported terminating respondent's parental rights under MCL 712A.19b(3)(g), (i), and (j).

Further, termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5). Despite a previous termination of her parental rights, several temporary court wardships, and participation in three substance abuse treatment programs, respondent continued to use marijuana and cocaine. Her children were removed from her care because she overdosed and became unresponsive while caring for her six-year-old daughter. Moreover, the record reflects respondent's failure to forthrightly acknowledge her substance abuse problem.

Affirmed.

/s/ Henry William Saad  
/s/ William C. Whitbeck  
/s/ Brian K. Zahra