

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SARA LICKFELT, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

PAULA PIERCE,

Respondent-Appellant,

and

JOHN VOGEL,

Respondent.

UNPUBLISHED

October 20, 2009

No. 291611

Genesee Circuit Court

Family Division

LC No. 04-119013-NA

Before: Fort Hood, P.J., and Sawyer and Donofrio, JJ.

MEMORANDUM.

Respondent Paula Pierce appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) (the conditions that led to the adjudication continue to exist), (c)(ii) (other conditions exist that bring the child under the court's jurisdiction and have not been rectified), (g) (failure to provide proper care or custody), and (j) (the child is likely to be harmed if returned to the parent's home). We affirm.

The trial court did not clearly err in finding that respondent established §§ 19b(3)(c)(i), (g), and (j) by clear and convincing evidence. MCR 3.977(G); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The child came into care in August 2006 because respondent had a serious substance abuse problem involving drugs and alcohol, an issue that had brought the child into care twice before. Respondent was referred to the drug court program to treat her addiction. Although there was no evidence that respondent consumed alcohol while she was in that program, she periodically used cocaine instead and was terminated from the program in August 2007. Thereafter, respondent participated in outpatient treatment and completed it in April 2008, but she continued to abuse alcohol. She tested positive for alcohol on September 4, 2008, and was arrested for driving while intoxicated on September 19, 2008. At the time of the hearing, she was once again in substance abuse treatment to address her addiction.

Furthermore, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. Thus, the court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Karen M. Fort Hood

/s/ David H. Sawyer

/s/ Pat M. Donofrio