

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TIMOTHY MAURICE  
BADGETT, JR., Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER RENNO,

Respondent-Appellant.

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UNPUBLISHED

January 5, 2010

No. 293154

St. Clair Circuit Court

Family Division

LC No. 08-000065-NA

Before: Murphy, C.J., and Jansen and Zahra, JJ.

MEMORANDUM.

Respondent appeals by right the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), (j), (l), and (m). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

Respondent does not challenge the trial court's findings with respect to the statutory grounds for termination. She contends only that the trial court erred by finding that termination of her parental rights was in the child's best interests. See MCL 712A.19b(5). The trial court's best-interests decision was not clearly erroneous. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent has an eight-year history of substance abuse and failed previous attempts at treatment, which led to the termination of her parental rights to the child's siblings in the past. The child at issue here tested positive for cocaine at birth and respondent admitted to using marijuana during a subsequent pregnancy in late 2008 and early 2009. Although respondent had recently begun substance abuse treatment again, she had not completed treatment and there was no indication that she was able to maintain a drug-free lifestyle for any significant period of time. The trial court did not clearly err by finding that termination of respondent's parental rights was in the child's best interests. MCR 3.977(J).

To the extent respondent asserts that the trial court should have considered the statutory best interest factors set forth in the Child Custody Act, MCL 722.23, in making its best-interests determination in this case, she has failed to establish a plain error affecting her substantial rights. See *Egbert R Smith Trust*, 274 Mich App 283, 285; 731 NW2d 810 (2007). It is well settled that use of the child-custody factors is not required in child protective proceedings. *In re JS & SM*, 231 Mich App 92, 102-103; 585 NW2d 326 (1998), overruled in part on other grounds *In re*

*Trejo, supra* at 353; *In re Schejbal*, 131 Mich App 833, 835; 346 NW2d 597 (1984). Further, respondent has not explained how an analysis under the statutory child-custody factors would have supported her position or militated against termination of her parental rights. We perceive no plain error.

Affirmed.

/s/ William B. Murphy

/s/ Kathleen Jansen

/s/ Brian K. Zahra