

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SJJV, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CHERI LEWIS,

Respondent-Appellant.

UNPUBLISHED

May 20, 2010

No. 294498

Muskegon Circuit Court

Family Division

LC No. 09-038709-NA

Before: MARKEY, P.J., and ZAHRA and GLEICHER, JJ.

MEMORANDUM.

Respondent appeals by right the circuit court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(l). We affirm.

Respondent does not dispute that § 19b(3)(l) was established by clear and convincing evidence. She contends only that the trial court erred in finding that termination of her parental rights was in the child's best interests. MCL 712A.19b(5). We disagree. Although the evidence showed that respondent was making an effort to turn her life around by participating in services, the evidence also showed that respondent had a long-term substance abuse problem that had only been in remission for two months. A psychological evaluation indicated that respondent could not independently care for a child. Respondent lacked the financial resources to support herself and the child and did not attend the hearing to express an interest in her child. The child had been removed from respondent's custody shortly after birth and was only three months old at the time of the termination hearing. Under the circumstances, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(J).

We affirm.

/s/ Jane E. Markey

/s/ Brian K. Zahra

/s/ Elizabeth L. Gleicher