

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
September 2, 2010

In the Matter of FLEMING/MITCHELL, Minors.

No. 296092  
Macomb Circuit Court  
Family Division  
LC Nos. 2008-000720-NA  
2008-000721-NA  
2008-000722-NA

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Before: WILDER, P.J., and CAVANAGH and SAAD, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding the statutory grounds for termination established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). The evidence showed that respondent was provided repeated referrals for mental health and substance abuse treatment, drug screens, and parenting classes. However, respondent largely failed to avail herself of the referrals or to rectify the conditions that caused the children's removal. The evidence supported the trial court's findings that she would be unable to provide proper care or custody within a reasonable time. Further, the children would be at risk in her care, since she continued to abuse drugs, had not addressed her depression, and was still emotionally dependent on her husband, who had abused her daughters. Clear and convincing evidence supported termination of her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). *In re Utrera*, 281 Mich App 1, 24-26; 761 NW2d 253 (2008); *In re Powers Minors*, 244 Mich App 111, 118-119; 624 NW2d 422 (2000).

We also find no clear error in the trial court's determination that termination was in the children's best interests. MCL 712A.19b(5); *Trejo*, 462 Mich at 356. The children needed a permanent, safe, and stable home, which respondent could not provide. Giving respondent more time would prolong the children's confusion with very little chance of success.

Affirmed.

/s/ Kurtis T. Wilder  
/s/ Mark J. Cavanagh  
/s/ Henry William Saad