

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TEQUILA CHATMAN,
DEANGELO WALKER and EBUNI WALKER,
Minor.

DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

MYRIANNE Y. COLLINS,

Respondent-Appellant,

and

DARRELL CHATMAN and DONALD WALKER,

Respondents.

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii); MSA 27.3178(598.19b)(3)(a)(ii) [desertion for more than ninety-one days], MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) [the conditions leading to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be remedied within a reasonable time considering the ages of the children], and MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g) [without regard to intent, respondent failed to provide proper care and custody for her children and there was no reasonable expectation that she would do so within a reasonable time consider the ages of the children]. We affirm.

* Circuit judge, sitting on the Court of Appeals by assignment.

Two of respondent's children became temporary wards of the court in June 1993, and the third was made a temporary court ward in January 1994. At the time temporary custody was authorized, the home had an inoperative furnace, broken windows, faulty lighting, inadequate food, and it was "filthy and messy." Respondent admitted to abuse of crack cocaine and alcohol, and one of the children tested positive for cocaine at birth. Respondent signed a parent/agency agreement that required respondent to enter a treatment plan and to have regular supervised visits with her children. She failed to complete a drug treatment plan, failed to attend parenting classes and visited her children a total of eight times of a possible forty-eight visits. Respondent's last visit with the children before the August 1995 hearing was in September 1994.

The probate court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent-appellant failed to show that termination of her parental rights was clearly not in the children's best interests. *In re Hall-Smith*, ___ Mich App ___; ___ NW2d ___ (Docket No. 195833, issued 3/25/97), slip op p 3. Thus, the juvenile court did not err in terminating respondent-appellant's parental rights to the children. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Mark J. Cavanagh
/s/ Martin M. Doctoroff
/s/ Donald A. Teeple