STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SAVANNAH MARIE HILL,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JANICE MARIE HILL,

Respondent-Appellant,

and

JOEY HILL

Respondent.

UNPUBLISHED
December 12, 2000

No. 221440
Macomb Circuit Court
Family Division
LC No. 95-040716
AFTER REMAND

Before: Bandstra, C.J., and Gage and Wilder, JJ.

PER CURIAM.

Respondent-appellant ("respondent"), the involved minor's biological mother, appeals as of right from a family court order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We previously remanded this case to the family court for further explication of its findings and legal conclusions. We now affirm.

The family court did not err in finding by clear and convincing evidence that "[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). There was evidence that the involved minor initially was removed from respondent's care due to respondent's lack of suitable housing, including respondent's failure in late 1997 and early 1998 to maintain income and suitable housing despite that Families First obtained housing and paid a security deposit and an initial month's rent for respondent and the

minor. Furthermore, at the time of the hearing respondent remained imprisoned and possessed an uncertain outdate on parole.

Moreover, given respondent's (1) history of heroin abuse occurring as recently as February 1998, after the instant minor's removal, which substance abuse respondent acknowledged interfered with her ability to maintain employment before her March 1998 incarceration; (2) respondent's failure to visit the minor consistently before her incarceration; (3) respondent's failure to comply with the parent-agency agreement's provisions that respondent engage in domestic violence and self-esteem counseling, parenting classes, and substance abuse treatment programs; and (4) the uncertainty whether respondent would remain substance free[1] and when respondent would earn parole, obtain an income and a suitable home, we cannot conclude that the family court erred in determining that "[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age." MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g).

Furthermore, while respondent during her incarceration made commendable efforts toward beginning a substance free existence and improving her parenting skills, the facts that respondent's parental rights to three older siblings were terminated in 1996, that respondent repeatedly demonstrated an inability to properly care for her children, that respondent's ability to establish a substance free lifestyle, employment and housing remained uncertain, that evidence of respondent's bonding with the minor was lacking,[2] and that the very young involved minor meanwhile required a nurturing and secure environment adequately supported the family court's finding that termination best served the minor's interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, *supra* at 352-354, 356-357.

Affirmed.

/s/ Richard A. Bandstra
/s/ Hilda R. Gage
/s/ Kurtis T. Wilder

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[1] To the extent that the family court disbelieved respondent's testimony that prison counseling programs had helped her alter her lifestyle, we will not second guess this credibility determination. *Mogle v Scriver*, 241 Mich App 192, 201; 614 NW2d 696 (2000) ("When reviewing the trial court's findings of fact, this Court defers to the trial court on issues of credibility.").

[2] Testimony at the termination hearing indicated that, for one reason or another, respondent visited the minor only twice after the minor's November 1997 removal.