STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MICHAEL JOHN CRAIG, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARIA T. CRAIG,

Respondent-Appellant.

UNPUBLISHED
January 23, 2001

No. 226866
Wayne Circuit Court
Family Division
LC No. 98-372823

Before: Saad, P.J., and Griffin and R. B. Burns*, JJ.

PER CURIAM.

Respondent appeals as of right the family court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j).[1] We affirm.

In an appeal from an order terminating parental rights, the trial court's findings of fact are reviewed for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000). A finding of fact is clearly erroneous if, although there is evidence to support it, the reviewing court is left with the definite and firm conviction that a mistake has been made. *Terry*, *supra* at 22. Consistent with this standard, deference must be accorded to the trial court's assessment of the credibility of the witnesses before it. *In re Newman*, 189 Mich App 61, 75; 472 NW2d 38 (1991). To terminate parental rights, the family court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Once a statutory ground is established, the court must terminate parental rights unless "there exists clear evidence, on the whole record, that termination is not in the

[1] The trial court also terminated the parental rights of the child's father, who has not appealed the trial court's decision.

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

child's best interests." MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Respondent argues on appeal that the family court clearly erred in terminating her parental rights because the court failed to give due consideration to her substantial hardship, which allegedly served as a barrier to compliance with the court ordered treatment plan. Respondent notes that despite her long standing history of drug use, she made significant efforts to comply with the drug treatment program, taking it upon herself to seek treatment on her own at the Parkview Clinic where she continued her methadone treatments. Respondent contends that due to transportation problems and significant hardship -- her home burned to the ground, causing her to lose all her personal belongings and reside in her vehicle – she was unable to fully comply with the treatment plan. Respondent alleges that she sought assistance to obtain housing from petitioner and the Red Cross but was denied assistance from these agencies. Given the ongoing losses that she suffered throughout the custodial period, respondent maintains that she should have been given additional time by the family court to complete the treatment plan.

However, a review of the record indicates that respondent made minimal effort to comply with the court ordered treatment plan and in fact did not avail herself of opportunities to accommodate her personal hardships. Respondent, who was thirty-seven years old at the time of the permanent custody hearing, admitted to having an extensive history of drug abuse, involving cocaine and heroin, since the age of twenty-one. The minor child, Michael John Craig, was born in July 1998 at only twenty-three weeks gestation, with heroin and cocaine in his system. As a result, the child has numerous serious medical problems, including laryngeal papillomas requiring past and future surgeries and cerebral palsy.

Respondent's treatment plan required that she visit her son weekly, participate in a drug rehabilitation program, submit to random drug screens, attend weekly Narcotics Anonymous and Alcoholics Anonymous meetings, attend parenting classes, and receive individual counseling. However, she did not comply with the court's order to visit the minor child. Following Michael's discharge from the hospital in November 1998, respondent never visited him, but she did contact him by telephone on his first birthday. Respondent attributed her failure to visit to distance and a lack of transportation, but the record indicates that respondent never attempted to drive her van to visit Michael even though she drove her van to work and to some drug counseling appointments. The foster care social worker testified that she made numerous efforts to assist respondent with the visits, including an arrangement to have the visits moved closer to respondent. The social worker further testified that she mailed bus tickets to respondent; respondent contended that she never received them. Moreover, in February, April, and July 1999, Catholic Social Services offered to meet with respondent to discuss her son's medical needs and the training respondent would have to undergo to provide care for him. Although respondent was made aware of these meetings, she failed to participate.

At the time of the permanent custody hearing, respondent was living in her van and she had been living there for the last six months. She had been evicted from her previous apartment in April 1998, before her son was born. Respondent testified that she sought assistance from the Family Independence Agency and the Red Cross to find housing but received no help. However, the social worker testified that Catholic Social Services offered to meet with respondent to

discuss the housing issue, but respondent did not attend any of the meetings. In fact, the social worker had sent a letter to respondent instructing her to contact the Michigan Housing Authority and the Highland Park Community Housing Commission for assistance in housing. Respondent did not contact either of these organizations or pursue these referrals. Thus, at the time of the permanent custody hearing, she still had not obtained suitable housing.

Respondent did not attend any parenting classes or individual counseling sessions. Respondent told the social worker that she could not comply with portions of the treatment plan because she could barely take care of herself. Respondent admitted to a sixteen-year history of drug use. Although respondent partially complied with the random drug screens and drug treatment, she never successfully completed a drug treatment program. Respondent was referred to Metro East for drug treatment and counseling but was discharged for noncompliance. While respondent stated that she participated in another drug treatment program at the Parkview Clinic, her counselor from Parkview testified that respondent's participation in the program was irregular, that respondent was not ready for the treatment that Parkview offered and that, in fact, respondent was ultimately discharged from the program due to non-participation in December 1999.

On the basis of the above record, which demonstrates respondent's failure to comply with most of the aspects of her treatment plan and, most significantly, her failure to meaningfully address her long-standing drug addiction, the trial court did not clearly err in terminating her parental rights. *In re Ovalle*, 140 Mich App 79, 84; 363 NW2d 731 (1985). Further, the evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.3178(598.19b)(5); MSA 27.3178(598.19b)(5); *In re Trejo, supra.*

Affirmed.

/s/ Henry William Saad
/s/ Richard Allen Griffin
/s/ Robert B. Burns