

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESSICA INEZ WARE, JALYSSA
LYNNE WHITE, JALEN QUANTREL WHITE,
and KENNETH BLACK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

THERESA LYNN WARE,

Respondent-Appellant,

and

THOMAS W. SANDERS, a/k/a THOMAS W.
SAUNDERS, and GREGORY WHITE,

Respondents.

UNPUBLISHED
September 14, 2004

No. 251142
Wayne Circuit Court
Family Division
LC No. 01-397618

Before: Donofrio, P.J. and White and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court orders terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). Because the trial court did not clearly err in finding clear and convincing evidence for termination of parental rights, and termination was not clearly contrary to the children's best interests, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(A) and (E)(1)(b).

The trial court did not clearly err in finding that the statutory grounds for termination in subsections (c)(i), (g), and (j) were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The principal condition leading to the adjudication was respondent-appellant's severe substance abuse addiction. The evidence established that respondent-appellant failed to complete several treatment programs and was still abusing drugs in the months preceding the final custody hearing. Two prior attempts at reunification were unsuccessful because of her substance abuse problems.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Although there was a loving bond between respondent-appellant and the children, other evidence demonstrated that the children's continued frustration and uncertainty over their placement was affecting their mental and emotional well-being. Respondent-appellant relapsed more than three times during the pendency of the case. The children need a permanent, stable, safe home, which respondent-appellant cannot provide. Thus, the trial court did not clearly err in terminating respondent-appellant's parental rights.

Affirmed.

/s/ Pat M. Donofrio
/s/ Helene N. White
/s/ Michael J. Talbot