

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DOROTHY NICOLE MCNEIL
and NICOLE MCNEIL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ETHEL MAE MCNEIL,

Respondent-Appellant,

and

JOHN CHEATAM,

Respondent.

UNPUBLISHED
September 14, 2004

No. 253780
Wayne Circuit Court
Family Division
LC No. 90-282761

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

MEMORANDUM.

Respondent-appellant appeals as of right from orders terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant has a history with child protective services and of abusing cocaine, and she was homeless when her three older children came into the court's custody. One of the children, who was born during the pendency of these proceedings, tested positive for cocaine at her birth. Respondent-appellant did not substantially comply with the parent agency agreement. In addition to her relapses into substance abuse and her failure to provide consistent drug screens, she continued to be homeless and did not consistently visit the minor children.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). Respondent-appellant was not able to provide proper care and custody of the minor children as evidenced by her relapses into substance abuse despite being in and out of substance abuse programs, sporadic visitation, absence of drug screens, and homelessness. Based on respondent-appellant's lack of

progress over a significant period of time, there was no reasonable expectation that she would be able to provide proper care and custody within a reasonable time. Respondent-appellant contends that she should have been given more time but the evidence was clear that she had been given a significant amount of time and no progress had been made. Her conduct also indicated that it was reasonably likely that the minor children would be harmed if returned to her care.

Furthermore, the trial court did not clearly err in not finding that termination of respondent-appellant's parental rights was not in the best interests of the minor children pursuant to MCL 712A.19b(5). While the court made such a finding with regard to two of respondent-appellant's other children based on the unlikelihood that they would be adopted and provided with a stable place to live, the court could not make such a finding for the children here. Both of these children need and deserve stability, which respondent-appellant could not provide.

Affirmed.

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