

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ARAINA JORIE INCARNATI,  
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOSEPH INCARNATI,

Respondent-Appellant,

and

CHERI ANN INCARNATI,

Respondent.

UNPUBLISHED  
November 8, 2005

No. 261463  
Macomb Circuit Court  
Family Division  
LC No. 03-055251

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHERI ANN INCARNATI,

Respondent-Appellant,

and

JOSEPH INCARNATI,

Respondent.

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No. 261471  
Macomb Circuit Court  
Family Division  
LC No. 03-055251

Before: Murphy, P.J., and Sawyer and Meter, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the order that terminated their parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). The minor child was born testing positive for cocaine and heroin. She was removed from respondents' care when she was twelve days old and placed in relative placement, where she remained throughout the pendency of this case. Despite eighteen months of services, respondent-mother was unable to establish that she had her drug addiction under control. Although practically all of her random drug screens tested negative, the agency had received information that respondent-mother may have tampered with her urine samples. In addition, numerous family members and the foster care worker observed respondent-mother when she was under the influence of some substance. This situation was exacerbated by the fact that respondent-father was very passive with respect to respondent-mother's drug use and made few efforts to help her stop using drugs. Although he did occasionally attend NA and AA meetings with respondent-mother, he declined requests by respondent-mother's substance abuse counselor to participate in that counseling and only participated in five out of sixteen sessions of individual counseling. Given this evidence, the trial court did not clearly err in finding that respondents had not rectified the adjudicating conditions and there was no reasonable likelihood that they would rectify them within a reasonable time given the child's young age, that there was no reasonable expectation that respondents would be able to provide proper care and custody for the child within a reasonable time given the child's young age, and that the child would be at risk of harm if returned to respondents' care.

Next, a review of the whole record shows that there was little evidence regarding any bond shared between respondents and the child, who was now a year and a half old, except to the extent that visits were regular and appropriate. The child needed stability in her life because of her young age and the trial court did not clearly err in finding that termination of respondents' parental rights was not contrary to her best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 3341, 353, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ William B. Murphy

/s/ David H. Sawyer

/s/ Patrick M. Meter