

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

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In the Matter of MIA TAYLOR, Minor.

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

UNPUBLISHED  
December 20, 2005

Petitioner-Appellee,

v

No. 262105  
Wayne Circuit Court  
Family Division  
LC No. 03-417919-NA

TANYA TAYLOR,

Respondent-Appellant,

and

CHARLES TRICE,

Respondent.

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Before: Owens, P.J., and Saad and Fort Hood, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court's order terminating her parental rights to the child under MCL 712A.19b(3)(c)(i), (g), (h), (i), (j), (l), and (m). We affirm.

Respondent-appellant has an extensive history of serious drug abuse spanning over nine years, and despite extensive treatment she has been unable to remain substance-free. Respondent-appellant also has a long protective services history, culminating in the termination of her parental rights to two older children in 2000 and 2002; another older child is under the legal guardianship of respondent-appellant's mother. The child involved in these proceedings was born in 2003, while respondent-appellant was incarcerated for violating parole by using cocaine, failing to complete a substance abuse treatment program, and failing to report to her parole officer, and this child was immediately removed from her care. After respondent-appellant's release from jail, the court assumed temporary jurisdiction over the child and respondent-appellant entered into a parent-agency agreement geared towards addressing her substance abuse issue. During the course of these proceedings, respondent-appellant participated in numerous substance abuse treatment programs, individual counseling, and mental health therapy, yet she repeatedly relapsed, began abusing crack cocaine again, and was again

incarcerated for violating her parole. Respondent-appellant remained incarcerated at the time of the termination proceedings.

Respondent-appellant's sole contention on appeal is that the evidence failed to support a statutory ground for termination of her parental rights. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993), citing *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). This Court reviews the trial court's determination for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5).

Among the multiple statutory grounds for termination that the trial court relied upon, we find that the evidence clearly and convincingly established grounds for termination of respondent-appellant's parental rights under subsections (3)(c)(i), (g), (j), (l), and (m). The primary conditions that led to the adjudication of the child in this case, i.e., respondent-appellant's incarceration at the time of the child's birth, her history of substance abuse and the prior terminations to her older children, continued to exist at the time of the termination proceedings. Despite her participation in numerous treatment programs throughout these proceedings, respondent-appellant failed to rectify her longstanding substance abuse issue. She repeatedly relapsed during the proceedings and was again incarcerated for violating her parole at the time of the termination proceedings. Because of her inability to maintain her sobriety, respondent-appellant was unable to consistently visit the child. Although she complied with her parent/agency agreement during these proceedings by attending parenting classes, participating in substance abuse therapy, and submitting drug screens, she was unable to remain substance-free and, thus, did not benefit from her efforts towards compliance. Because of her extensive history of serious drug use, it remained unlikely that respondent-appellant would be able to successfully rectify her substance abuse problem, even with continued services. This evidence clearly and convincingly establishes grounds for termination under MCL 712A.19b(3)(c)(i) and (g). Furthermore, because of respondent-appellant's long-term and recurring drug abuse problem, during which time she was unable to provide care for her children, it was reasonably likely that the child would be harmed if returned to her care. MCL 712A.19b(3)(j).

Further, we find that termination was proper under subsection (3)(l) because a prior termination order clearly established that respondent-appellant's parental rights to another child were terminated as a result of neglect proceedings. MCL 712A.19b(3)(l). Also, we find that termination under subsection (m) was proper because prior court orders also established that respondent-appellant's parental rights to another child were voluntarily terminated following the initiation of neglect proceedings. MCL 712A.19b(3)(m).<sup>1</sup>

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<sup>1</sup> Termination was not appropriate under subsections (3)(h) as her current imprisonment would not deprive the child of a home for two years in the future. MCL 712A.19b(3)(h); *In re Perry*, 193 Mich App 648, 650; 484 NW2d 768 (1992), quoting *In re Neal*, 163 Mich App 522, 527; 414 NW2d 916 (1987).

We also find no evidence that termination was not in the child's best interests. *In re Trejo, supra* at 354; MCL 712A.19b(5). Respondent-appellant's pattern of repeatedly relapsing into drug abuse despite extensive treatment, the lack of a bond between parent and child and the child's need for stability leads to the clear conclusion that termination is in the child's best interests. Therefore, the trial court did not clearly err in terminating respondent-appellant's parental rights.

Affirmed.

/s/ Donald S. Owens  
/s/ Henry William Saad  
/s/ Karen M. Fort Hood