

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DREW MONROE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RUTH MONROE,

Respondent-Appellant.

UNPUBLISHED

December 19, 2006

No. 269996

Jackson Circuit Court

Family Division

LC No. 03-001631-NA

Before: Murphy, P.J., and Smolenski and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence or in its determination regarding the child's best interests. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The minor child was brought into care in March 2003 because of an incident involving respondent hitting the minor child, the minor child stating that he was afraid to live with respondent, respondent being uncooperative with petitioner, and respondent's history of marijuana use. Services were offered and respondent did cooperate with some of the services. Petitions to terminate respondent's parental rights were filed in August 2004 and in August 2005 and were withdrawn because respondent was making some progress. In August 2005, it was reported that respondent was on probation for possession of marijuana, and in December 2005 she violated the terms of her probation because a drug test was positive for marijuana. The 14-year-old minor child had been in the temporary care of the court for almost three years at the time of the termination trial. The court had made it very clear to respondent in August 2005 that continued use of marijuana would indicate to the court that she cared more about using drugs than she did about her son. Respondent claimed that her use of marijuana again in December 2005 was a mistake. Respondent had a pattern of making efforts and then relapsing throughout the proceedings. The trial court did not err when it found the evidence clear and convincing to terminate respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i) and (j).

The trial court also did not err in its best interests determination. MCL 712A.19b(5). The minor child had been in care for almost three years. Respondent had been given many opportunities to show that she could overcome her drug problem and not put the minor child at risk of harm. The minor child needed stability and the opportunity for permanent placement, and respondent could not provide that for him. The evidence presented included opinions of the minor child's therapist, the case worker, the attorney for the minor child, and the minor child's own statements that he was concerned that he would not continue with his progress if returned to the care of respondent. The trial court did not err in relying on this evidence to find that the minor child's best interests did not preclude termination of respondent's parental rights.

Affirmed.

/s/ William B. Murphy
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly