

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KYLIE RENEE WARRICK,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ETHEL MC NEIL,

Respondent-Appellant.

UNPUBLISHED

November 25, 2008

No. 285004

Wayne Circuit Court

Family Division

LC No. 90-282761-NA

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

MEMORANDUM.

Respondent-appellant, Ethel McNeil, appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (j), and (l). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The trial court did not err when it concluded that there was clear and convincing evidence to support termination of respondent's parental rights pursuant to MCL 712A.19b(3)(g), (j), and (l). MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence conclusively established that respondent had abused crack cocaine for nearly two decades. Her history with protective services dated back to 1990. Prior to these proceedings, respondent's parental rights to three other children had been terminated.¹ Several of her six children were born with cocaine in their systems. At the time of Kylie's birth, both respondent and the baby tested positive for cocaine. Kylie was actually addicted to cocaine in utero. Respondent had participated in more treatment programs than she could remember. However, she failed to benefit from any of the services offered. Indeed, during her pregnancy with Kylie, respondent participated in a one-month inpatient substance abuse program. Despite this

¹ This Court affirmed the orders terminating respondent's parental rights to these three children in *In re McNeil*, unpublished memorandum opinion of the Court of Appeals, issued 9/14/04 (Docket No. 253780), and *In re McNeil*, unpublished memorandum opinion of the Court of Appeals, issued 10/18/05 (Docket No. 262014).

treatment, and regardless of the danger to the fetus, respondent admitted that she relapsed within weeks of her discharge from treatment. Clearly, respondent's long-term addiction and her failure to invest in the treatment evidenced a lack of motivation to change. In addition to the substance abuse issue, respondent had not planned for her newborn child, she lacked suitable housing, and she had no legal source of income. Based upon this evidence, the trial court did not clearly err when it terminated respondent's parental rights pursuant to MCL 712A.19b(3)(g), (j), and (l).

Further, there was no evidence that despite statutory grounds for termination, termination of parental rights would not be in Kylie's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357.² Because of respondent's continued substance abuse issues, Kylie would be at risk if returned to respondent's care. Kylie's placement with her father while respondent participated in a treatment plan was not an acceptable alternative as the father, although not included in the petition, was not suitable for placement. Further, termination was not premature, as respondent had been given many years to establish a drug-free lifestyle. Allowing respondent additional time to participate in services simply was not in the child's best interests. Kylie deserved stability that respondent could not provide.

Affirmed.

/s/ William B. Murphy

/s/ David H. Sawyer

/s/ Michael R. Smolenski

² Pursuant to an amendment of MCL 712A.19b(5) by the Legislature in 2008 PA 199, a trial court must now find, in addition to a statutory ground for termination, "that termination of parental rights is in the child's best interests." This amendment was made effective July 11, 2008, which is after the date of termination in the case at bar.