

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MATTHEW IMONTA ANTON
SELLERS and IMESHIA AMOUR IMAKIA
SELLERS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

INDREA AMOUR SELLERS,

Respondent-Appellant.

UNPUBLISHED
December 16, 2008

No. 284530
Wayne Circuit Court
Family Division
LC No. 02-413981-NA

Before: Cavanagh, P.J., and Jansen and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right the family court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (g), (i), and (j). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

We review the family court's findings in termination proceedings for clear error. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). In this case, the family court did not clearly err by finding that the grounds for termination were established by clear and convincing evidence.

Respondent has given birth to seven children. She did not raise the two oldest children, who are now adults. Her parental rights to the three middle children were terminated between 2004 and 2005. The two children at issue in this appeal, twins Matthew and Imeshia, were removed at birth after respondent and Matthew tested positive for cocaine. The evidence presented at the termination hearing established that respondent had a 20-year substance abuse history. She had exposed several children, including the two at issue in this appeal, to cocaine and heroin in utero. At least two of her children, including Matthew in this case, were born addicted to drugs. They suffered the unpleasant consequences of addiction and the subsequent withdrawal from controlled substances. Additionally, respondent's parental rights to three other children had been terminated in previous child protective proceedings due to respondent's cocaine or heroin addiction. Since 2001, respondent has been offered a multitude of services designed to address her substance abuse issues. These prior efforts to rehabilitate respondent were, however, unsuccessful. Respondent refused to participate in and to thereby benefit from

the services offered. Finally, the evidence showed that a significant period of time would be required before respondent could successfully and appropriately parent her children. The family court did not err by finding that the statutory grounds for termination had been established by clear and convincing evidence.

Further, there was no evidence that termination would be clearly contrary to the children's best interests. MCL 712A.19b(5).¹ Indeed, the record established that the children would be at serious risk of harm if returned to respondent's care, considering that respondent had not overcome her substance abuse addictions at the time of termination and lacked suitable housing and employment.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Kathleen Jansen

/s/ Patrick M. Meter

¹ The Legislature amended MCL 712A.19b(5), effective July 11, 2008. See 2008 PA 199. MCL 712A.19b(5) now provides that "[i]f the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights" However, the termination order at issue in this case was entered before the 2008 amendment took effect.