

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MALIK SHAMAR MOORE-
SILL, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CHRISTINA BERYL SILL,

Respondent-Appellant.

UNPUBLISHED

December 18, 2008

No. 286598

Ingham Circuit Court

Family Division

LC No. 00-678221-NA

Before: Murray, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal has been 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. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). At the time the dispositional order was entered on July 11, 2007, respondent had serious substance abuse and mental health issues. The evidence revealed – and the trial court found – that respondent continued to use drugs until November 2007, when she entered an inpatient substance abuse treatment program. However, respondent dropped out of that program without completing treatment. Even after the supplemental petition was filed, respondent was given another opportunity to work toward reunification. The trial court accurately found that respondent failed to comply with aspects of the recommended treatment, continued to miss random drug screens, and again tested positive for cocaine on May 27, 2008. Here, the trial court did not clearly err in finding that the statutory criteria set forth in MCL 712A.19b(3)(c)(i) were established, as the conditions that led to adjudication continued to exist at the time of the termination proceedings and there was no reasonable likelihood that they would be rectified in a reasonable time given the child’s age. *Id.*

Further, the evidence relied upon by the trial court did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000); MCL 712A.19b(5).¹ Therefore, the trial court did not err in terminating respondent's parental rights to the child. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Christopher M. Murray

/s/ Jane E. Markey

/s/ Kurtis T. Wilder

¹ MCL 712A.19b(5) was amended, effective July 11, 2008. 2007 PA 199. The amended version now requires that the trial court order termination if "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." However, as this case decided before the recent amendment, we continue to use the language of the prior version of the statute.