

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALISSA ANN ASHLEY
SIMMONS and JOILEANNA NICOLE
SIMMONS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEANNA SIMMONS,

Respondent-Appellant,

and

JOEL SIMMONS,

Respondent.

UNPUBLISHED

May 26, 2009

No. 289860

Berrien Circuit Court

Family Division

LC No. 2007-000153-NA

Before: Jansen, P.J., and Hoekstra and Markey, JJ.

MEMORANDUM.

Respondent Deanna Simmons appeals as of right a trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g), and (j) were each established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent had a serious substance abuse problem, minimal parenting skills, and little insight. She made little effort to overcome her drug addiction, never completed parenting classes or counseling, and rarely visited the children. At the time the petition was filed, respondent was in jail and was not due to be released for another three months.

Contrary to what respondent argues, petitioner was not required to prove that she would neglect her children for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d

834 (1993). That decision predates the enactment of § 19b(3), which now governs the criteria for termination.

Further, considering respondent's failure to even attempt to overcome her drug addiction, her failure to maintain a parent/child relationship through regular visitation, and her inability to meet the children's need for permanency and stability, termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5). Therefore, the trial court did not err in terminating respondent's parental rights to the children. *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Jane E. Markey