

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of X-ZAVIONTAI MURRAY,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ZYNOBIA R. MURRAY,

Respondent-Appellant,

and

COURTNEY KIMBLE and JEROME PALMER,

Respondents.

UNPUBLISHED

November 12, 2009

No. 291747

Berrien Circuit Court

Family Division

LC No. 2007-000032-NA

Before: Stephens, P.J., and Cavanagh and Owens, JJ.

MEMORANDUM.

Respondent Zynobia Murray appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (j), and (l). We affirm.

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(J); *In re Trejo*, 462 Mich 341, 350, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent's parental rights to seven other children were previously terminated in 2006. This alone supports the trial court's determination that termination was warranted under § 19b(3)(l). Further, the child involved in this case was born in 2007, and tested positive for marijuana at birth. Although respondent thereafter participated in services and made sufficient progress to allow the child to be returned to her custody on two separate occasions, removal was required a short time later each time because respondent exposed the child to violence and drugs in her own home. We disagree with respondent's argument that termination was inappropriate because she could have obtained appropriate housing and employment if she had been given more time. Housing and employment were not the principal issues in the case. Indeed, the record shows that respondent was able to obtain housing with public assistance, and that the trial court did not

consider respondent's lack of employment against her. Instead, the principal issue in the case was respondent's inability to make proper parenting decisions and her continued involvement in relationships and conduct that placed the child at risk of harm. Considering respondent's past history, and her inability to provide a safe and stable environment for her child when given the opportunity to do so after receiving services, there was no reasonable likelihood that respondent would be able to rectify the conditions that led to the adjudication, or be able to provide proper care and custody, within a reasonable time considering the child's age, and the child was reasonably likely to be harmed if again returned to respondent's home. Thus, termination was also appropriate under §§ 19b(3)(c)(i), (g), and (j).

Further, considering that respondent failed to benefit from the many services she received and was unable to place the child's interests before her own, and that respondent's decision making continued to jeopardize the child's safety, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357.

Affirmed.

/s/ Cynthia Diane Stephens

/s/ Mark J. Cavanagh

/s/ Donald S. Owens