

STATE OF MICHIGAN  
COURT OF APPEALS

---

UNPUBLISHED  
October 14, 2010

In the Matter of HUNT/CARTER, Minors.

No. 294885  
Wayne Circuit Court  
Family Division  
LC No. 07-475596

---

Before: BORRELLO, P.J., and CAVANAGH and OWENS, JJ.

PER CURIAM.

Respondent, the mother of the two children at issue, appeals as of right from the lower court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The primary barriers to reunification were respondent's substance abuse, which precipitated her physical abuse of her teenaged daughter, and respondent's poor parenting skills. Although respondent was offered services for nearly 18 months, she failed to sustain progress for any appreciable period.

Respondent did not adequately address her chronic substance abuse. She refused to submit to inpatient treatment and during the entire 22 months that the children were in care, she was unable to complete any substance abuse program. Respondent failed to comply in any meaningful way with the requested random drug screens. She consistently tested positive for cocaine during 2008. In 2009, respondent repeatedly tested positive for opiates. Respondent claimed that a positive finding of opiates in her system was related to the prescription drugs that she took for her medical conditions. However, respondent's claim lacked credibility. Although she was given several opportunities, respondent failed to provide any documentation to substantiate her claim that she was taking prescription medication in the manner prescribed by medical professionals.

The evidence further substantiated the trial court's findings that respondent's parenting skills had not improved in any meaningful way during the 22 months the children were in care. Respondent submits that she completed a parenting class; however, while she may have attended a program, she clearly did not benefit from the services offered. Respondent consistently missed visitation with her children. This was particularly upsetting for her young son who would act out in school and at home after one of his mother's no-shows. When respondent did attend, she was

not engaged with her teenaged daughter. On one occasion, there was evidence that respondent had consumed alcohol before the visit. Finally, there was evidence that respondent demonstrated a preference for one child over another and slighted the less favored child during the Christmas holidays. Clearly, respondent did not demonstrate any improvement in her parenting skills. Indeed, respondent's progress was so minimal nothing beyond supervised visitation was ever earned, awarded, or warranted.

The conditions that brought the children into care, and which manifestly demonstrated an inability to provide proper care and custody, continued to exist at the time of the termination hearing. Further, it was unlikely that the situation would be rectified within a reasonable time considering the children's ages. Respondent lacked insight into the effects her substance abuse and poor parenting had on her children and she appeared unmotivated to change. Indeed, respondent had not changed, despite being offered a multitude of services. Based upon the foregoing, the trial court did not err when it terminated respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).

We further conclude that the trial court did not err when it found that termination of parental rights would be in the children's best interests. Before terminating parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). Additionally, the trial court must make an affirmative finding that termination of parental rights is in the child's best interests. If a statutory ground for termination is established and termination of parental rights is in the child's best interests, the court must terminate parental rights. MCL 712A.19b(5).

In this case, the evidence supported the trial court's conclusion that termination of respondent's parental rights was in the children's best interests. The children had been out of their home for 22 months. Respondent had been offered services for at least 18 months. She was given a significant amount of time to address her chronic substance abuse and to improve upon her ability to create a safe and stable environment for her children. Despite this opportunity, respondent could not or would not sustain any forward progress. Indeed, the unsafe and unstable conditions that led to adjudication continued to exist at the time of termination.

Based upon the foregoing, the trial court did not clearly err when it concluded that termination of respondent's parental rights was in the children's best interests. These children required and were entitled to stability and permanence in order to foster continued growth and development. Indeed, the children demonstrated that they flourished when placed in a safe and stable environment.

Affirmed.

/s/ Stephen L. Borrello

/s/ Mark J. Cavanagh

/s/ Donald S. Owens