

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 28, 2011

In the Matter of O. D. HADLEY, JR., Minor.

No. 300890
Wayne Circuit Court
Family Division
LC No. 08-483184

Before: BORELLO, P.J., and JANSEN and SAAD, JJ.

PER CURIAM.

Respondent appeals an order that terminated her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). The child's father voluntarily released his parental rights to the child and is not participating in this appeal. For the reasons set forth below, we affirm.

The trial court did not clearly err in finding that clear and convincing evidence supported the statutory grounds for termination of respondent's parental rights and that termination of her rights was in the minor child's best interests. MCL 712A.19b(3), (5); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); MCR 3.977(K).

The child first came into care when he was approximately 14 months old because of substance abuse and lack of housing. The child and the father (the custodial parent) had been found "squatting" in a house that they did not own and for which they had no valid rental agreement. Respondent's whereabouts were unknown at the time. About one month later, respondent pleaded to many of the allegations in a petition seeking temporary custody over the child. Respondent admitted that she and the child tested positive for cocaine when he was born, that she had very little prenatal care while pregnant with the child, and that the child had been released to his father's care following his birth. Respondent further admitted extensive drug use and failed prior attempts at treatment. She had no source of income. Her three other children were all in guardianships with relatives. Respondent estimated that she visited the child approximately once a month.

Respondent was ordered to attend a Clinic for Child Study, submit to random drug screens, attend counseling, attend parenting classes, obtain a source of income, obtain suitable housing, and visit with the child. Respondent completed her clinic evaluation, and the evaluator found it unlikely that respondent could effectively parent the child given her significant substance abuse. The clinician observed that, while respondent interacted well with the child and demonstrated appropriate mothering skills in the structured environment of the clinic,

her capacity to do so for any length of time is limited by drug addiction and a psychiatric disorder . . . [Respondent] will likely continue a pattern of failure to adequately treat her psychiatric disorders and her prognosis must be regarded as [] poor at this time. Being absent appropriate psychiatric care would likely lead to self-medicating, and ultimately her decompensation into a loss of contact with reality, possibly placing her son in serious danger.

Although respondent indicated a desire to complete her inpatient drug treatment program, she left after only two months, signing herself out without completing the program. Since that time, respondent failed to comply with any aspect of her treatment plan. She did not submit to random drug screening and was terminated from both her individual and substance abuse counseling for noncompliance. Respondent did not attend parenting classes. She had no source of income and no housing. At the caseworker's last contact with respondent, respondent stated that she was still on the streets using drugs. Based on the foregoing evidence, it was clear that the conditions leading to adjudication continued to exist and that there was no reasonable likelihood that the conditions would be rectified within a reasonable time, that respondent was without the means to provide for the child's proper care or custody, and that the child would be at risk of harm if placed with respondent, especially in light of her untreated substance abuse and mental health issues.

Having found statutory grounds for termination of respondent's parental rights proven by clear and convincing evidence, the trial court then had to determine whether termination of respondent's parental rights was in the child's best interests. The clinic evaluation revealed that respondent "interacted with her son relatively well" and "did not become unduly frustrated when he became fussy and crying, but redirected his attention to the toys in the room and this pacified him somewhat. She demonstrated affection for her son and appeared bonded to him." However, respondent had not visited with the child since his birthday more than a year before the termination hearing. Before that visit, respondent had visited the child only two other times. The child had been in care nearly two years and had only three visits with his mother. It was clear that the child did not look to respondent as his caregiver, but, rather, he looked to his maternal great-great-aunt, with whom he had lived since coming into foster care. The child was doing well in his placement with her. As the referee pointed out, the child "came into care shortly after he was one year old. And he has remained continuously in foster care since that point. And certainly — fortunately, he has no special needs, but he does need permanency and stability."

Thus, 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), and in terminating her rights to the child.

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Henry William Saad