

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DREONNA STEWART,  
FELICIA JONES, and THOMAS WILSON,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NICHELLE WILSON,

Respondent-Appellant,

and

ERIC STEWART, PHILLIP JONES, and  
KENYOTTA PIERCE,

Respondents.

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In the Matter of DREONNA STEWART, FELICIA  
JONES, and THOMAS WILSON, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PHILLIP JONES,

Respondent-Appellant,

and

NICHELLE WILSON, ERIC STEWART, and  
KENYOTTA PIERCE,

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UNPUBLISHED  
December 16, 2004

No. 255627  
Genesee Circuit Court  
Family Division  
LC No. 02-115808-NA

No. 255628  
Genesee Circuit Court  
Family Division  
LC No. 02-115808-NA

Respondents.

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Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

In these consolidated appeals, respondents Nichelle Wilson and Phillip Jones appeal as of right the order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination of respondents' parental rights were proven by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Given respondent Nichelle Wilson's lengthy history of substance abuse and her inability to overcome her addiction, the trial court did not clearly err in determining that the conditions that led to the adjudication continued to exist and that she would not be able to rectify these conditions and care for her children within a reasonable time. The trial court also did not clearly err in finding that a reasonable likelihood existed that the children would be harmed if returned to respondent Wilson's home because of her substance abuse.

Similarly, the trial court did not err in terminating respondent Phillip Jones' parental rights to his daughter Felicia. While respondent Jones argues that he should be given additional time to participate in services and work toward reunification, we disagree. Although the agency charged with the care of the children is required to report to the trial court the efforts made to rectify the conditions that led to the removal of the child, MCR 3.973(E)(2), services are not mandated in all situations. See *In re Terry*, 240 Mich App 14, 26 n4; 610 NW2d 563 (2000). Respondent Jones was incarcerated during much of the time that the case was pending before the trial court, making it difficult for the agency to provide services. When not in jail, respondent Jones was difficult to locate, and he failed to participate in the limited services that remained available and failed to maintain contact with the agency. In addition, at the time of termination, respondent did not have suitable housing or a stable income.

The trial court, therefore, did not err in finding that the statutory grounds for termination had been established by clear and convincing evidence. Similarly, termination of respondents' parental rights was not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Jane E. Markey  
/s/ E. Thomas Fitzgerald  
/s/ Donald S. Owens