

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANSON LAFEY LEE
DOMAIKA, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

UNPUBLISHED
July 7, 2005

v

REGINA DOMAIKA,

Respondent-Appellant.

No. 259854
Houghton Circuit Court
Family Division
LC No. 03-000005-NA

Before: Cooper, P.J., and Fort Hood and R.S. Gribbs*, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary condition of adjudication in this matter was respondent's alcohol dependency. As part of her treatment plan, respondent was required to participate in substance abuse treatment and support groups and to abstain from using alcohol or having it in her home. Respondent's participation in drug treatment was sporadic, and she never consistently attended support groups. At every review hearing in this matter, there was evidence that respondent had not stopped drinking. Ms. Kathleen Grace, who counseled respondent concerning substance abuse and depression, testified that respondent denied an alcohol problem, appeared unreceptive to teaching, and was unable to gain insight from experience. This evidence adequately supports the trial court's conclusion that respondent did not successfully address her alcohol dependency and the condition would not be rectified in a reasonable time considering the age of the child.

The trial court also did not clearly err by finding a reasonable likelihood that the minor child would be harmed if returned to respondent. The testimony of respondent and others who worked with her clearly demonstrated that she did not understand that various choices, such as

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

associating with a known child sex offender, drinking, and leaving her child with an intoxicated person engaged in self-mutilation, placed her child at risk. The record does not support respondent's contention that termination of her parental rights was based on a single incident in which her former fiancé engaged in self-mutilation and then lay in bed with the minor child. However, the incident is dramatically illustrative of respondent's lack of judgment, which has placed the child at risk and which the trial court reasonably concluded was likely to cause harm to him in the future.

Finally, the evidence failed to establish that termination was not clearly contrary to the best interests of the child. MCL 712A.19b(5). The testimony indicated that respondent loves Anson and there is some bond between them. However, given that respondent has not addressed her alcohol dependency, and even at the termination trial failed to recognize the risks posed by her actions, the trial court's decision was proper.

Affirmed.

/s/ Jessica R. Cooper
/s/ Karen M. Fort Hood
/s/ Roman S. Gribbs