

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HAILEY NICOLE SCHILL,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RENAE DENISE HARDING,

Respondent-Appellant,

and

ERIC ALLEN SCHILL,

Respondent.

In the Matter of ANGELICA DIANNE HARDING,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RENAE DENISE HARDING,

Respondent-Appellant,

and

ERIC ALLEN SCHILL,

UNPUBLISHED
August 15, 2006

No. 267501
Macomb Circuit Court
Family Division
LC No. 2003-5529011-NA

No. 267526
Macomb Circuit Court
Family Division
LC No. 2003-5529021-NA

Respondent.

Before: Davis, P.J., and Cooper and Borrello, JJ.

PER CURIAM.

In these consolidated appeals, respondent-appellant appeals as of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). For the reasons set forth in this opinion, we affirm the decision of the trial court.

Respondent-appellant argues that the evidence did not clearly and convincingly establish the statutory grounds for termination and that termination was clearly against the children's best interests. If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate the respondent's parental rights unless the court determines that to do so is clearly against the children's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Three-year-old Hailey came into care after respondent-appellant abandoned her for several weeks at the home of relatives. The petition was authorized based on this incident, respondent-appellant's long-term substance abuse, and her housing instability. Angelica was born four months later testing positive for heroin and cocaine and was removed from respondent-appellant's care shortly after her birth. At the time of the termination trial, respondent-appellant was not in compliance with most of her parent-agency agreement, including failing to participate in inpatient drug and/or alcohol rehabilitation and maintaining a drug-free environment while the children were in her care. She also had tested positive for opiates in May 2005, had failed to provide other screens, and had provided 11 diluted screens out of 36.

Respondent-appellant points out that she previously made substantial progress in overcoming her substance abuse, in the four and one-half months between the day that she was released from jail and the day that a scheduled termination trial was turned into a review hearing because of her impressive recovery. On appeal, she argues that it was "reasonable" to believe she could repeat that achievement again and, within a few months, rectify the adjudicating conditions and become able to properly parent the children. This argument fails for two reasons. First, although it is noted that respondent-appellant was able to turn around her life in 2004, it is not the speed in which recovery is achieved that matters as much as it is respondent-appellant's long-term ability to maintain a clean and sober lifestyle. Unfortunately, the facts in this case do not show that respondent-appellant had that long-term ability since she suffered a relapse in May 2005. Exacerbating matters is respondent-appellant's probable use of other people's urine specimens, which calls into question her allegedly impressive recovery and raises the possibility that she was never clean to begin with or that she relapsed much earlier than May 2005. Second, despite her apparent commitment to her recovery and strong determination to be reunited with her children, respondent-appellant did not appear to have benefited from the services provided since she continued to make several poor lifestyle choices, which placed the children at risk. Benefit from services provided is an inherent and necessary part of a service plan. *In re Gazella*,

264 Mich App 668, 676-677; 692 NW2d 708 (2005). The evidence clearly and convincingly established the three statutory grounds for termination.

Finally, the trial court did not clearly err in its determination regarding the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 353. Although there was a bond between respondent-appellant and her children, Hailey had been in foster care for two of her five and a half years and Angelica for her entire life. These children should not have to wait another year in foster care, especially at their young ages. Furthermore, while the children were in respondent-appellant's care, she smoked around Angelica, who had special medical needs, and allowed the children to be around individuals not cleared by petitioner and had drug users in her home. The trial court provided respondent-appellant numerous opportunities to effectuate the necessary changes in her life and after failing at every level, we find that the evidence clearly indicates that the trial court did not clearly err when it found that termination of respondent-appellant's parental rights was not contrary to the children's best interests.

Affirmed.

/s/ Alton T. Davis

/s/ Jessica R. Cooper

/s/ Stephen L. Borrello