

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

---

In the Matter of D'ANTHONY MCCALL and  
J'ANTHONY MCCALL, Minors.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

VERONICA LYNN MITCHELL,

Respondent-Appellant,

and

ANTHONY MCCALL,

Respondent.

---

In the Matter of D'ANTHONY MCCALL and  
J'ANTHONY MCCALL, Minors.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANTHONY MCCALL,

Respondent-Appellant,

and

VERONICA LYNN MITCHELL,

Respondent.

---

UNPUBLISHED  
May 31, 2007

No. 273262  
Muskegon Circuit Court  
Family Division  
LC No. 05-034519-NA

No. 273263  
Muskegon Circuit Court  
Family Division  
LC No. 05-034519-NA

Before: Meter, P.J., and Kelly and Fort Hood, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(g).<sup>1</sup> We affirm.

The petition alleged that respondent-mother tested positive for cocaine when she was two months pregnant, that one of the minor twins tested positive for opiates after his birth, and that respondent-mother never sought prenatal care. The trial court relied, in part, on respondents' substance abuse to find that respondents were not able to provide proper care for their nineteen-month-old children and would not be able to provide such care within a reasonable time considering the children's ages.

Respondents contend that the trial court clearly erred in terminating their parental rights under the above subsection. Termination of parental rights is appropriate when the petitioner proves by clear and convincing evidence at least one statutory ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that termination is clearly not in the best interests of the children. *Id.* at 353. This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Respondent-mother argues that she demonstrated that she could provide proper care for her children. However, evidence revealed that respondent-mother has a substance abuse problem, which prohibited her from providing proper care for her young children. At the time of the termination hearing, respondent-mother had not adequately addressed her substance abuse. Although she testified that she was willing to attend substance abuse counseling, the fact remained that, at the time of the termination hearing, respondent-mother was incarcerated. According to Margaret Tolle, the foster care worker, respondent-mother was not eligible for parole until December 12, 2007. Such evidence supports the trial court's finding that respondent-mother had failed to provide proper care for her young children in the past and that there was no reasonable expectation that she would be able to provide such care within a reasonable time considering the children's young ages. Thus, termination was warranted under MCL 712A.19b(3)(g).

Respondent-mother also contends that termination of her parental rights was not in the children's best interests. Respondent appears to be arguing that she demonstrated her love for her children by carrying them as long as she could, even at the risk of her own life. However, respondent-mother was not bonded with her children. Because she was not able to care for these young children during her incarceration, there was no opportunity for her to bond with them.

---

<sup>1</sup> We note that respondents contend that the trial court terminated their parental rights pursuant to MCL 712A.19b(3)(g) and (j). However, after reviewing the trial court's written opinion, it appears that the trial court relied only on MCL 712A.19b(3)(g).

Tolle opined that these children needed permanence and stability, which respondent-mother was not able to provide. Thus, the trial court did not clearly err in terminating respondent-mother's parental rights.

Respondent-father argues that he should have been allowed additional time to address his substance abuse. He appears to be arguing that he was proactive in this case by stopping his use of cocaine and by enrolling in West Michigan Therapy. However, testimony revealed that he was not proactive in attempting to become a suitable parent and was in fact passive for several months. Tolle testified that respondent failed to visit his children. Although respondent-father enrolled in a treatment program for his substance abuse, this occurred just one month before the termination hearing. Given the six months' time respondent-father had to address his substance abuse, and his failure to fully address this issue, the trial court did not clearly err in finding that respondent-father failed to provide proper care for his children and that there was no reasonable expectation that he would be able to provide such care within a reasonable time considering the children's ages. Thus, termination of his parental rights was also warranted under MCL 712A.19b(3)(g).

Affirmed.

/s/ Patrick M. Meter  
/s/ Kirsten Frank Kelly  
/s/ Karen M. Fort Hood