

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.R., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHERRI ROUSSEAU,

Respondent-Appellant.

UNPUBLISHED

August 21, 2008

No. 284146

Clinton Circuit Court

Family Division

LC No. 06-019329-NA

Before: Cavanagh, P.J., and Jansen and Kelly, JJ.

PER CURIAM.

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

The trial court did not clearly err in determining that the statutory grounds for termination had been established by clear and convincing evidence. See *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). At the time of the child's adjudication, respondent was unemployed, lacked housing, and was seriously abusing alcohol, conditions that clearly jeopardized her ability to effectively parent the child. By the time of the termination trial, over one year after the court entered its dispositional order requiring respondent to comply with services intended to address her issues, it was evident that she had made some minimal progress toward improving her situation. Despite her progress toward the end of the proceedings, however, we fail to find clear error in the trial court's termination decision. See *Trejo*, *supra* at 356-357.

First, we agree with the trial court that the evidence clearly established that respondent remained unable to physically support her child, a condition that led to this adjudication. By the time of the termination trial, respondent resided with her fiancé, who provided sole financial support for the household, which could not accommodate her child. Although testimony indicated that respondent had recently obtained employment, her progress came too late in the proceedings to demonstrate the stability and/or independence necessary for the child to be returned to her care.

We also agree that the evidence clearly established that respondent failed to fully address her substance abuse issue, the primary condition leading to the child's removal from her care. Testimony showed that during most of the proceedings respondent failed to comply with the substance abuse services provided to her, continued to use alcohol during the proceedings despite the court's orders prohibiting her from doing so, did not fully comply with drug and/or alcohol screens, and failed to attend AA meetings as frequently as recommended. Although respondent made some progress toward addressing her substance abuse issue during the last four months of the proceedings by reportedly maintaining her sobriety and making progress in therapy, and appeared motivated to continue to do so, we find no clear error in the trial court's finding that respondent failed to rectify her substance issue. See MCL 712A.19b(3)(c)(i); *Trejo, supra* at 356-357.

Likewise, that evidence clearly supported a finding that respondent would not likely be able to rectify her substance abuse issue to be able to provide proper care and custody and a safe environment for the child within a reasonable time, notwithstanding his older age. See MCL 712A.19b(3)(c)(i) and (g). By the time of the termination trial, the child was ten years old, had already been under the court's jurisdiction for over one year, and had suffered emotionally due to respondent's longstanding substance abuse. Although numerous services were provided to assist respondent during the year the child was in care, for the most part she remained unable to benefit from and fully comply with those services. On this record, we agree that respondent would likely not be able to rectify her substance abuse issue within a reasonable time to provide proper care and custody or a safe and stable home for the child. See MCL 712A.19b(3)(c)(i) and (g). There clearly remained a reasonable likelihood that the child would be subjected to further emotional harm if returned to her home. See MCL 712A.19b(3)(j). Accordingly, the trial court did not clearly err in finding that the evidence supported the statutory grounds for termination of her parental rights. See *Trejo, supra* at 356-357. Respondent's apparent recent motivation to address her issues, although commendable, came too late in the proceedings.

We also find no clear error in the trial court's best interests determination. See MCL 712A.19b(5); *Trejo, supra* at 354, 356-357. Although undisputed evidence showed that respondent and the child were clearly bonded and loved each other and respondent desired that the child be returned to her care, that evidence did not "clearly overwhelm," *Trejo, supra* at 364, her failure to adequately address her issues or fulfill the necessary requirements so that she could provide him with the stable, safe, and appropriate environment he needed. This is especially so in light of the emotional turmoil suffered by the child due to respondent's instability and alcohol abuse while he was in her care.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly