

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

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In the Matter of NICOLE CASSANDRA MARTIN,  
MARTEZ JOHNATHON MARTIN and RENÉE  
JEAN BUTLER, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CASSANDRA NICOLE MARTIN,

Respondent-Appellant,

and

JOHNATHON LUIGI BUTLER,

Respondent.

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UNPUBLISHED

July 10, 2001

No. 229471

Wayne Circuit Court

Family Division

LC No. 96-345264

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

PER CURIAM.

Respondent-appellant (hereinafter respondent) appeals as of right from a family court order terminating her parental rights to the involved minor children pursuant to MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm.

This Court reviews for clear error the family court's findings supporting an order terminating parental rights. MCR 5.974(I). Findings of fact are clearly erroneous when, although evidence exists to support them, this Court is left with the definite and firm conviction that a mistake has been made. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996).

In this case, the record contained clear and convincing evidence of respondent's failure and inability to provide the children proper care and custody. *In re Hulbert*, 186 Mich App 600, 605; 465 NW2d 36 (1990). Regarding her failure to provide proper care, respondent admitted at a 1996 adjudication hearing that because of her substance abuse she had not maintained an appropriate home environment for the children. With respect to her continuing inability to

provide proper care, respondent twice failed to complete substance abuse treatment programs during the course of the approximately three years and nine months the children remained in foster care. Respondent herself acknowledged her lengthy periods of noncompliance with her treatment plan during which she relapsed to drug use and failed to visit her children. Respondent's commendable progress toward her treatment plan goals during the two to three months before the termination hearing appeared to continue a pattern of significant progress spurred by the filing of petitions for permanent custody. Despite the generous time afforded respondent to demonstrate her ability to maintain a suitable home for the children, respondent's failures to complete substance abuse treatment and comply with other treatment plan objectives<sup>1</sup> reflect her inability to provide the children proper care and custody. *In re Trejo Minors*, 462 Mich 341, 360-361, n 3; 612 NW2d 407 (2000); see also *Conley*, *supra* at 44.

Furthermore, despite some evidence of respondent's renewed commitment to overcoming her substance abuse problems and establishing a suitable home, we cannot conclude that the family court clearly erred in finding "no reasonable expectation that [respondent] will be able to provide proper care and custody within a reasonable time considering the child[ren]'s age[s]." Subsection 19b(3)(g). The children remained in foster care for almost three years and nine months, and testimony indicated that during this time they suffered emotional harm from respondent's repeated failures to regularly visit them or otherwise comply with her treatment plan and required stability in their lives. *In re Dahms*, 187 Mich App 644, 647, 648; 468 NW2d 315 (1991) (noting that "the Legislature did not intend that children be left indefinitely in foster care, but rather that parental rights be terminated if the conditions leading to the proceedings could not be rectified within a reasonable time," and that a "trial court's decision to terminate appropriately focus[es] not only on how long it would take respondent to improve her parenting skills, but also on how long her three children could wait for this improvement").

While respondent does not specifically argue that termination of her parental rights clearly was not in the children's best interests, MCL 712A.19b(5); MSA 27.3178(598.19b)(5), we nonetheless note that in light of the evidence regarding the length of the children's placement, respondent's previous failures to overcome her addictions, and the emotional strain imposed on the children by respondent's failures to overcome her addictions, the family court did not clearly err in finding that termination served the children's best interests. *In re Trejo Minors*, *supra* at 353-354; *Conley*, *supra* at 42. Respondent undisputedly loved the children and had renewed her efforts to get her life back together, but no guarantee existed that respondent at last would

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<sup>1</sup> As the family court noted, in addition to failing to overcome her substance abuse problem and regularly visit the children, respondent did not maintain suitable housing or consistently attend mental health treatment.

demonstrate a sustained commitment to freedom from substances, and the children's best interests would not have been served by further extending their placements in temporary custody pending some more definite indication of respondent's future course of conduct.

Affirmed.

/s/ Hilda R. Gage  
/s/ E. Thomas Fitzgerald  
/s/ Jane E. Markey