

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RAY J. R. MANLY, JR., Minor.

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

UNPUBLISHED
September 29, 2005

Petitioner-Appellee,

v

No. 261661
Wayne Circuit Court
Family Division
LC No. 04-433716-NA

ROSIE OPOSN,

Respondent-Appellant,

and

RAYNARD MANLY,

Respondent.

Before: Saad, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (h), (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 in 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). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent-appellant had never developed a relationship with the child because she had been incarcerated since his before birth and did not face another opportunity for release until March 2006. Respondent-appellant had an extensive history of substance abuse and had been addicted to cocaine, heroin, and alcohol, which she had abused while she was pregnant with her other eight children. Respondent-appellant voluntarily gave up her parental rights to those children rather than participate in or cooperate with a drug treatment program. While she was in

prison, respondent-appellant designed a 2½-year treatment program in order to regain custody of her son. However, she would not begin that treatment program until after her expected release in March 2006. Moreover, respondent-appellant admitted that she had never remained sober or successfully participated in any treatment program outside of prison. Accordingly, the trial court properly concluded that clear and convincing evidence existed to support the termination of respondent's parental rights.

There was no evidence presented that termination was clearly contrary to the best interests of the child. Further, the trial court did not clearly err in concluding that termination was not clearly contrary to the best interests of the child.

Affirmed.

/s/ Henry William Saad

/s/ Kathleen Jansen

/s/ Jane E. Markey