

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHARLES READY-
MCDONALD, NICHOLE READY-
MCDONALD, SUZANN READY-MCDONALD,
and JAMES READY-MCDONALD, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHELLY READY-MCDONALD,

Respondent-Appellant,

and

RONALD MCDONALD,

Respondent.

UNPUBLISHED

May 2, 2006

No. 266846

Kalamazoo Circuit Court

Family Division

LC No. 03-000328-NA

Before: White, P.J., and Fitzgerald and Talbot, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (h). We affirm. This case 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 of respondent-appellant's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant failed to provide proper care and custody for the children for four years, and in that time she failed to rectify the conditions of environmental neglect, drug use, and depression despite provision of numerous services. She was incarcerated one year before the termination hearing for operating a methamphetamine lab in the home in which the children resided, and her earliest release date was four days short of two years after the termination hearing. Her maximum release date was 29 years after the termination hearing.

The two-year period described in subsection 19b(3)(h) begins at the time of the termination hearing. *In re Perry*, 193 Mich App 648, 650; 484 NW2d 768 (1992). It includes both the time the respondent is incarcerated and the time required for the respondent to provide a normal home for the children. *In re Neal*, 163 Mich App 522, 527; 414 NW2d 916 (1987). Given respondent-appellant's long history of neglect and failure to utilize and benefit from services for the years she was free in society, there was no reasonable expectation that she would significantly benefit from the few services offered in prison and become able to provide proper care or custody for the children or rectify the conditions of adjudication within a reasonable time even if she was released on her earliest release date.

Contrary to respondent-appellant's argument on appeal, the trial court's findings of fact were sufficient to support termination of respondent-appellant's parental rights even though the opinion was prepared by a referee. MCR 3.977(H)(1) requires the trial court to make brief, definite, pertinent written findings of fact and conclusions on the record before entering an order terminating parental rights. "Court" means the family division of the circuit court. MCR 3.903(A)(4). A referee is a member of the court because he or she is authorized to conduct certain proceedings in the family division of the circuit court under MCR 3.913. In the absence of a request for review of the referee's opinion and recommendation by any party, the trial court judge correctly entered an order terminating parental rights. MCR 3.991(A)(2). Additionally, the referee's written factual findings were referenced in paragraph five of the judge's November 2, 2005, Order Terminating Parental Rights.

Finally, the evidence did not show that termination of respondent-appellant's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the children were bonded to respondent-appellant and visited her in prison, they exhibited the negative behavioral effects of respondent-appellant's neglectful parenting. The negative behavioral effects, however, improved each time the children were placed with their maternal aunt. The maternal aunt desired to adopt them, and termination would provide the stable, consistent, permanent future the children needed, while a guardianship would always be subject to dissolution.

Affirmed.

/s/ Helene N. White
/s/ E. Thomas Fitzgerald
/s/ Michael J. Talbot