

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D'ANDRE SMITH,
OLOWJAHWON WILLIAMS, and TAYLOR
GRIFFIN, Minors.

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

UNPUBLISHED
June 20, 2006

Petitioner-Appellee,

v

No. 266147
Wayne Circuit Court
Family Division
LC No. 02-409241-NA

BOBBIE SMITH,

Respondent-Appellant,

and

TRACEY WILLIAMS and TROY WATSON,

Respondents.

Before: Kelly, P.J., and Markey and Meter, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (c)(i), (c)(ii), (g), and (j). We affirm.

The children were removed in May 2002 and made temporary wards in July 2002, because of respondent-appellant's physical abuse of an older child. Respondent-appellant had struck the older child several times with an extension cord, leaving numerous marks and bruises. Respondent-appellant also lacked suitable housing and had several Children's Protective Services referrals. Respondent-appellant was ordered to participate in a psychological evaluation, individual and family counseling, parenting classes, and visitations and was also ordered to obtain suitable housing and employment or job training. A substance abuse assessment and drug screens, if necessary, were also included in respondent-appellant's parent agency agreement (PAA).

Over the next three years, respondent-appellant completed a parenting class, visited the children, and attended individual and family therapy. She also had adequate housing at one point and worked several jobs. Respondent-appellant's interactions with the children were appropriate, and the children all expressed a desire to live with her. She also made some progress in therapy. However, in April 2004, she had a car accident while driving on a suspended license with the children in the car. Respondent-appellant testified that the children also stayed with her for an extended period, unbeknownst to the caseworker. In 2004, respondent-appellant spent time in jail for violation of probation on a third-degree child abuse conviction involving the older child. The violation pertained to a drug screen that was positive for marijuana. Subsequently, respondent-appellant missed two appointments for a substance abuse assessment. She also lacked stable housing and employment.

Respondent-appellant contends that she substantially complied with her PAA and should be permitted to continue working towards reunification. We disagree. Respondent-appellant admitted to using marijuana just two weeks before the final hearing and was unable to complete many of the requirements of her PAA despite many services and repeated chances. She was dismissed from family and individual counseling for sporadic attendance. She and the children loved each other, but the evidence clearly and convincingly showed that she would be unable to provide proper care and custody in the foreseeable future and that the children would remain at risk in her care. We find no clear error in the trial court's finding of clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(b)(i), (c)(i), (c)(ii), (g), and (j). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000).

Further, although this issue was not specifically raised by respondent-appellant on appeal, we note that the evidence did not establish that termination of respondent-appellant's parental rights was clearly contrary to the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Although the children were close to their mother, her continued failure to complete or benefit from services caused the children emotional problems and uncertainty over their future. The children need a permanent, safe, stable home, which respondent-appellant cannot provide. Thus, the trial court did not err in terminating her parental rights to the minor children.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Jane E. Markey

/s/ Patrick M. Meter