

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CONSTANCE JEWEL
BREWSTER, FRIDAY GEORGIANNA
BREWSTER, and CHIEF-ARDEL-TOMMIE
GINGER-SATURDAY CLEVELAND-MAGEE,
Minors.

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

UNPUBLISHED
October 24, 2006

Petitioner-Appellee,

v

SHIRLEY MAE CLEVELAND,

Respondent-Appellant,

and

JAMAL BREWSTER and ARDELL MCGEE,

Respondents.

No. 269565
Wayne Circuit Court
Family Division
LC No. 04-431869-NA

Before: Cavanagh, P.J., Bandstra and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not 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). The three children and their older sibling were made temporary wards as a result of allegations that respondent-appellant would take them with her to crack houses so that she could do drugs and because they did not have adequate housing. Based on the testimony offered at trial, it was clear that the statutory grounds for termination were proven by clear and convincing evidence. Respondent-appellant failed to address her substance abuse entirely. She did not submit to random drug testing and did not seek substance abuse counseling. In fact, respondent-appellant testified that she had never used drugs before, even in the face of positive

drug screens. The trial court was more than generous in allowing respondent-appellant additional time to come into compliance with her case services plan, and granting her even more time would have been fruitless. Respondent-appellant was also noncompliant with the individual therapy requirement of the plan. Even though the therapists came to her house weekly, respondent-appellant was often unavailable for the sessions. Respondent-appellant also had no source of income. She was not in a position to care for herself or the children.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court was required to terminate respondent-appellant's parental rights unless it appeared from the record that termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). There was clearly a bond between respondent-appellant and the children. She consistently visited with the children and was appropriate during the visits. Still, the agency recommended termination based on respondent-appellant's failure to follow through with psychiatric services or medication, failure to comply with drug screens and submitting a positive screen, and failure to obtain employment. The children had been in care for nearly two years when the termination order was entered. During that time respondent-appellant made absolutely no progress. The children were entitled to permanence and stability.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Richard A. Bandstra
/s/ Donald S. Owens