

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESTINY WILKALE QUIZEAL
DOUGLAS, DA'NAISHA YVONNE MONEA
DOUGLAS, WILLIAM GEORGE DOUGLAS II,
and DASABRE'A HIKAM LOUISE DOUGLAS,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LE'VALE LATRECE MORGAN,

Respondent-Appellant,

and

WILLIAM GEORGE DOUGLAS, JR.,

Respondent.

UNPUBLISHED

May 4, 2010

No. 295609

Genesee Circuit Court

Family Division

LC No. 07-122746-NA

Before: MURPHY, C.J., and SAWYER and HOEKSTRA, JJ.

PER CURIAM.

Respondent Le'Vale Latrece Morgan appeals as of right from an order that terminated her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm. This appeal has been 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's parental rights were established by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 355-356; 612 NW2d 407 (2000); MCR 3.977(J). The children were brought into care in May 2007, upon allegations that respondent left the children home unsupervised and failed to provide for their most basic needs. There was a history of domestic violence and substance abuse. Respondent pleaded to the allegations in the petition, and the court asserted jurisdiction over the children on June 19, 2007. A June 28, 2007, parent-agency agreement (PAA) included random drug screening, substance abuse therapy, employment, housing, income, domestic abuse classes, parenting classes, and weekly visitation.

At the June 17, 2009, permanent custody hearing, it was revealed that respondent was in partial compliance with the PAA. She completed parenting classes and domestic violence classes. She consistently visited with the children when allowed. She had obtained suitable housing. However, respondent continued to struggle with substance abuse. She tested positive for cocaine in October 2008 and positive for marijuana in January 2009. Of the 50 required screens, 27 were missed, diluted, or positive. While the trial court would have been well within its right to terminate respondent's parental rights at that hearing, it declined to do so. Instead, the trial court hoped that respondent was nearing a breakthrough and granted her an additional 90 days in which to participate in services. The trial court admonished respondent that it was taking a "zero tolerance" approach and that she was to submit to her random screening without excuses.

Unfortunately, the November 4, 2009, permanent custody hearing revealed that respondent failed to avail herself of this additional opportunity. She had five diluted screens from June 2009 through August 2009. She tested positive for marijuana on August 21, 2009. Her last screen on October 14, 2009, was diluted. Respondent explained that she left town on October 17, 2009, to attend her uncle's funeral in Mississippi. She further explained that her diluted screens were the result of her bipolar medication. However, the bipolar diagnosis was new, and respondent had been submitting diluted screens dating back to 2007. Respondent had been admonished time and again that she needed to submit to the screens and that no excuses would be permitted. Her failure to provide three consecutive negative screens meant that her visitation rights were never reinstated. It was clear, then, that the conditions leading to adjudication continued to exist, that respondent could not provide the children with proper care or custody, and that the children would be at risk of harm if returned to her care.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court then had to determine whether termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5). Respondent had not seen the children since December 2008. She told the caseworker that she ran into the children at a store in October 2009 and that they did not even recognize her. No one doubted that respondent loved her children, but there was no appreciable bond anymore. Respondent's drug use remained an impediment to reunification. She needed to submit only three consecutive negative screens in order to reinstate visitation, but she did not do it. The children had been wards since June 2007. Respondent was given an additional opportunity to benefit from services, but she failed to do so. The children were entitled to permanence and stability.

Affirmed.

/s/ William B. Murphy

/s/ David H. Sawyer

/s/ Joel P. Hoekstra