

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 27, 2012

In the Matter of E. J. LEWIS, Minor.

No. 308898
Washtenaw Circuit Court
Family Division
LC No. 2010-000091-NA

Before: SHAPIRO, P.J., and GLEICHER and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent mother appeals as of right the trial court order terminating her parental rights to the minor child under MCL 712.A19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). The principal conditions that led to adjudication were that respondent left the child with someone incompetent to care for him and the child was consequently severely injured and that respondent was testing positive for marijuana. The child was removed from custody of the mother when he was approximately two months old. Mother's rights were terminated when the child was approximately 18 months old. During the court proceedings, mother completed required psychological and psychiatric evaluations, however, she did not complete other requirements of her case service plan, including drug screens, completing the required second level in a substance abuse program, and completing a parenting skills class. Respondent's visitations with the child were limited and then stopped because she continued to fail drug screens. A psychologist testified that respondent was dealing with long standing trauma from a very abusive childhood and although she made efforts to improve, she made poor decisions. The psychologist was uneasy about returning the child to respondent's care. He thought respondent could benefit from high quality services, but could not provide a time frame for when respondent might begin to benefit.

During the case, respondent did not participate in and did not benefit from provided services and continued to test positive for marijuana. Although she tested clean for drugs the last month of the case, this late effort did not demonstrate stable improvement to care for the child. There was clear and convincing evidence that the conditions that led to adjudication remained and there was no reasonable likelihood that they would be rectified within a reasonable time considering the child's age. MCL 712A.19b(3)(c)(i). There was clear and convincing evidence that respondent could not care for the child and would not be able to do so within a reasonable

time considering the child's age because respondent did not demonstrate progress in addressing her parenting skills or drug use and that the child would be harmed if she was returned to respondent's home because mother's parenting skills and drug use, which caused the initial harm to the child, remained issues, MCL 712A.19b(3)(g). MCL 712A.19b3(j).

Further, the evidence established that termination of respondent's parental rights was in the minor's best interests. *In re Trejo Minors*, 462 Mich at 356-357; MCL 712A.19b(5). Testimony supported that respondent was not able to take care of the child and there was no expectation for when she might progress sufficiently to do so. The child needed permanency and respondent had not demonstrated progress. Additionally, the child was doing well in his placement and his bond with respondent was weakened by respondent's decision to forfeit visitation because of her continued drug use.

Affirmed.

/s/ Douglas B. Shapiro
/s/ Elizabeth L. Gleicher
/s/ Amy Ronayne Krause