

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JILLIAN LUCKY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PENELOPE LUCKY-BILLINGS,¹

Respondent-Appellant.

UNPUBLISHED
December 16, 2003

No. 248228
Kent Circuit Court
Family Division
LC No. 97-082402-NA

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

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The principal condition leading to adjudication was respondent's severe substance abuse problem. The evidence established that respondent failed to complete substance abuse treatment, continued to abuse alcohol and marijuana, and was not sufficiently motivated to obtain treatment.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*, 462 Mich 356-357. Although the child was bonded with her mother, respondent's ability to provide a stable, safe environment was in question because of her failure to address her substance abuse problem. Respondent's progress on her parent agency agreement was minimal prior to her incarceration for the offense that necessitated foster care. We do not find clear error in the trial court's determination on the best interests issue.

¹ Respondent is also referred to as Penelope Lucky and Penelope Billings in the lower court documents.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Janet T. Neff

/s/ Helene N. White