

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PATRICK PORTER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CHERYL MURRAY,

Respondent-Appellant.

UNPUBLISHED

September 22, 2005

No. 262666

Jackson Circuit Court

Family Division

LC No. 03-004445-NA

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

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

The trial court did not clearly err in finding that §§ 19b(3)(c)(i), (g) and (j) were each established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The child was removed from respondent's care in September 2003, as a result of her cocaine use. Despite inpatient and outpatient drug treatment, individual psychological therapy, and a period of sobriety that lasted approximately six months, respondent resumed her substance abuse in December 2004. She submitted five positive drug screens between December 22, 2004, and March 23, 2005. The latter date was less than three weeks before the termination hearing. The trial court did not clearly err in determining that the conditions that led to the adjudication continued to exist. Additionally, in light of respondent's failure to overcome her substance abuse, the trial court did not clearly err in determining that there was no reasonable likelihood that this condition would be rectified within a reasonable period of time considering the child's age. For the same reasons, the trial court did not clearly err in concluding that respondent failed to provide proper care or custody and there was no reasonable likelihood that she would be able to do so within a reasonable period of time considering the age of the child. Likewise, considering that respondent admitted that she smoked crack cocaine while he was in the home and also sold drugs, the trial court did not clearly err in concluding that there was a reasonable likelihood that the child would be harmed if returned to her home.

Respondent also argues that termination of her parental rights was clearly not in the child's best interests. However, the trial court found that, as an adolescent, the child needed permanence. There was no evidence that maintaining respondent's parental rights would benefit him. The trial court did not clearly err in determining that termination of respondent's parental rights was not contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio