

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ALONZO BELLAND and  
JOVANN JOY BELLAND, Minors.

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

UNPUBLISHED  
October 3, 2006

Petitioner-Appellee,

v

PAMELA GAY BELLAND,

Respondent-Appellant,

and

TONY BERNARD BELLAND,

Respondent.

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No. 268275  
Wayne Circuit Court  
Family Division  
LC No. 03-424570-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the trial court's order terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument. MCR 7.214(E).

To terminate parental rights, a trial court must find that at least one of the statutory grounds contained in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). The court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence in this case. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Regarding section (c)(i), the conditions leading to adjudication were respondent-appellant's drug use and incarceration. At the time of trial, respondent-appellant had tested positive for crack cocaine after completion of a substance abuse program, had failed to submit required drug screens, and had been released from her latest incarceration only the week before. Respondent-appellant did not rectify the conditions leading to adjudication, and given the fact

that no progress had been made in the time this case was pending, there was no reasonable likelihood that she would be able to do so within a reasonable time.

Regarding sections (g) and (j), the trial court did not clearly err in finding that respondent-appellant failed to provide proper care and custody for the children and could not do so within a reasonable time, or in finding that the children would likely be harmed if returned to respondent-appellant's care. Respondent-appellant had a 17-year addiction to crack cocaine and had tested positive for cocaine within months of trial. Although respondent-appellant would have been permitted to see the children if she had submitted negative drug screens, she did not submit any drug screens at all. She was unable to complete any material portion of her treatment plan because she was incarcerated several times during the pendency of this case. She could not provide a home for the children, and her inability to do so, coupled with her crack cocaine addiction, made for a reasonable likelihood that the children would be harmed if returned to her care.

Having found that these statutory grounds for termination were established, the trial court properly found that termination of respondent-appellant's parental rights would not be clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 354. The foster care worker testified that although Alonzo had bonded with respondent-appellant, Jovann did not have a relationship with her. Further, respondent-appellant could not stay out of jail, and as the foster care worker testified, this repeated incarceration negatively affected the children's lives. Finally, respondent-appellant's long history of substance abuse was not conducive to building a positive home environment for the children. We find no error in the trial court's best-interests determination.

Affirmed.

/s/ Stephen L. Borrello  
/s/ Kathleen Jansen  
/s/ Jessica R. Cooper